

2019
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

IN MEMORIAM
David L. Himelein
12/15/46-04/05/19

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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> Deceased 04/05/19 <u>Martin Proctor</u> Appointed 4/24/19	P. O. Box 617 Findley Lake, N.Y. 14736 2279 Shadyside Rd. Clymer, N.Y. 14724
#19	Tns, of Ripley & Westfield & Village of Westfield)	<u>John Hemmer</u>	7539 E. Rt. 20 Westfield, N.Y. 14787

2019
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
Kevin Muldowney
Christine Starks **
John Davis
Marty Proctor

Public Safety

3rd Wednesday at 4:15 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
Marty Proctor

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 2019 COUNTY GENERAL

COUNTY LEGISLATURE

Paul M. Wendel ,Jr., Chairman	Mayville
Katherine K. Tampio, Clerk	Mayville
Lori J. Foster, Deputy Clerk (Retired: 2/27/19)	Mayville
Olivia L. Ames, Deputy Clerk (Appointed: 2/28/19)	Mayville

COUNTY EXECUTIVE

George M. Borrello, County Executive	Mayville
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LAW

Stephen Abdella, 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
Kie Mihalko , Deputy County Clerk	Mayville

CORONERS

Richard Mackowiak	Mayville
Francis Migliore (Resigned:07/2019)	Mayville
Daniel Tyler	Mayville
Eugene Steele	Mayville
Doug Sanderson (Appointed: 09/03/19)	Mayville

DIVISION OF PURCHASING

Tracy France, Purchasing Manager	Mayville
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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. Caffisch, 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, Director	Westfield
PUBLIC FACILITIES Brad Bentley, Director	Falconer

DIRECTORY

SHERIFF

James Quattrone, Sheriff
Darryl Braley, Under Sheriff

Mayville
Mayville

VETERANS SERVICES

Greg Carlson, Director

Jamestown

JUDICIAL

COUNTY COURT

Hon. David Foley, Judge

Mayville

FAMILY COURT

Hon. Jeffrey A. Piazza
Hon Michael Sullivan

Mayville
Mayville

SUPREME COURT

Hon. James Dillon

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 NUMBER. 10-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

Adopted by Legislature: 12/19/18

R/C Vote: 18 Yes; 1 Absent

Public Hearing by County Executive: 01/10/19

Adopted as Local Law 1-19

Date State Filed: 01/15/19

See text on page 219 in 2018 Journal

LOCAL LAW
INTRODUCTORY NUMBER 1-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A
MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: PROBATION DEPARTMENT)

Adopted by Legislature: 03/27/19

R/C Vote: 16 Yes; 3 Absent

Public Hearing by County Executive: 04/09/19

Adopted as Local Law 2-19

Date State Filed: 04/15/19

See text on page 100

LOCAL LAW
INTRODUCTORY NUMBER 2-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 6-13 OF THE COUNTY OF CHAUTAUQUA
IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS

Adopted by Legislature: 05/22/19

R/C Vote: 16 Yes; 3 Absent

Public Hearing by County Executive: 06/06/19

Adopted as Local Law 3-19

Date State Filed: 06/12/19

See text on page 162

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NUMBER 3-19
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN
FOR COUNTY OFFICERS AND EMPLOYEES
(re: ASSIGNED COUNSEL ADMINISTRATOR)

Adopted by Legislature: 06/26/19

R/C Vote: 17 Yes; 2 Absent

Public Hearing by County Executive: 07/09/19

Adopted As Local Law 4-19

Date State Filed: 07/16/19

See text on page 169

LOCAL LAW
INTRODUCTORY NUMBER 4-19 (Print 2)
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
RE: VACANCY IN THE OFFICE OF COUNTY EXECUTIVE

Adopted by Legislature: 08/28/19

R/C Vote: 16 Yes; 3 Absent

Public Hearing by County Executive: 09/06/19

Adopted As Local Law 5-19

Date State Filed: 11/13/19

(60 Day Permissive Referendum)

See text on page 241

LOCAL LAW
INTRODUCTORY NUMBER 5-19
CHAUTAUQUA COUNTY

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

Adopted by Legislature: 10/23/19

R/C Vote: 19 Yes

Public Hearing by County Executive: 11/4/19

Adopted As Local Law 6-19

Date State Filed: 11/13/19

See text on page 322

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NUMBER 6-19
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

Adopted by Legislature: 11/20/19

R/C Vote: 19 Yes

Public Hearing by County Executive: 12/2/19

Adopted As Local Law 7-19

Date State Filed: 12/20/19

See text on page 385

LOCAL LAW
INTRODUCTORY NUMBER 7-19
CHAUTAUQUA COUNTYAMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN
FOR COUNTY OFFICERS AND EMPLOYEES

Adopted by Legislature: 11/20/19

R/C Vote: 19 Yes

Public Hearing by County Executive: 12/02/19

Adopted As Local Law 8-19

Date State Filed: 12/20/19

See text on page 386

LOCAL LAW
INTRODUCTORY NUMBER 8-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

Adopted by Legislature: 12/18/19

R/C Vote: 19 Yes

Public Hearing by County Executive: 1/2/2020

Adopted As Local Law 1-20

Date State Filed: 01/10/20

See text on page 404

REGULAR SESSIONS

Chautauqua County Legislature
Organizational Meeting
Wednesday, January 2, 2019, 4:00 p.m.
Legislative Chambers, Mayville, New York

Clerk Tampio called the Organizational Meeting to order at 4:07 p.m. and announced a quorum present. (Absent: Gould, Rankin, Scudder)

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

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

Legislator Chagnon: It is my distinct honor and pleasure to nominate PJ Wendel as the Chairman of the Legislature.

Legislator Vanstrom: I would like to echo the words of my esteem colleague Pierre Chagnon and I would like to second his nomination.

Clerk Tampio: Thank you. We have a nomination for PJ Wendel, made by Mr. Chagnon and seconded by Mrs. Vanstrom. Are there any other nominations? Are there any other nominations? Hearing none, I will entertain a motion to close the nominations.

Legislator Bankoski: So moved.

Legislator Nazzaro: Second.

Clerk Tampio: All those in favor?

Unanimously Carried

Clerk Tampio: The nominee is Paul M. Wendel. We will now have a roll call vote. As required by our rules and regs, would you please indicate your choice by stating the name of the nominee?

Paul. M. Wendel
15 Yes; 4 Absent

Clerk Tampio: There are 15 yes votes and 4 absent, Mr. Wendel is the newly elected Chairman of the Chautauqua County Legislature for 2019. Congratulations. (*Applause*)

ACCEPTANCE SPEECH BY CHAIRMAN

Chairman Wendel: As you know by my voice it still hasn't come back so this will be brief. I do want to thank everybody for your work for the past year and again for your nominating and electing me as Chairman for the 2019 year. We had a lot of things that we

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accomplished in this past year. I think again, the excitement, exuberance of our County Executive and his lead and our ability to work with him has really brought the County into the forefront of several different areas. We know one of the biggest issues coming up for us now is the lake as the end of the lake season came upon us, some questions and issues have arisen so (*inaudible*) that we're going to move forward along with other issues and economic incentives that we have. The County Executive is looking to bring in air service back to Jamestown. We're still looking for the opening of Athenex in the near future and some other things that are looming on the horizon. I think this year's budget task was long. We were concerned as to, I think that we spoke at the elevator that this may be the first time that the incoming County Executive would have to possibly raise taxes but instead we came in under what we projected and with some of our incentives and initiatives looking for a bright future in next year's budget as well. Again, I would like to thank everybody. I appreciate everybody's hard work and diligence. I know this takes time away from you and your family but I do appreciate everybody's efforts. I think that we are a united Legislature. From the days of old when there was a lot of contention, we work together, we do things upfront publicly and we really leave no room for questions and concerns. So again, I appreciate everybody's efforts and look forward to another great year in 2019. Thank you.

1st Privilege of the Floor

No one chose to speak at this time.

(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 2019 the POST JOURNAL as the Republican newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

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

(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 2019 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Nazzaro, Bankoski, Whitford, Starks

REGULAR SESSIONS

APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

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 2019 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: Chagnon, Odell, Vanstrom, Scudder, Himelein, Muldowney, Wilfong, Hemmer, Niebel, Gould, Wendel, Pavlock, Davis, Rankin

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 2019 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

RES. NO. 1-19

Appointing Clerk of the Legislature

At the Request of Chairman Paul M. Wendel:

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, it would be advantageous to continue having the Clerk perform the duties of the Financial Analyst and committee secretary in 2019; 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, 2019, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$40,884 for 100% time.

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

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent – January 2, 2019

RES. NO. 2-19

Appointing Deputy Clerk/Secretary to the Legislature

At the Request of Legislators:

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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 2019 at a salary of \$22.41 per hour; and be it further

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 2019, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2019.

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

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent – January 2, 2019

RES. NO. 3-19
Designation of Official Newspapers – 2019

At the Request of Chairman Paul M. Wendel:

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 2019 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Wendel

Unanimously Adopted – January 2, 2019

RES. NO. 4-19
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 Paul M. Wendel:

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

REGULAR SESSIONS

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, 2019.

Signed: Wendel

Unanimously Adopted – January 2, 2019

2nd Privilege of the Floor

County Executive Borrello: First of all I just wanted to say, Happy New Year to everybody and I'm truly excited about the year ahead. We have a lot of great plans and I really appreciate the support of this body. We have great government here in Chautauqua County. I really appreciate all that you do and will continue to do to advance that in 2019. The other reason I am up here is, I would like to remind you all that back again for another year is the Polar Bear plunge and that will be taking place a week from Sunday at the Silver Creek Fire Departments grounds, excuse me, the Rescue Squad grounds in Silver Creek and myself and Mr. Wilfong will be going in again. So if any of you are interested in sponsoring us, this goes to several charity organizations including Oshi Children's Hospital, the Silver Creek Fire Department, Silver Creek Rescue Squad, Sunset Bay Volunteer Fire Department, and the Silver Creek Food Pantry. Last year we were the largest donation getters and we're hoping to do that again and we'll be plunging into the icy cold waters of Lake Erie at 1:00 p.m., a week from Sunday. So please come and join us.

Chairman Wendel: Last year you were, what were you last year?

County Executive Borrello: Last year we were Batman and Robin.

Chairman Wendel: I know that you were Thunder and Lightning so we'll wait and see what you are going to be this year. Anyone else to speak to the 2nd privilege of the floor?

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the meeting was adjourned. (4:21 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, January 23, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:33 p.m.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (12/19/18 & 1/2/19)

Legislator Muldowney delivered the prayer followed by the Pledge of Allegiance

1st Privilege of the Floor

My name is Ted McCague, I live at 12 Park Lane, Lakewood, New York. Thank you Chairman Wendel for recognizing me and esteemed members of the Chautauqua County Legislature, thank you for giving me the opportunity to speak tonight. I am the Deputy Mayor of the Village of Lakewood and I'm here to urge your support for resolution 22-19, funding to assist the Village of Lakewood for storm water project implementation and confirm prior match commitments. We have two projects that have been in the making for quite some time. Our Comprehensive Plan began with some public input in which our residents said to us that they wanted to be proactive in the community with regard to lake quality and water quality management. They wanted our community to take a leadership position in these efforts. So, in a really, marvelous example of collaboration we got together with the Town of Busti and the Chautauqua Lake and Watershed Management Alliance, we retained a professional consulting engineering company of Barton and Loguidice and they produced a master stormwater management plan for our communities. These two projects, I think it's worth at least stating, these two projects have gotten the attention of the State in terms of their grant awards. The first project, the Lowe Park project got a 75% grant from the State and the second project, our Green Street Retrofit, which is through our Chautauqua Avenue got a 90% grant for that project. I think that is really significant that the State is behind those projects to that extent. But as you all know, many villages and towns budgets are constrained. We are certainly in that boat. Projects that are of a social benefit often take a back seat to providing essential services in the community and we often find ourselves struggling to make these projects come to fruition. So, I would urge you to support resolution 22-19 tonight. I would certainly say that I appreciate our County Executive's effort and his leadership with this resolution and I thank you in advance for your support of the resolution. I think they are two great projects and we just need some help getting them done. Thank you.

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

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VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 12/19/18 & 1/2/19

COMMENDATION:

CLYMER- SHERMAN- PANAMA
WOLFPACK BOYS VARSITY FOOTBALL TEAM
by
LEGISLATORS CHAGNON & HIMELEIN

COMMUNICATIONS:

1. Letters (3) – County Executive – Re: Appointments to Various Boards
 2. Letter – County Attorney – Legal Services for County Legislature – 2019
 3. Letter – Chautauqua Foundation – Acknowledging Award for “Farm-to-Table Culinary Weekend Getaway” Project
 4. Annual Report – Cornell Cooperative Extension – 2018
 5. Bond Anticipation Note Certificate Dated December 28, 2018 - \$19,000,000
 6. Letter – NYS Dept. of State – Ack. Receipt of LL 12-18
-

RES. NO. 5-19

Confirm Re-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 re-appointment for action by the Chautauqua County Legislature; therefore be it

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

Mary Kay Szwejbka
22 Castile Dr.
Fredonia, N.Y. 14063
Term Expires: 1/31/2022

Signed: Scudder, Davis, Muldowney, Starks, Himelein

Unanimously Adopted – January 23, 2019

REGULAR SESSIONS

RES. NO. 6-19

Confirm Appointment & Re-Appointments – Emergency Medical Services Council

Bu Public Safety 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 County Emergency Medical Services Council.

Re-AppointmentsCISM Rep.

Paul Atwell
5150 Route 60
Gerry, NY 14740
Term Expires: 12/31/21

At-Large South Rep.

Dan Imfeld
3944 Hillview Drive
Lakewood, NY 14750
Term Expires: 12/31/21

At-Large North Rep.

Laura Logan
248 Maple Avenue
Cassadaga, NY 14718
Term Expires: 12/31/21

Commercial Ambulance Rep.

Phil Wilson
438 Oak Hill Road
Frewsburg, NY 14738
Term Expires: 12/31/21

At –Large South Rep.

Robert J. Rein, Jr.
2643 Gerry-Ellington Rd.
Gerry, N.Y. 14740
Term Expires: 12/31/21

At-Large South Rep.

Douglas Conroe
4741 Whiteside Parkway
Maple Springs, NY 14701
Term Expires: 12/31/21

Education SUNY JCC Rep.

Ronald Hasson
5345 Route 474
Ashville, NY 14710
Term Expires: 12/31/21

Paid Firefighter North Rep.

Sam Salemm
217 Dearing Avenue
Jamestown, NY 14701
Term Expires: 12/31/21

EMS Project Coordinator

Kevin J. Peebles
15 North Shore Park
Cassadaga, N.Y. 14718
Term Expires: 12/31/21

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New Appointments:

Fire Battalion 1 Rep.

Julius Leone Jr.
31 Liberty St.
Fredonia, N.Y. 14063
Term Expires: 12/31/21

At-Large North Rep.

Jennifer J. Guttman
6057 Portage Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/21

At-Large South Rep.

Thomas M. Summerville
45 Morris St.
Mayville, N.Y. 14757
Term Expires: 12/31/20

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford

Unanimously Adopted – January 23, 2019

RES. NO. 7-19

Confirm Re-Appointments & Appointment - Chautauqua County Health 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 and appointment for action by the Chautauqua County Legislature; therefore be it

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

Re-Appointments

Mark Tarbrake
4420 Lakeside Dr.
Bemus Point, N.Y. 14712
Term Expires: 12/31/2024

John Tallett, MD
34 Holmes Pl.
Fredonia, N.Y. 14063
Term Expires: 12/31/2024

Appointment

Andrew O'Brien
96 Center Street
Fredonia, N.Y. 14063
Term Expires: 12/31/2020

Filing Term of Robert Berke, MD

Signed: Wilfong, O'Connell, Pavlock, Whitford

Unanimously Adopted – January 23, 2019

RES. NO. 8-19

Confirm Re-Appointments - Chautauqua County Sports Fishery Advisory Board

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

REGULAR SESSIONS

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.

Frank Schoenacker 5146 Lakeview Ave. Ashville, N.Y. 14510 Term Expires: 12/31/20	Joann Ehrhardt 8490 Hahn Rd. Fredonia, N.Y. 14063 Term Expires: 12/31/20	Lance Ehrhardt 8490 Hahn Rd. Fredonia, N.Y. 14063 Term Expires: 12/31/20
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Mike Sperry 5259 Rt. 474 Ashville, N.Y. 14710 Term Expires: 12/31/20	Taylor West 56 E. Terrace Ave. Lakewood, N.Y. 14750 Term Expires: 12/31/20
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Signed: Odell, Chagnon, Starks, Himelein, O'Connell

Unanimously Adopted – January 23, 2019

RES. NO. 9-19

Confirming Lateral Restrictions for North Chautauqua County Water District

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

WHEREAS, pursuant to Resolutions 260-15, 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

WHEREAS, the District has adopted resolutions dated March 22, 2018, and January 10, 2019 (the "Resolutions"), which are on file with the Clerk of the County Legislature, and which establish lateral restrictions as conditions on future service for water lines located within an Agricultural District as specified by the New York State Department of Agriculture and Markets; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms and ratifies in all respects the aforementioned Resolutions adopted by the District.
Signed: Hemmer, Nazzaro, Scudder

Unanimously Adopted – January 23, 2019

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RES. NO. 10-19

Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five – Year Capital Improvement Plan (ACIP) for FY 2019-2024

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, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Capital Budget of Chautauqua County includes appropriations to supply the local share of such grants in the past and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Chautauqua County Dunkirk Airport which are included in the current five-year ACIP plan:

FY 2019	Update or acquire Runways 06-24 Avigation Easements and Land Acquisition for Runway Protection Area (RPZ)
FY 2019	Remove Underground Fuel Farm (NYSDOT Funding)
FY 2019	Replace Hangar No. 1 & 2 overhead doors (NYSDOT Funding)
FY 2020	Runway 06-24 On & Off Airport Obstruction Removal (Design & Construction)
FY 2020	Land Acquisition – Rwy 15-33 approach and RPZ Avigation Easements and Land Acquisition for Runway Protection Area (RPZ)

REGULAR SESSIONS

FY 2020	Rehabilitate Existing Bulk Hangar #5 (Aircraft Maintenance/Storage and Office Space)
FY 2020	Runway 15-33 Lighting Improvements (MIRL/PAPI/REIL/Wind Cone) – Design and Construction
FY 2021	Environmental Assessment for Runway 24 Approach Lighting System (MALSR)
FY 2021	Runway 15-33 Obstruction Removal (Design & Construction)
FY 2023	Land Acquisition for Approach Lighting System to Runway 24 (MALSF)
FY 2024	Approach Lighting System to Runway 24 (MALSR) – Design
FY 2025	Acquire Snow Removal Equipment (Blower)
FY 2025	Approach Lighting System to Runway 24 (MALSR) – Construction

Signed: (P.F.) Hemmer, Nazzaro (Scudder voting “no”)-(Failed) - (A.C) Chagnon, Muldowney, Niebel

Adopted w/ Legislator Scudder voting “no” – January 23, 2019

RES. NO. 11-19

Authorize Federal and State Aid Applications for the Chautauqua County Jamestown Airport Five –Year Capital Improvement Plan (ACIP) for FY 2019-2024

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

WHEREAS, the Chautauqua County Jamestown 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 Jamestown 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 Jamestown Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

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WHEREAS, the Capital Budget of Chautauqua County includes appropriations to supply the local share of such grants in the past and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Chautauqua County Jamestown Airport which are included in the current five-year ACIP plan:

FY 2019	Rehabilitate Runway 07-25 (Design)
FY 2019	Rehabilitate Airport Perimeter Fence (Design)
FY 2020	Rehabilitate Hangar C (NYS DOT/Aviation Grant program)
FY 2020	Rehabilitate Airport Perimeter Fence (Phase 1 Construction)
FY 2020	Environmental Assessment for On & Off Airport Obstruction Removal
FY 2020	Avigation Easement Purchase for Management of Off-Airport Obstructions
FY 2021	Rehabilitate Runway Perimeter Fence (Phase 2 Construction)
FY 2021	Rehabilitate Runway 7-25 (Construction)
FY 2022	On & Off Airport Obstruction Removal (Design & Permitting)
FY 2022	Snow Removal Equipment (Loader) Purchase
FY 2023	On & Off Airport Obstruction Removal (Construction)
FY 2023	Apron Rehabilitation (Design)
FY 2023	Airport Rescue and Fire Fighting Vehicle (ARFF) Purchase

Signed: (P.F.) Hemmer, Nazzaro (Scudder voting “no”) - (Failed) - (A.C) Chagnon, Muldowney, Niebel

Adopted w/ Legislator Scudder voting “no” – January 23, 2019

RES. NO. 12-19

Authorizing Lease with Cornell Cooperative Extension for the Frank W. Bratt County
Agricultural Center in the Town of Ellicott

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

WHEREAS, the County has been leasing a portion of the Frank W. Bratt Agricultural Center Building in the Town of Ellicott to the Cooperative Extension Association of Chautauqua County, Inc.; and

WHEREAS, the current lease agreement with the Cooperative Extension Association expired on December 31, 2018, and the parties wish to renew the lease for an additional one (1) year term, upon certain terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a new lease agreement with the Cooperative Extension Association of Chautauqua County, Inc.,

REGULAR SESSIONS

for the period January 1, 2019 through December 31, 2019, upon substantially the following terms and conditions:

Premises. A portion of the Frank W. Bratt Agricultural Center in the Town of Ellicott, to be described more specifically in the lease agreement, together with all appurtenances and improvements thereto.

Rent. One thousand ninety-eight and 33/100 dollars (\$1,098.33) per month; last monthly payment one thousand ninety-eight and 34/100 (\$1,098.34) (*same as 2018 lease payments*).

Term. One (1) year term commencing January 1, 2019, with cancellation by either party upon thirty (30) days' written notice.

Utilities. Paid by the County, except that the tenant shall provide and pay for telephone service.

Maintenance and Repair. County will be responsible for all ordinary, routine maintenance or repair, including but not limited to painting, interior decorative changes or improvements, and routine maintenance of the air, heat, water and sewer systems. Cornell Cooperative Extension will be responsible for the snow removal on the east parking lot in front of the Soil and Water conservation building, the front circle including both entrance and exit points, and shoveling snow on the sidewalks from the front entrance to the parking lot. Cornell Cooperative Extension may subcontract for some of the maintenance services.

Other. As negotiated by the County Executive.

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

Unanimously Adopted – January 23, 2019

RES. NO. 13-19
Amend Capital Project Accounts

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

WHEREAS, Chautauqua County approved Capital Project H.3010.14001 Blacktop Training Centers (2018) in the 2018 Capital Budget; and

WHEREAS, the approved cost of Project H.3010.14001 was established at \$60,000 with a funding formula of 100% Local Share, but funding is no longer needed for said capital project; and

WHEREAS, capital funds are needed to increase the budget for the purchase of a used ambulance for the expanded operations of the “Fly Car” program, and to provide enhanced security for the emergency services training centers in Jamestown and Dunkirk; now therefore be it

RESOLVED, That the Reserve for Capital is adjusted as follows:

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DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Fund Balance – Reserve for Capital	\$23,500
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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 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital	\$23,500
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.3010.14004.R503.1000 Interfund Transfer – Interfund Transfer	\$ 6,500
H.3010.14005.R503.1000 Interfund Transfer – Interfund Transfer	<u>\$30,000</u>
Total	\$36,500

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.3010.14004.4 Contractual— Security System (2019)	\$ 6,500
H.3010.14005.4 Contractual—Fly Car Ambulance (2019)	<u>\$30,000</u>
Total	\$36,500

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

Unanimously Adopted – January 23, 2019

RES. NO. 14-19

Authorize Agreement Between Chautauqua County and City of Dunkirk for ALS-BLS Medicare Billing

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

WHEREAS, Chautauqua County is in the process of obtaining state approval to operate a county-wide ambulance service; and

WHEREAS, County desires to bill for its Advanced Life Support (ALS) services; and

WHEREAS, County and the City of Dunkirk on behalf of its Fire Department have agreed to share the proceeds of ALS services provided by County where requested by Dunkirk Fire during Basic Life Support (BLS) calls; and

WHEREAS, such an agreement is necessary to properly bill Medicare recipients; therefore be it

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the City of Dunkirk to be able to properly bill Medicare recipients for County-provided ALS services.

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

Unanimously Adopted – January 23, 2019

RES. NO. 15-19

Authorize Acceptance of Indigent Legal Services Grant for the Period of July 1, 2017 to June 30, 2020

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$300,000, for the operational period of July 1, 2017 through June 30, 2020; and

WHEREAS, the County of Chautauqua has participated with New York State Office of Indigent Legal Services for grants in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; and

WHEREAS, the funding will be allocated equally between the 2017, 2018, and 2019 fiscal years, and was budgeted as such; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of July 1, 2017 through June 30, 2020, in the amount of \$300,000.00, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

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

Unanimously Adopted – January 23, 2019

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RES. NO. 16-19

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 2019 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 2019 calendar year at an annual cost of \$77,556.25; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position and it is included in the 2019 Budget so no budget amendment is needed; 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 2019 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 – January 23, 2019

RES. NO. 17-19

Authorize Agreement with Forestville 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 Forestville Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer for the 2019 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Forestville Central School District to provide a certified School Resource Officer for the 2019 calendar year at an annual cost of \$77,556.25; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position and it is included in the 2019 Budget so no budget amendment is needed; 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

REGULAR SESSIONS

Resource Officer for the 2019 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 – January 23, 2019

RES. NO. 18-19

Authorize Agreement with Wyoming County for Inmate Housing

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

WHEREAS, on occasion, the Wyoming 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 Wyoming County to house inmates at the Chautauqua County Jail at rates of \$85 per day, per inmate, for inmates in the general population, and \$170 per day, per inmate, for inmates under constant watch; and

WHEREAS, the Wyoming 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 Wyoming County for the housing of inmates as set forth above with revenues to be credited to account A.3150.R277.0000.

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

Unanimously Adopted – January 23, 2019

RES. NO. 19-19

Authorize Agreement with Alleghany County for Inmate Housing

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

WHEREAS, on occasion, the Alleghany 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 Alleghany County to house inmates at the Chautauqua County Jail at rates of \$90 per day, per inmate, for

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inmates in the general population, and \$180 per day, per inmate, for inmates under constant watch; and

WHEREAS, the Allegany 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 Allegany County for the housing of inmates as set forth above with revenues to be credited to account A.3150.R277.0000.

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney
Unanimously Adopted – January 23, 2019

RES. NO. 20-19

Commitment of Community Development Block Grant Program Income and Funds

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

WHEREAS, Chautauqua County was awarded a Community Development Block Grant (CDBG) in 2001 to establish a women and minority micro-enterprise loan fund and was also awarded a second CDBG in 2002 to recapitalize the original micro-enterprise loan fund established in 2000; and

WHEREAS, the funds were loaned to small business ventures across Chautauqua County and the resulting interest and principal payments were utilized as the funds for a revolving loan fund for additional businesses as allowed by New York State's CDBG program; and

WHEREAS, Chautauqua Opportunities Incorporated (COI) has acted as the sub-recipient agency responsible for administering the Chautauqua County Micro-enterprise program since its inception in 2000; and

WHEREAS, the New York State Office of Homes and Community Renewal notified Chautauqua County that the State policy regarding the retention of CDBG program income by current and past recipients since the start of the program in 2000 would change; and

WHEREAS, Chautauqua County may use any program income currently in its possession, or received prior to March 31, 2019, for CDBG eligible activities that meet a National Objective and all CDBG requirements if the funds are committed by March 31, 2019; and

WHEREAS, any uncommitted funds in Chautauqua County's possession after March 31, 2019 are required to be returned to the State and any future collection of program income will need to be submitted to the State as it is collected; and

REGULAR SESSIONS

WHEREAS, COI has proposed to acquire and rehabilitate multiple residential rental properties for the purpose of developing affordable housing options in low-to-moderate income neighborhoods in Chautauqua County; and

WHEREAS, the aforementioned activity will meet the low-to-moderate benefit objective of the CDBG program; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to ensure Chautauqua County's CDBG program income is effectively managed and committed to eligible CDBG activities prior to March 31, 2019.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Chagnon to amend by substitution as follows: Unanimously Carried

WHEREAS, Chautauqua County was awarded a Community Development Block Grant (CDBG) in 2001 to establish a women and minority micro-enterprise loan fund and was also awarded a second CDBG in 2002 to recapitalize the original micro-enterprise loan fund established in 2000; and

WHEREAS, the funds were loaned to small business ventures across Chautauqua County and the resulting interest and principal payments were utilized as the funds for a revolving loan fund for additional businesses as allowed by New York State's CDBG program; and

WHEREAS, Chautauqua Opportunities Incorporated (COI) has acted as the sub-recipient agency responsible for administering the Chautauqua County Micro-enterprise program since its inception in 2000; and

WHEREAS, the New York State Office of Homes and Community Renewal notified Chautauqua County that the State policy regarding the retention of CDBG program income by current and past recipients of the CDBG Program administered by New York State since the start of the Program in 2000 would change; and

WHEREAS, Chautauqua County may use any program income currently in its possession, or received prior to March 31, 2019, for CDBG eligible activities that meet a National Objective and all CDBG requirements if the funds are committed by March 31, 2019; and

WHEREAS, any uncommitted funds in Chautauqua County's possession after March 31, 2019 are required to be returned to the State and any future collection of program income will need to be submitted to the State as it is collected; and

WHEREAS, the valuation of program income on hand and the value of the outstanding microenterprise loan portfolio has been determined to be \$28,794 dollars, which Chautauqua

JOURNAL OF PROCEEDINGS

County shall utilize for the purpose of creating additional affordable housing in a low-to-moderate income neighborhood; and

WHEREAS, Chautauqua Opportunities has proposed to acquire and rehabilitate multiple residential rental properties for the purpose of developing affordable housing options in low-to-moderate income neighborhoods in Chautauqua County; and

WHEREAS, the aforementioned activity will meet the low-to-moderate benefit objective of the CDBG program; and

WHEREAS, New York State's Office of Community Renewal has reviewed and approved the proposed repurposing of program income for the aforementioned activity; therefore be it

RESOLVED, That Chautauqua County shall dissolve the existing microenterprise revolving loan funds and commit \$28,794 of CDBG program income from the 2001 and 2002 microenterprise loan fund grants for the purpose of acquiring and rehabilitating a multi-family affordable housing unit located at 305 Swan St. in the City of Dunkirk with its sub-recipient Chautauqua Opportunities; and further be it

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to ensure Chautauqua County's CDBG Program Income is effectively managed and committed to eligible CDBG activities prior to March 31, 2019.

New language indicated by underline

Unanimously Adopted as Amended – January 23, 2019

RES. NO. 21-19

Implementing Resolution 172-18 – Commitment of Matching Funds for Grant Application to the NYSDEC Water Quality Improvement Program for Chautauqua Lake Mechanized Floating Vegetation Collection Project

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

WHEREAS, pursuant to Resolution 172-18, the County committed a total of \$105,000 from its annual support for the Chautauqua Lake Association (CLA) for the years 2018, 2019 & 2020 to support a grant application by the Chautauqua Lake & Watershed Management Alliance (CLWMA) for the \$500,000 Chautauqua Lake Mechanized Floating Vegetation Collection Project; and

WHEREAS, as a result of the CLWMA's efforts, the County was awarded \$375,000 from the NYSDEC Water Quality Improvement Program/Environmental Protection Fund for the Chautauqua Lake Mechanized Floating Vegetation Collection Project; and

REGULAR SESSIONS

WHEREAS, the CLWMA has committed to provide an additional \$20,000 for the Chautauqua Lake Mechanized Floating Vegetation Collection Project, resulting in a project valued at \$500,000; and

WHEREAS, Chautauqua County removed its annual support for the CLA's Mechanized Harvesting program from its 2019 and anticipated 2020 budgets and is allowing the CLWMA to allocate funds in support of vegetation harvesting on Chautauqua Lake annually; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That the CLWMA shall be required to utilize \$70,000 of the County funding provided by the CLWMA to the CLA in 2019 and 2020 as the required local match for the NYSDEC Water Quality Improvement Program grant; and be it further

RESOLVED, That the remaining \$35,000 of Chautauqua County's \$105,000 local share commitment shall be met through a portion of the County's 2018 annual support of the CLA; and be it further

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

INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37994.R389.7000	NYS Aid – Culture & Rec Capital Grants	\$375,000
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INCREASE AND INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37994.R208.9000	Departmental Income –	
	Other Culture & Recreation Income	\$ 20,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37994.4	Contractual— Floating Vegetation Rem Eq (2017)	\$395,000
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Signed: Odell, Chagnon, O'Connell, Starks, Himelein, Nazzaro, Muldowney, Niebel

Unanimously Adopted – January 23, 2019

RES. NO. 22-19

Funding to Assist the Village of Lakewood for Stormwater Project Implementation & Confirm Prior Match Commitments

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

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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 once awarded requires the awardee to expend initial project costs and then be reimbursed by the state as the project is implemented and progresses; and

WHEREAS, the Chautauqua County Division of Planning and Community Development (CCDPCD), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Lakewood, and the Town of Busti successfully partnered in 2016 to procure previous state funding pursuant to Resolution No. 193-16, which produced a stormwater engineering study and report completed May 2018, identifying stormwater projects located within the Village of Lakewood and Town of Busti that were then pursued through 2018 CFA grant funding, implementation of which will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the 2018 CFAs included the New York State Environmental Facilities Corporation (EFC) Green Innovation Grant Program (GIGP) and the New York State Department of State (DOS) Local Waterfront Revitalization Program (LWRP), both of which offer state grant funding to cover the majority of water quality related project costs; and

WHEREAS, as set forth in the chart below, the Village of Lakewood, in partnership with the CCDPCD and the Alliance, has successfully been awarded up to \$950,951 in state reimbursable grant funding for the Chautauqua Avenue Green Street Retrofit project under the GIGP that provides reimbursement for up to 90% of total project costs, and the Lowe Park Stream Daylighting and Sediment Capture Stormwater Project under the LWRP that provides reimbursement for up to 75% of total project costs; and

Project Title	Total Project Costs	NYS CFA Funding Awarded	Commitment of County Cash Matching Funds	Other Sources of Local Match
Chautauqua Avenue Green Street Retrofit	\$772,724	\$695,000	\$11,099	\$66,625*
Lowe Park Stream Daylighting and Sediment Capture Stormwater Project	\$341,269	\$255,951	\$5,000	\$80,318*
<i>*Additional sources of match funding other than County match will be combination of cash and in-kind commitments from the Alliance and Village of Lakewood.</i>				

WHEREAS, the Village of Lakewood is committed to being a municipal leader in stormwater management practices and project implementation that protects the health of Chautauqua Lake, but finds the required up-front costs to be fiscally challenging to a small municipality's cash flow given the reimbursable nature of the state grant system; now therefore be it

RESOLVED, That the County shall fulfill its portion of local match commitment identified in Resolution 172-18 as \$11,099 for the Chautauqua Avenue Green Street Retrofit and

REGULAR SESSIONS

\$5,000 for Lowe Park Stream Daylighting and Sediment Capture Stormwater Project; and be it further

RESOLVED, That the County shall commit to extending a 0% loan for up to \$450,000, with a term no longer than the corresponding state assistance contracts between the Village of Lakewood and New York State granting agencies, generally 5 years in length, to assist the Village of Lakewood in accessing working capital to offset the burden of the reimbursable nature of these two grants; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into contracts necessary to implement the terms of this resolution.

Signed: Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel (P&E: Odell and Himelein voting "no")

Adopted w/ Legislators Himelein, Odell, Vanstrom, Wilfong voting "no" – January 23, 2019

RES. NO. 23-19
Quit Claim Deed

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.

JOURNAL OF PROCEEDINGS

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owing
PA-148-2018	City of Jamestown	060800-387.19-6-27	Carysfort Reef LLC	\$1,001.00	\$178.70
			Total	\$1,001.00	\$178.70

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

Unanimously Adopted- R/C Vote – 16 Yes; 3 Absent – January 23, 2019

MOTION: (On file w/Legislature Data)

1-19 Proclaiming February Black History Month – Unanimously Adopted

2nd Privilege of the Floor

My name is Jeremy Woltz from 87 Livingston, Jamestown, New York. I was just curious with the recent publications in the Post Journal, a lot of the Legislators have expressed their opinions in the upcoming recreational legalization of marijuana and I'd be curious if there was going to be public discussion of this or a committee put together to get the opinions of the local populous.

Chairman Wendel: At this time, it hasn't been discussed any further.

Mr. Woltz: Is there any point and time that I could attempt to get involved or other people that have reached out to me to get involved to may be provide our opinions or believes on this?

Chairman Wendel: It's nothing that has gone into law.

Mr. Woltz: Correct, but it's an ongoing thing, I was just curious how to continually be involved in the discussion.

Chairman Wendel: My suggestion would be to contact your State representative because that is where the legislation is at the current time. Senator Cathy Young or Andy Goodell would be your contact.

Mr. Woltz: I have reached out and I have touched base with them. I actually have lunch potentially with Cathy Young tomorrow but my concern is, with Chautauqua County potentially opting out of that legalization, regardless of what the State does on their side, I'm curious of what our County Legislators are doing for the people of our area.

Chairman Wendel: That hasn't been brought to us at this time. I can't comment on that. I call tell you that everyone in this body will do their due diligence before a decision is made.

Mr. Woltz: O.k., thank you.

REGULAR SESSIONS

Chairman Wendel: Anyone else to speak to the second privilege of the floor? Seeing none, I'll close the second privilege of the floor.

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

JOURNAL OF PROCEEDINGS

Regular Meeting
 Chautauqua County Legislature
 Wednesday, February 27, 2019 6:30 p.m.
 Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:40 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Gould, Himelein)

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (1/23/19)

Legislator Nazzaro delivered the prayer followed by the Pledge of Allegiance

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
 NO VETOES FROM 01/23/19

COMMUNICATIONS:

1. Letter –Resignation - L.J. Foster as Deputy Clerk/Chaut. Co. Legislature
 2. Letters(4) – County Executive – Appointments to Various Boards
 3. Report – Fn. Director Crow – Investment Report – December 2018
 4. Report – Fn. Director Crow – Investment Report – January 2019
 5. Letter – District Attorney – Re: Succession of Powers & Duties within DA’s Office in Event of Vacancy or Absence
 6. Annual Report for Chautauqua County Land Bank Corporation
 7. Annual Report – Small Business Development Center – 2018
 8. Quarterly Report – Small Business Development Center – 10/1/18 - 12/31/18
 9. Orange County Legislature – Re: Res. 45-19; Calling for NYS Legislative Action to Classify as Controlled Substances Certain Fentanyl “Analogues” that are Responsible for Opioid Overdose Deaths
 10. Letter – NYS Dept. of Public Service – Re: Granting of Ball Hill Wind Energy, LLC, (Ball Hill) Approval for a Wind-Powered Electric Generation Facility Letter – NYS Department of State – Re: Ack. Receipt of LL 1-19 (Amending Code of Ethics)
 11. Letter – NYS Department of State – Re: Ack. Receipt of LL 1-19 (Amending Code of Ethics)
-

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STATE OF THE COUNTY ADDRESS
By
COUNTY EXECUTIVE BORRELLO

(See link below)

<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/2629>

RES. NO. 24-19
Confirm Re-Appointments – Parks Commission

By Public Facilities Committee:

At the Request of Chairman Paul M. Wendel and Legislator John Hemmer:

WHEREAS, Chairman Paul M. Wendel, has submitted the following re-appointments for action by the Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointments to the Parks Commission.

Robert Franzen
393 Busti-Surgargrove Road
Jamestown, N.Y. 14701
Term Expires: 12/31/21

Judy Hunt
PO Box 159
Findley Lake, N.Y. 14736
Term Expires: 12/31/21

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – February 27, 2019

RES. NO. 25-19
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.

JOURNAL OF PROCEEDINGS

Legislator Frank J. Gould
70 Hoag Road
Ashville, N.Y. 14710
Term Expires: 12/31/19

Legislator Lisa Vanstrom
55 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – February 27, 2019

RES. NO. 26-19

Confirm Re-Appointments - Chautauqua County Planning 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 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 Planning Board:

John Frey II
477 Orchard Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/21

John Penhollow
5575 Fenner Rd.
Sinclairville, N.Y. 14782
Term Expires: 12/31/21

Signed: Odell, Chagnon, O'Connell, Himelein

Unanimously Adopted – February 27, 2019

RES. NO. 27-19

Confirm 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 appointments to the Chautauqua County Legislature for action; now therefore be it

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

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New Appointments:

Charles Cornell	Rebecca Meeder
4393 Mahanna Rd.	4811 Route 76
Bemus Point, N.Y. 14712	Ripley, NY 14775
Term Expires: 3/31/20	Term Expires: 3/31/20

Signed: Odell, O'Connell, Chagnon, Himelein

Unanimously Adopted – February 27, 2019

RES. NO. 28-19
Appoint Jail Medical Director

By Public Safety and Human Services Committee:
At the Request of George M. Borrello:

WHEREAS, Chautauqua County maintains a jail and holdover facility in Mayville, New York, and requires that medical services and assistance be rendered to inmates at said facility;
and

WHEREAS, Section 501 of the Correction Law and 9 NYCRR Section 7010.2(a) require that there shall be appointed a properly registered physician to serve as the physician of the Chautauqua County Jail; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of Brian M. Walters, M.D., to serve as the Jail Medical Director effective March 1, 2019.

Signed: Niebel, Vanstrom, Bankoski, Whitford, Pavlock, Wilfong, O'Connell

Unanimously Adopted – February 27, 2019

RES. NO. 29-19
Authorizing Public Hearing Regarding Second Modification of Improvements 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 260-15, 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

JOURNAL OF PROCEEDINGS

WHEREAS, subsequent to the adoption of Resolutions 260-15, 39-16 and 81-16, the County Legislature on August 23, 2017 adopted Resolution 231-17 to modify the initial capital improvements due to changes in the structure of the financial assistance to be received from New York State's funding agencies, and changes in the timing of projects to be completed in the District's development; and

WHEREAS, as of January 2019, the District has found it again necessary to modify the initial capital improvements as previously modified in August 2017, which is due to further changes in the structure of the financial assistance to be received from New York State's funding agencies, and additional changes in the timing of projects to be completed in the District's development; and

WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature has received from the District Board a modified Map and Plan entitled "North Chautauqua County Regional Water System Map and Plan" dated May 2015 with Amendment #2 to Section 7.0 dated January 2019 (hereinafter referred to as the "Map and Plan") prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York, with the request by the District Board that this Legislature call a public hearing thereon pursuant to County Law § 253-b and § 254; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on March 27, 2019 at 6:45 o'clock PM, prevailing time, on the question of the adoption of the modified Map and Plan that includes changes to the improvements and financing of the District's initial capital improvements, and to take such action thereon as is required or authorized by law; and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers of the County and to be transmitted by first class mail to each assessed owner of property within the district as their names and addresses appear on the current assessment roll not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that the County Legislature of the County of Chautauqua, New York, will meet in the Legislative Chambers, Gerace Office Building, Mayville, New York on March 27, 2019 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the adoption of the second modified Map and Plan for the construction of improvements for the North Chautauqua County Water District in said county that modifies the Map and Plan previously approved by the Chautauqua County Legislature on December 16, 2015, which was first modified on August 23, 2017, to consist of: (1) an increase in the linear feet to be replaced in the Village of Brocton Transmission supply main – changed from 8,700 feet to 10,300 feet; (2) the addition to the project of approximately 6,000 linear feet of 12-inch

REGULAR SESSIONS

main to be installed from the pump station on Middle Road to Roberts Road in the Town of Dunkirk in order to supply the proposed water storage tank in the Town of Sheridan; (3) the addition to the project of upgrades to the existing pump station located on Middle Road in the Town of Dunkirk in order to supply the proposed water storage tank in the Town of Sheridan; (4) the up-sizing of water main along Roberts Road in order to accommodate flows to the Town of Sheridan and the East Side Fredonia Interconnect; (5) the addition to the project of approximately 11,500 linear feet of 12-inch main to be installed along Roberts Road, Miller Road, and NYS Route 20 in order to supply the proposed water storage tank in the Town of Sheridan and accommodate the interconnection with the Village of Fredonia; (6) a change in the location of a 500,000 gallon water storage tank to be now constructed on Miller Road in the Town of Sheridan, instead of in the East Town of Dunkirk, in order to supply water to portions of the Towns of Sheridan and Dunkirk, along with the Village of Fredonia as an emergency supply; (7) the replacement of an existing 6-inch water main that runs along NYS Route 20 from Old Mill Street to the Portland town line with 1,500 linear feet of 12-inch main; (8) the replacement of an existing 6-inch water main that runs along NYS Route 20 from the Brocton Village line to the Pomfret town line with 6,500 linear feet of 12-inch main; (9) the addition to the project of approximately 1,000 linear feet of water main to be installed along NYS Route 20 to accommodate a future connection with the Village of Westfield supply; (10) the demolition of an existing water storage tank located on NYS Route 5 in the Town of Portland which is no longer required; and (11) the demolition of an existing water storage tank located on Progress Drive in the Town of Sheridan which is no longer required.

The estimated maximum cost of the improvements as modified would increase from \$15,068,000 to \$19,399,500, and the estimated annual District debt service payment would increase from \$292,500 to \$395,050. All District costs are anticipated to be paid by municipalities receiving water from the proposed District under contract with no assessments by the proposed District upon properties within the District. The estimated cost to the typical property from assessments or other charges to be made by the proposed District upon such properties is zero. Any costs of the improvement not paid by such municipalities will be assessed as nearly as may be to the benefit which each lot or parcel will derive therefrom. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

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

Unanimously Adopted – February 27, 2019

RES. NO. 30-19
NCLSD Chautauqua Shores I & I Study Grant

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

WHEREAS, the North Chautauqua Lake Sewer District (NCLSD) has observed increasing flows in the Chautauqua Shores collection area, in the absence of major area development; and

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WHEREAS, such increase is an indication that there is inflow and infiltration (I&I) in the system, which results in a substantial increase in sewage treatment costs; and

WHEREAS, the NCLSD successfully applied for a \$30,000.00 New York State Environmental Facilities Corporation “Engineering Planning Grant” for an engineering study as a first step in addressing the I&I (Planning Grant #83252); and

WHEREAS, the estimated total project cost is \$36,000.00; and

WHEREAS, the grant, to be issued to the County of Chautauqua, has a twenty percent (20%) local match; and

WHEREAS, the NCLSD Board approved acceptance of the grant funds and allocation of matching funds at its January 15, 2019 meeting, and the NCLSD already included matching funds in the administrative portion of its 2019 appropriation budget but did not include the grant funds in its 2019 revenue budget; now, therefore, be it

RESOLVED, That the County Executive of the County of Chautauqua is authorized to execute the Grant Agreement with the NYS Environmental Facilities Corporation and any other contracts, documents and instruments necessary to bring about the project and to fulfill Chautauqua County’s obligations under the Grant Agreement; and be it further

RESOLVED, That Chautauqua County Legislature authorizes and appropriates a twenty percent (20%), six thousand dollar (\$6,000) local match, as required by the Engineering Planning Grant (EPG) Program for the Chautauqua Shores Infiltration and Inflow Study, plus such additional amounts in excess of the grant and matching funds as may be needed to complete the study, from funds designated for such purpose in the NCLSD’s budget; and be it further

RESOLVED, That the Director of the NCLSD may increase this local match, within budget appropriations, without further approval from the Chautauqua County Legislature; and be it further

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

ESTABLISH & INCREASE REVENUE ACCOUNT:

ESN.8110.8112.R390.2002	NYS Aid—Plan Studies: Sewer	\$30,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

REGULAR SESSIONS

RES. NO. 31-19
NCLSD Chautauqua Shores I & I Study SEQR Determination

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

WHEREAS, the NCLSD is hiring an engineer to study Inflow and Infiltration (I&I) in the Chautauqua Shores region of the District; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations, 6 NYCRR §617.5 under the State Environmental Quality Review Act (SEQR), provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby determines that the proposed Chautauqua Shores Infiltration and Inflow Study is a Type II action in accordance with 6 NYCRR §617.5(c)(24) in that it constitutes an engineering study which does not commit the NCLSD or the County to undertake, fund or approve any SEQR Type I or Unlisted action, and that the engineering study is therefore not subject to further review under 6 NYCRR Part 617.

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

Unanimously Adopted – February 27, 2019

RES. NO. 32-19
Acceptance of CARTS 5311 2017-2018 Consolidated Grant and 2017 Accelerated
Transportation Capital Grant

(See page 71 for renewed and amended version in March 27, 2019)

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

WHEREAS, the County of Chautauqua has been awarded grants funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code and under the Accelerated Transit Capital Program for the following projects:

Purchase replacement tablets and hardware	\$ 14,612
Mobility Management	\$147,176
Purchase 12 Replacement (LOT G) Buses	\$945,553
Notification Module for Scheduling Software	\$ 55,900
Purchase Administrative Vehicle	\$ 25,000
Automated Bus Stop Announcement System	\$ 85,578
Purchase Shop Equipment	\$ 11,185

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Replacement of 3 Man Doors	\$ 5,508
Replacement Radios	\$ 5,928
Local Share for replacement buses	\$ 13,800

; and

WHEREAS, funding for the purchase of replacement tablets and hardware is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, funding for the Mobility Manager is shared at a rate of 80% Federal, 10% State, and 10% local dollars, and revenues and expenditures for this program were included in the 2018 budget and are included in the 2019 budget; and

WHEREAS, funding for the purchase of 12 replacement (LOT G) Buses is shared at the rate of 80% Federal, 10% State, and 10% local dollars, and is included in the 2019 capital budget; and

WHEREAS, funding for the purchase of the Notification Module for the Route Match Scheduling Software is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, funding for the purchase of a replacement Administrative Vehicle is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, the State will provide 100% of the funding for all other projects listed above (items 6 through 10); therefore, be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects; and be it further

RESOLVED, That Reserve for Capital is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance--Reserve for Capital	\$ 4,249
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; and be it further

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

H.5630.25012.4	Contractual – Tablets	\$14,612
H.5630.25013.4	Contractual - Notification Module	\$55,900
	Contractual - Administrative	
H.5630.25014.4	Vehicle	\$25,000
	Contractual - Miscellaneous Capital	
H.5630.25015.4	Projects	<u>\$108,199</u>
	Total	\$203,711

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNT:

	Interfund Transfers - Interfund	
A.9950.----.9	Transfers	\$4,249

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.5630.25012.R459.7000	Federal Aid-Transp Capital	\$11,690
H.5630.25012.R359.7000	New York State Aid-Transp Capital	\$1,461
	Interfund Transfers-Interfund	
H.5630.25012.R503.1000	Transfer	\$1,461
H.5630.25013.R459.7000	Federal Aid-Transp Capital	\$44,720
H.5630.25013.R359.7000	New York State Aid-Transp Capital	\$5,590
	Interfund Transfers-Interfund	
H.5630.25013.R503.1000	Transfer	\$5,590
H.5630.25014.R459.7000	Federal Aid-Transp Capital	\$20,000
H.5630.25014.R359.7000	New York State Aid-Transp Capital	\$2,500
	Interfund Transfers-Interfund	
H.5630.25014.R503.1000	Transfer	\$2,500
H.5630.25015.R359.7000	New York State Aid-Transp Capital	\$108,199
H.5630.25886.R359.7000	New York State Aid-Transp Capital	<u>\$13,800</u>
	Total	\$217,511

DECREASE REVENUE ACCOUNT:

	Interfund Transfers-Interfund	
H.5630.25886.R503.1000	Transfer	\$13,800

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

Unanimously Adopted – February 27, 2019

RES. NO. 33-19

Process for Designation of Tax Foreclosed Properties for Potential Transfer to Chautauqua County Land Bank Corporation

By Administrative Services and Audit & Control Committees:
At the Request of Legislator Bob Scudder and Pierre Chagnon:

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

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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, the Chautauqua County Legislature wants to assure the integrity of the auction of tax foreclosure properties, and assure the auction process encourages active bidder participation; and

WHEREAS, the Chautauqua County Legislature wants to establish a review procedure for the designation of tax foreclosure properties that may potentially be transferred to CCLBC, prior to them being removed from the auction; therefore be it

RESOLVED, That the list of tax foreclosure properties CCLBC wishes to have transferred to it at no cost shall be presented to a special committee of the Chautauqua County Legislature consisting of the chairs and ranking members of both the Administrative Services and Audit & Control committees and the County Executive, for review by said special committee no later than the tenth day prior to the auction, with the pre-file deadline for said special committee meeting to be no later than the fifteenth day prior to the auction, and those tax foreclosure properties designated by the special committee for potential transfer to CCLBC shall be immediately removed from the auction; and be it further

RESOLVED, That said special committee shall be further authorized to hold a meeting the day prior to the auction to determine whether any additional properties for potential transfer to CCLBC should also be removed from the auction; and be it further

RESOLVED, That the County Director of Real Property Tax Services and the County's auctioneer are directed to take all steps necessary to maximize the ability of auction participants to receive prior notice of properties removed from the auction, including, but not limited to, notice in auction advertisements and notice in County and auctioneer websites both prior to and on the night before the auction, and be it further

RESOLVED, That transfers to CCLBC shall remain subject to the potential completion of reacquisition procedures for foreclosed owners only that are set forth in Section 4 of Resolution 110-17, as may be amended from time to time, and to the final approval of the full County Legislature after the auction.

REGULAR SESSIONS

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

Unanimously Adopted – February 27, 2019

RES. NO. 34-19
Authorize Fire Service Loan to Findley Lake Fire Department

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

WHEREAS, Chautauqua County adopted resolution 312-92 that established a revolving low interest loan program for the benefit of fire departments to purchase equipment or to refurbish critical apparatus; and

WHEREAS, Resolution 312-92 requires a majority vote of the County Legislature when loans to a particular fire department exceed \$50,000; and

WHEREAS, the Findley Lake Fire Department is requesting a loan in the amount of \$100,000 to purchase a 3000 gallon tanker; and

WHEREAS, such a loan would enhance fire protection within the County; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a loan agreement with the Findley Lake Fire Department not to exceed \$100,000.

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

Unanimously Adopted – February 27, 2019

RES. NO. 35-19
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 \$88,000 of the 2017 Grant funds were included in the 2018 budget via Resolution 209-18; now therefore be it

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

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual-Hazardous Materials	\$6,000
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INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$6,000
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Signed: Niebel, Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 27, 2019

RES. NO. 36-19

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, which funds were accepted pursuant to Resolution 238-18; and

WHEREAS, the term of the grant is October 1, 2018 through September 30, 2019, and Resolution 238-18 called for funds to be allocated to the proper accounts in subsequent resolutions once the County was ready to expend the funds; therefore be it

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

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, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 27, 2019

RES. NO. 37-19

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:

REGULAR SESSIONS

WHEREAS, pursuant to Resolution 280-18, the 2018 capital vehicle budget for the District Attorney was amended because it was based on purchase prices net of trade-in allowances; and

WHEREAS, there were no trade-in allowances when the new vehicles were purchased, and one old vehicle was sold at auction in 2018 and one vehicle was sold at auction in 2019; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1165.----.4 Contractual—District Attorney \$ 6,792

INCREASE REVENUE ACCOUNT:

A.1165.----.R266.5000 Sale of Property/Compensa—Sale of Equipment \$ 6,792

Signed: Niebel, Bankoski, Pavlock, Chagnon, Nazzaro, Muldowney (*P.S. Vanstrom, Whitford voting “no”*)

Adopted w/ Legislators Odell, Rankin, Scudder, Wilfong, Vanstrom voting “no” – February 27, 2019

RES. NO. 38-19

Authorize Use of 3% Occupancy Tax Monies to Repair Decaying Roof on the Sheridan Historical Society Building

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua County’s historic sites and assets are invaluable assets for Chautauqua County that preserve historic artifacts and assets, provide educational and tourism opportunities, and enhance the quality of life; and

WHEREAS, the Sheridan Historical Society sponsors interpretive exhibits, public programs and related outreach projects, and advocates for the preservation and marking of historic sites and structures located in Sheridan; and

WHEREAS, the Sheridan Historical Society’s building, located in what was the original Odd Fellow’s Hall built in 1927, houses many historic artifacts, books, papers, photographs and other records and materials, and has served town residents for decades as the site of countless community events; and

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WHEREAS, the decaying and leaky roof has caused significant water damage to the ceiling and walls on the upper floor, thereby threatening not only the structure of the building, but also the artifacts within; and

WHEREAS, the Sheridan Historical Society has embarked on an urgent capital campaign to replace the roofing in an effort to preserve the building and its irreplaceable contents, and has secured a \$7,312 grant from the Northern Chautauqua Community Foundation toward the \$14,700 project, and intends to contribute \$2,188 toward the project; and

WHEREAS, the 2019 Budget includes an appropriation of \$39,389 for projects proposed outside the application cycle for -the 3% Occupancy Tax Tourism Promotion Fund, and all of said appropriation is currently available; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of \$5,200 of the 3% Occupancy Tax appropriation for undesignated off-cycle projects to assist the Sheridan Historical Society in replacing the roof on its building located at 2702 Route 20 in Sheridan. ;

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

Unanimously Adopted – February 27, 2019

RES. NO. 39-19

Authorize Chautauqua County to Enter into Agreement with the Town of Chautauqua to Operate
Lake Maintenance Equipment

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

WHEREAS, Chautauqua Lake is an invaluable resource to Chautauqua County and New York State; and

WHEREAS, the environmental health of Chautauqua Lake is threatened by excessive weed and algae growth which can result in unhealthy shoreline conditions; and

WHEREAS, pursuant to Resolution 193-17, Chautauqua County accepted grant funding from New York State for the purchase of lake maintenance equipment to assist with the collection and removal of near-shore floating vegetation on Chautauqua Lake, which will help mitigate unhealthy shoreline conditions; and

WHEREAS, Chautauqua County desires to enter into an agreement with the Town of Chautauqua to operate the lake maintenance equipment; and

WHEREAS, in return for the opportunity to improve the environmental health of Chautauqua Lake, the Town of Chautauqua has agreed to operate the lake maintenance equipment at no cost to Chautauqua County for the term of the agreement; therefore, be it

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the Town of Chautauqua to operate lake maintenance equipment.

Signed: Odell, Chagnon, O'Connell, Himelein

Unanimously Adopted – February 27, 2019

RES. NO. 40-19

Increase the Membership of the Chautauqua County Sewer Agency Pursuant to Article 5-A of the County Law

By Planning & Economic Development:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution No. 299-18, the Chautauqua County Legislature established the seven (7) member 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 creation of a Sewer District in the Towns of Mina, Sherman, the Village of Sherman and the hamlet of Findley Lake; and

WHEREAS, additional economic developments may be encouraged in the Town of French Creek and at the Peek & Peak Resort if a County Sewer District was available to serve these areas; therefore be it

RESOLVED, That the Chautauqua County Sewer Agency shall be increased from seven (7) members to eight (8) members to include a representative from the Town of French Creek who shall serve without compensation, as follows:

Two (2) County Legislators appointed by the Chairman of the County Legislature;

Four (4) 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, Town of Mina, and Town of French Creek and the Mayor of the Village of Sherman, and their successors in office; and

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, Himelein

Unanimously Adopted – February 27, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 41-19
Close Capital Projects

By Audit & Control Committee:
At the Request of County Executive George M. Borrello:

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

H.1620.25928	Buildings & Grounds-Mvl Municipal Bldg Roof (2015)
H.1620.25972	Buildings & Grounds-GOB Fire Panel (2017)
H.3010.14001	Emergency Services-Blacktop Training Centers (2018)
H.3410.614	Basic Fire Academy-Emergency Services Center (2004)
H.5130.25004	Road Machinery-Salt Shed (2018)
H.5130.25941	Road Machinery-Sherman Shop Replacement (2014)
H.5610.238	Chautauqua County Airport-Mast Plan UP RW 24 (2014)
H.5610.25001	Chautauqua County Airport-Replace Bat Wing Mower (2018)
H.5610.25669	Chautauqua County Airport-LD Acq-MALSF Lhtg & Rwy 24 (2015)
H.5610.25746	Chautauqua County Airport-Rehab Arprt Park Lot-Jstn (2010)
H.6420.579	Millennium Parkway (1999)
H.6010.31001	Social Services Admin-CPS Surface Pros (2018)
H.7110.25953	Parks-Lucy Trail (2014)
H.8020.37880	Planning-County Equestrian Trails (2012)
EW.8310.38991	Water District-Fire Hydrant Replacements (2017)
EW.8310.38992	Water District-Pump House Roof Repair (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: Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 42-19
Amend 2018 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

REGULAR SESSIONS

WHEREAS, Public Facilities 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 ACCOUNTS:

	Contractual - Chautauqua County Airport-	
A.5610.5612.4	Dunkirk Airport	\$13,665
A.5630.5625.1	Personal Services – Bus Operations--CARTS	\$11,130
A.5630.5625.4	Contractual - Bus Operations--CARTS	\$34,919
A.5630.5625.8	Employee Benefits - Bus Operations--CARTS	\$21,146
A.1620.5080.4	Contractual – Buildings & Grounds--Jail	\$2,005
A.1620.7010.4	Contractual - Buildings & Grounds--SCOB	\$566
A.7110.----.4	Contractual - Parks	\$622
	Total	\$84,053

DECREASE APPROPRIATION ACCOUNTS:

	Personal Services - Chautauqua County Airport-	
A.5610.5612.1	Dunkirk Airport	\$10,270
	Employee Benefits - Chautauqua County Airport-	
A.5612.5612.8	Dunkirk Airport	\$10,495
	Personal Services - Chautauqua County Airport-	
A.5610.5610.1	Jamestown Airport	\$6,741
	Contractual - Buildings & Grounds Hall R Clothier	
A.1620.5020.4	Building	\$11,884
A.1620.5030.4	Contractual - Buildings & Grounds--Court House	\$13,368
	Contractual - Buildings & Grounds--Gerace Office	
A.1620.5060.4	Building	\$12,945
A.7110.----.1	Personal Services - Parks	\$622
	Total	\$66,325

INCREASE REVENUE ACCOUNT:

A.1440.--.R259.0025	Licenses & Permits - Permits-DPF	\$17,728
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Signed: Hemmer, Nazzaro, Scudder, Muldowney, Wilfong, Chagnon, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 43-19

Amend 2018 Budget for Year End Reconciliations – Public Facilities Maintenance of Roads and Capital Improvements

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

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WHEREAS, some Public Facilities Maintenance of Roads and Capital Improvements department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Public Facilities Maintenance of Roads 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 ACCOUNTS:

D.5010.----.8	Employee Benefits - Public Facilities Admin	\$1,143
D.5110.----.8	Employee Benefits - Maintenance of Roads	\$3,251
D.5112.391.4	Contractual – Capital Improvements, Highway Improvements	<u>\$119,628</u>
	Total	<u>\$124,022</u>

DECREASE APPROPRIATION ACCOUNTS:

D.5010.----.1	Personal Services - Public Facilities Admin	\$1,143
D.5142.----.4	Contractual - Snow Removal:Co Roads	\$62,312
D.5110.----.4	Contractual - Maintenance of Roads	<u>\$51,709</u>
	Total	<u>\$115,164</u>

INCREASE REVENUE ACCOUNTS:

D.5110.----.R230.6000.	Shared Services-CHRGs: OTH GOV ROAD & BRIDGE	\$5,994
D.5110.----.R270.1000.	Miscellaneous-Refunds: Prior Yr EXP	<u>\$2,864</u>
	Total	<u>\$8,858</u>

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

Unanimously Adopted – February 27, 2019

RES. NO. 44-19

Amend 2018 Budget for Year End Reconciliations – Public Facilities Road Machinery

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

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

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

WHEREAS, use of the DM Fund Balance is needed to cover some of the expenditure overruns; now therefore be it

REGULAR SESSIONS

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

INCREASE THE USE OF FUND BALANCE:

DM.----.----	Unassigned Fund Balance--	
.915.0000	Assigned/Unappropriated Fund Balance	\$76,786

;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:

DM.5130.----.1	Personal Services - Road Machinery	\$5,231
DM.5130.----.4	Contractual - Road Machinery	\$99,565
DM.5130.----.8	Employee Benefits - Road Machinery	\$17,950
	Total	\$122,746

DECREASE APPROPRIATION ACCOUNT:

DM.5130.----.2	Equipment - Road Machinery	\$4,918
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INCREASE REVENUE ACCOUNTS:

DM.5130.----.R265.0000	Sale of Property/Compsa-Sale Of Scrap	\$18,750
DM.5130.----.R266.5000	Sale of Property/Compsa-Sale Of Equipment	\$11,677
	Sale of Property/Compsa-Insurance	
DM.5130.----.R268.0000	Recoveries	\$5,098
DM.5130.--.R230.0MEC	Shared Services-Mechanic Services	\$3,997
DM.5130.----.R280.1000	Interfund Transfers-Interfund Revenues	\$1,439
	Use of Money & Property-Rentals other than	
DM.5130.----.R244.0000	Equipment	\$81
	Total	\$41,042

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

Unanimously Adopted – February 27, 2019

RES. NO. 45-19

Amend 2018 Budget for Year End Reconciliations – Landfill – Environment

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

WHEREAS, some Landfill – Environment department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

JOURNAL OF PROCEEDINGS

WHEREAS, the Landfill – Environment 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 ACCOUNTS:

EL.8160.1000.4	Contractual - Environment - Landfill	\$1,323,066
EL.8160.7000.1	Personal Services - Environment - Recycling	\$12,345
	Personal Services - Oth Env - House Haz	
EL.8189.----.1	Waste	<u>\$10</u>
	TOTAL	\$1,335,421

DECREASE APPROPRIATION ACCOUNT:

EL.8160.1000.1	Personal Services - Environment - Landfill	\$12,355
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INCREASE REVENUE ACCOUNTS Shared Services-Chrgs: OCC

EL.8160.1000.R237.6000	Municipal	\$1,323,066
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 46-19

Amend 2018 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District

(See page 71 for renewed and amended version in March 27, 2019)

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

WHEREAS, some North Chautauqua Lake Sewer District department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the North Chautauqua Lake 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 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.4	Contractual - Administration, Administration	\$1,561
	Personal Services - Sanitary Sewers, Sanitary	
ESN.8120.8122.1	Sewers	\$3,500
ESN.8120.8122.4	Contractual - Sanitary Sewers, Sanitary Sewers	\$4,044

REGULAR SESSIONS

ESN.8120.8122.8	Employee Benefits - Sanitary Sewers, Sanitary Sewers	\$5,732
ESN.8130.8132.1	Personal Services - Sewage Treatment, Sewage Treatment	\$1,181
ESN.8130.8132.4	Contractual - Sewage Treatment, Sewage Treatment	\$12,092
ESN.8130.8132.8	Employee Benefits - Sewage Treatment, Sewage Treatment	<u>\$2,072</u>
	Total	\$30,182

DECREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.8	Employee Benefits - Administration, Administration	\$16,924
ESN.8110.8112.1	Personal Services - Administration, Administration	\$151
ESN.9730.9732.	Principal - Debt Service, NCLSD Debt Service	<u>\$769</u>
	Total	\$17,844

INCREASE REVENUE ACCOUNT:

ESN.8120.8122.R237.4000	Shared Services-Chrgs: Sewer-Oth Gov't	\$12,338
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 47-19

Amend 2018 Budget for Year End Reconciliations – South & Center Chautauqua Lake Sewer Districts (SCCLSD)

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

WHEREAS, some of South & Center Chautauqua Lake Sewer Districts' 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 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

ESS.8120.----.4	Contractual--Sanitary Sewers	\$29,275
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DECREASE APPROPRIATION ACCOUNTS:

ESS.8130.----.4	Contractual—Sewage Treatment	\$29,275
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JOURNAL OF PROCEEDINGS

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

Unanimously Adopted – February 27, 2019

RES. NO. 48-19

Amend 2018 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 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.1	Personal Services— Board of Elections	\$19,110
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DECREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual— Board of Elections	\$19,110
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Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 49-19

Amend 2018 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 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1460.----.1	Personal Services - RECORDS MANAGEMENT	\$ 6,826
A.1460.----.8	Employee Benefits - RECORDS MANAGEMENT	\$ 1,358
A.6610.----.1	Personal Services - WEIGHTS & MEASURES	\$ 2,756
A.7510.----.4	Contractual - HISTORIAN	\$ 161
	Total	\$11,101

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNT:

A.1410.----.1	Personal Services - COUNTY CLERK	\$11,101
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Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 50-19

Amend 2018 Budget for Year End Reconciliations – County Executive

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some County Executive 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 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1230.----.1	Personal Services - County Executive	\$5,035
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DECREASE APPROPRIATION ACCOUNT:

A.1230.----.8	Employee Benefits - County Executive	\$5,035
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Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 51-19

Amend 2018 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; 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.1310.----.1	Personal Services - Department of Finance	\$12,671
A.1310.----.4	Contractual - Department of Finance	\$32,820

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A.1310.----.8	Employee Benefits - Department of Finance	\$10,026
A.1330.----.4	Contractual - Real Property Tax	\$25,884
A.1330.----.8	Employee Benefits - Real Property Tax	\$ 3,555
A.1989.----.4	Contractual - Tax Roll Maint & Process	<u>\$ 637</u>
	Total	\$85,593

DECREASE APPROPRIATION ACCOUNTS:

A.1330.----.1	Personal Services - Real Property Tax	\$23,484
A.1330.----.2	Equipment - Real Property Tax	\$ 1,200
A.1989.----.1	Personal Services - Tax Roll Maint & Process	\$ 9,250
A.1989.----.8	Employee Benefits - Tax Roll Maint & Process	\$ 7,650
A.1355.----.4	Contractual - Tax Assessment	\$29,248
A.1362.----.4	Contractual - Tax Advertising & Expense	\$12,628
A.1364.----.4	Contractual - Exp: Prop Acquired - Tax	<u>\$ 2,133</u>
	Total	\$85,593

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

Unanimously Adopted – February 27, 2019

RES. NO. 52-19

Amend 2018 Budget for Year End Reconciliations – Human Resources

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

WHEREAS, some Human Resources 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 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1430.----.1	Personal Services – Human Resources	\$ 5,824
A.1430.----.8	Employee Benefits – Human Resources	<u>\$39,553</u>
	Total	\$45,377

DECREASE APPROPRIATION ACCOUNTS:

A.1430.BENE.1	Personal Services – Human Resources, Health Insurance Benefits	\$ 5,824
A.1430.BENE.8	Employee Benefits – Human Resources, Health Insurance Benefits	<u>\$39,553</u>
	Total	\$45,377

REGULAR SESSIONS

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

Unanimously Adopted – February 27, 2019

RES. NO. 53-19

Amend 2018 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; and

WHEREAS, the Information Technology 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 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services - OFFICE SERVICES	\$5,300
A.1610.----.8	Employee Benefits - OFFICE SERVICES	\$50
A.1670.----.4	Contractual - PRINT SHOP	\$10,433
A.1680.GIS.4	Contractual - GIS	<u>\$247</u>
	Total	\$16,030

DECREASE APPROPRIATION ACCOUNT:

A.1680.----.1	Personal Services - INFORMATION TECHNOLOGY	\$16,030
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Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 54-19

Amend 2018 Budget for Year End Reconciliations –Law Department

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

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

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WHEREAS, the Law Department 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 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1420.----.8	Employee Benefits – County Attorney	\$8,666
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DECREASE APPROPRIATION ACCOUNTS:

A.1420.----.1	Contractual – County Attorney	\$2,095
A.1420.----.4	Contractual – County Attorney	\$3,831
A.2490.----.4	Contractual—Community College Tuition	<u>\$2,680</u>
	Total	\$8,606

INCREASE REVENUE ACCOUNT:

A.1420.----.R277.0000	Miscellaneous—Other Unclassified Rev	\$ 60
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Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 55-19

Amend 2018 Budget for Year End Reconciliations –Liability Insurance Accounts

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

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

WHEREAS, the adjustments in various insurance appropriations require corresponding adjustments to revenue; 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.1710.----.8	Employee Benefits - Insurance Administration	\$11,737
CS.1710.----.4	Contractual - Insurance Administration	<u>\$62,393</u>
	Total	\$74,130

DECREASE APPROPRIATION ACCOUNTS:

A.1710.----.1	Personal Services - Insurance Administration	\$ 5,401
A.1710.----.4	Contractual - Insurance Administration	\$ 3,943
CS.1930.----.4	Contractual - Judgements & Claims	<u>\$62,393</u>
	Total	\$71,737

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

A.1710.----.R221.0ADM Shared Services-Shared Services Ins Adm \$ 2,393

Signed: Chagnon, Nazzaro, Muldowney, Niebel (*A.S. – Passed on w/o recommendation*)

Unanimously Adopted – February 27, 2019

RES. NO. 56-19

Amend 2018 Budget for Year End Reconciliations – Transfer to Capital

(See page 71 for amended version in March 27, 2019)

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

WHEREAS, the Transfer to Capital department expenses exceeded initial budgetary estimates because of necessary adjustments to capital project H.2490.688 (JCC Science Building Construction) after it was closed and reconciled; now therefore be it

RESOLVED, That Reserve for Capital is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Fund Balance--Reserve for Capital \$ 26,268

; 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.9950.----.9 Interfund Transfers—Transfer to Capital \$26,268

Signed: Scudder, Davis, Muldowney (*A.C. – Tabled*)

MOVED by Legislator Chagnon to TABLE, SECONDED by Legislator Nazzaro - *Unanimously Carried*

TABLED – February 27, 2019

RES. NO. 57-19

Amend 2018 Budget for Year End Reconciliations – Assigned Counsel/Conflict Administrator

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

JOURNAL OF PROCEEDINGS

WHEREAS, the Assigned Counsel/Conflict Administrator department expenses have exceeded initial budgetary estimates, as well as the Community College Tuition department has a surplus; 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:

	Contractual - UNIFIED COURT COSTS- CONFLICT ADMINISTRATION	\$295,375
A.1162.1120.4		

DECREASE APPROPRIATION ACCOUNT:

	Contractual – COMMUNITY COLLEGE TUITION	\$295,375
A.2490.----.4		

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

Unanimously Adopted – February 27, 2019

RES. NO. 58-19

Amend 2018 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 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

	Personal Services-DISTRICT ATTORNEY--CRIME VICTIMS	\$14,961
A.1165.----.1		

DECREASE APPROPRIATION ACCOUNT:

	Contractual-DISTRICT ATTORNEY--CRIME VICTIMS	\$14,961
A.1165.---.4		

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

Unanimously Adopted – February 27, 2019

REGULAR SESSIONS

RES. NO. 59-19

Amend 2018 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; 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.3010.----.1	Personal Services - Emergency Services	\$11,937
A.3010.----.8	Employee Benefits - Emergency Services	\$7,539
A.3625.----.1	Personal Services - Technical Rescue Team	\$68
A.3989.----.1	Personal Services - Emergency Medical Service	\$3,940
A.3989.----.4	Contractual - Emergency Medical Service	\$1,678
A.3989.CME.1	Personal Services - Emergency Medical Service--Continuing Medical Education	\$113
A.3989.EMT.1	Personal Services - Emergency Medical Service--EMT Training	\$1,475
A.3989.CME.8	Employee Benefits - Emergency Medical Service--Continuing Medical Education	\$9
	Total	\$26,759

DECREASE APPROPRIATION ACCOUNTS:

A.3640.----.1	Personal Services - Hazardous Materials	\$4,630
A.3989.----.8	Employee Benefits - Emergency Medical Service	\$4,820
A.3989.EMT.4	Contractual - Emergency Medical Service-- EMT Training	\$1,475
A.3010.----.4	Contractual - Emergency Services	\$15,834
	Total	\$26,759

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

Unanimously Adopted – February 27, 2019

RES. NO. 60-19

Amend 2018 Budget for Year End Reconciliations – Probation

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

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

JOURNAL OF PROCEEDINGS

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

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.8	Employee Benefits - Probation	\$21,627
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DECREASE APPROPRIATION ACCOUNT:

A.3140.----.4	Contractual - Probation	\$21,627
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 27, 2019

RES. NO. 61-19

Amend 2018 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; 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.3020.DISP.1	Personal Services - Publ Safety Communication- Consolidated Dispatching	\$14,801
A.3020.E911.4	Contractual - Publ Safety Communication-E911 System	\$1,130
A.3020.PSCN.4	Contractual - Publ Safety Communication-Pub Sfty Communications Network	\$22
A.3020.W911.4	Contractual - Publ Safety Communication-E911 Wireless	\$4,369
A.3110.----.2	Equipment - Sheriff	\$12,001
A.3110.----.4	Contractual - Sheriff	\$99,765
A.3110.----.8	Employee Benefits - Sheriff	\$59,612
A.3110.3114.4	Contractual - Sheriff-Pistol Permit	\$199
A.3110.3114.8	Employee Benefits - Sheriff-Pistol Permit	\$2,246
A.3150.----.1	Personal Services - Jail	\$39,713
A.3189.3112.1	Personal Services - Other Law Enforcement-Snowmobile	\$9,175
A.3189.3112.8	Employee Benefits - Other Law Enforcement- Snowmobile	\$1,442
A.3189.MEDI.1	Personal Services - Other Law Enforcement-Medi-Vac	<u>\$14,221</u>
	Total	<u>\$258,696</u>

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.4	Contractual - Publ Safety Communication-Consolidated Dispatching	\$320
A.3020.DISP.8	Employee Benefits - Publ Safety Communication- Consolidated Dispatching	\$15,954
A.3020.TECH.1	Personal Services - Publ Safety Communication-Technical Services	\$12,717
A.3020.TECH.4	Contractual - Publ Safety Communication-Technical Services	\$742
A.3020.TECH.8	Employee Benefits - Publ Safety Communication-Technical Services	\$4,684
A.3110.3114.1	Personal Services - Sheriff-Pistol Permit	\$1,205
A.3110.----.1	Personal Services - Sheriff	\$132,951
A.3150.----.4	Contractual - Jail	\$68,078
A.3150.----.8	Employee Benefits - Jail	\$7,854
A.3189.MEDI.4	Contractual - Other Law Enforcement--Medi-vac	\$773
A.3189.MEDI.8	Employee Benefits - Other Law Enforcement--Medi-vac	<u>\$2,890</u>
	Total	\$248,168

INCREASE REVENUE ACCOUNT:

A.3189.MEDI.R158.9001	Departmental Income-Other Public Safety Income Medi-Vac	\$10,528
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 27, 2019

RES. NO. 62-19

Amend 2018 Budget for Year End Reconciliations – Veterans Service Agency

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

WHEREAS, some Veterans Service Agency department expenses have exceeded initial budgetary estimates, as well as some appropriations in Veterans Service Agency and Community College Tuition 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 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6510.----.8	Employee Benefits - Veterans Service Agency	\$3,032
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JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATION ACCOUNTS:

A.6510.----.4	Contractual - Veterans Service Agency	\$2,823
A.2490.----.4	Contractual - Community College Tuition	<u>\$209</u>
	Total	\$3,032

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

Unanimously Adopted – February 27, 2019

RES. NO. 63-19

Amend 2018 Budget for Year End Reconciliations – Office for the Aging

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

WHEREAS, some Office for the Aging 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 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6772.----.4	Contractual - OFFICE FOR THE AGING	\$36,305
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DECREASE APPROPRIATION ACCOUNT:

A.6772.----.1	Personal Services - OFFICE FOR THE AGING	\$36,305
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Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 64-19

Amend 2018 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 has received revenues in excess of budget; 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 ACCOUNTS:

A.1185.----.4	Contractual - Med Examiners & Coroners	\$ 15,214
A.2960.TUIT.4	Contractual - Educ: Handicapped Children - Tuition	\$ 110,943
A.4010.----.1	Personal Services - Public Health Admin	\$ 161
A.4010.----.8	Employee Benefits - Public Health Admin	\$ 12,933
A.4059.----.1	Personal Services - Early Intervention Program	\$ 4,256
A.4090.----.1	Personal Services - Environmental Health	\$ 1,953
A.4090.----.8	Employee Benefits - Environmental Health	\$ 10,809
A.4189.LEAD.4	Contractual - Other Public Health Progs – Lead Testing	\$ 39,426
A.4189.LEAD.8	Employee Benefits - Other Public Health Progs – Lead Testing	\$ 1,167
A.6010.----.4	Contractual - Social Services Admin	\$ 367,669
A.6119.----.4	Contractual - Child Care (Foster/Inst)	\$ 493,880
A.6141.----.1	Personal Services - Home Energy Assist Prog	\$ 17,455
A.6141.----.8	Employee Benefits - Home Energy Assist Prog	\$ 11,351
A.7020.----.1	Personal Services - Youth Bureau	\$ 836
A.7020.----.8	Employee Benefits - Youth Bureau	\$ 388
	Total	\$1,088,441

DECREASE APPROPRIATION ACCOUNTS:

A.1185.----.1	Personal Services - Med Examiners & Coroners	\$ 15,214
A.4059.----.4	Contractual - Early Intervention Program	\$ 115,199
A.4010.NURS.1	Personal Services - Public Health Admin - Nursing	\$ 2,114
A.4010.NURS.8	Employee Benefits - Public Health Admin - Nursing	\$ 24,909
A.6129.----.4	Contractual - State Training School	\$ 301,000
A.6123.----.4	Contractual - Juvenile Delinquent Care	\$ 63,500
A.6109.----.4	Contractual - Family Assistance	\$ 497,049
A.6010.----.1	Personal Services - Social Services Admin	\$ 18,291
A.6010.----.8	Employee Benefits - Social Services Admin	\$ 11,739
	Total	\$1,049,015

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R448.9HUD	Federal Aid-Oth Publ Hlth: HUD Lead	\$ 39,426
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Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 65-19
Amend 2019 Budget for Internal Audit

By Administrative Services and Audit & Control Committees:
At the Request of Legislator Chagnon and Legislator Nazzaro:

WHEREAS, \$100,000 was appropriated in the 2018 Adopted Budget for an internal audit of Chautauqua County, and a contract to perform the audit was approved in the amount of \$94,270; and

WHEREAS, work on the audit commenced later than anticipated in 2018, so only \$39,613 was expended and the unutilized appropriations were returned to the A Fund Balance; and

WHEREAS, the County Legislature is committed to continuing the internal audit in 2019, so it plans to complete the contract approved in 2018 and utilize the additional funds appropriated in 2019; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$54,657

;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1320.----.4 Contractual—Internal Audit \$54,657

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

Unanimously Adopted – February 27, 2019

RES. NO. 66-19
Amend 2019 Budget – Board of Elections

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

WHEREAS, the Board of Elections needs to begin replacing its voting machines because the machines have been in service for ten years; and

WHEREAS, the 2019 Budget includes \$100,000 for the replacement of ten voting machines, but the expected cost to replace ten voting machines exceeds the budget; and

REGULAR SESSIONS

WHEREAS, the 2019 Budget includes contractual appropriations for the Help America Vote Act grant, and the purchase of voting machines is an allowable use of grant funds; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.2 Equipment—Board of Elections \$11,540

DECREASE APPROPRIATION ACCOUNT:

A.1450.----.4 Contractual—Board of Elections \$11,540

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

Unanimously Adopted – February 27, 2019

RES. NO. 67-19

Amend Chautauqua County Health & Human Services 2019 Budget for Rollover of HUD Lead Hazard Reduction Demonstration Grant Funding

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

WHEREAS, expenditures for the HUD Lead Hazard Reduction Demonstration Grant for the period September 1, 2015 to August 31, 2018 were less than expected; and

WHEREAS, revenues for the HUD Lead Hazard Reduction Demonstration Grant for the period September 1, 2015 to August 31, 2018 were also less than expected; and

WHEREAS, the original grant period from September 1, 2015 to August 31, 2018 has been extended to April 14, 2019; and

WHEREAS, activity on the project is expected to continue and unused grant funds are still available; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4 Contractual – Other Public Health Programs,
Lead Testing \$355,353

JOURNAL OF PROCEEDINGS

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R448.9HUD	Federal Revenue – Other Public Health:	
	HUD Lead	\$355,353

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

Unanimously Adopted – February 27, 2019

RES. NO. 68-19

Modify the Department of Planning and Development’s 2019 Budget to Accommodate the Barcelona to Chautauqua Institution (B2CI) Trail Easement Grant

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

WHEREAS, Article 6 of the Chautauqua County Administrative Code was amended in April of 2018 to allow for the reorganization of the existing Department of Planning and Economic Development; and

WHEREAS, the newly formed Department of Planning and Development (DPD) consists of the Division of Economic Development and the Division of Planning and Community Development; and

WHEREAS, pursuant to Resolution 51-18, funds for the Barcelona to Chautauqua Institution (B2CI) Trail Easement Grant were appropriated in the 2018 budget for the Division of Economic Development, but the project was not undertaken in 2018 so no funds were expended and no revenue was earned; and

WHEREAS, the Division of Planning and Community Development now has responsibility for, and has been actively working to complete and implement, the B2CI Trail Easement Grant; and

WHEREAS, the total cost of the project is estimated to be \$144,861, and it will be funded by the following sources: a grant of \$92,511 from the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grant Program; an in-kind

match of \$14,578; and a cash match of \$37,772 from the Reserve for Occupancy Tax unspent funds designated for trail establishment and development; now therefore be it

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
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; and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is instructed to make the following changes to the 2019 Budget;

INCREASE REVENUE ACCOUNT:

A.8020.----.R371.5000	NYS Aid—Tourism Promotion	\$ 92,511
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INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual--Planning	\$130,283
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Signed: Odell, Chagnon, O'Connell, Himelein, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 69-19

Amend 2019 Budget Appropriations – South & Center Chautauqua Lake Sewer Districts (S&CCLSD)

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

WHEREAS, funds for a Wastewater Treatment Attendant/Assistant Mechanic for the South & Center Chautauqua Lake Sewer Districts (S&CCLSD) were budgeted in treatment department ESS.8130; and

WHEREAS, it has been determined that the duties of the position are more closely aligned with sanitary department ESS.8120; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESS.8120.----.1	Personal Services—Sanitary Sewers	\$33,821
ESS.8120.----.8	Fringe Benefits—Sanitary Sewers	<u>\$18,272</u>
	Total	\$52,093

DECREASE APPROPRIATION ACCOUNTS:

ESS.8130.----.1	Personal Services—Sewage Treatment	\$33,821
ESS.8130.----.8	Fringe Benefits—Sewage Treatment	<u>\$18,272</u>
	Total	\$52,093

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

Unanimously Adopted – February 27, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 70-19

Amend 2019 Budget Due to Changes in Town Property Tax Warrants

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, when the 2019 Budget was prepared, it was assumed the Towns of Carroll and Portland would continue to pledge part of their sales tax to their property tax warrants; and

WHEREAS, the Town of Carroll decided to discontinue this practice so the only remaining pledge of sales tax is \$50,000 for the Town of Portland; now therefore be it

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

DECREASE REVENUE ACCOUNT:

A.1310.9999.R111.5000 Non Property Tax Items—Non-Prop Tax: Town Share	\$556,002
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INCREASE REVENUE ACCOUNT:

A.1310.9999.R100.1000 Real Property Taxes—Real Property Tax	\$556,002
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Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 27, 2019

RES. NO. 71-19

Setting Salaries for Certain Wastewater Treatment Plant Operator Titles

By Public Facilities, Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Directors of the North Chautauqua Lake Sewer District and South and Center Chautauqua Lake Sewer Districts have requested that the salary grades allocated to titles that require possession of wastewater treatment plant operators licensure be reviewed for changes due to growing recruitment and licensure challenges; and

WHEREAS, the County Human Resources Office compared the salaries paid to wastewater treatment plant operator positions in the Sewer Districts to equivalent positions in other Chautauqua County municipal wastewater treatment plants and found that the County salaries were among the lowest pay rates; and

WHEREAS, per the CSEA 6300 Agreement, a reallocation committee consisting of the Director of Human Resources, the County Executive and the CSEA 6300 President met on January 17, 2019, to review the request and unanimously voted to reallocate salaries to competitive wage rates; therefore be it

REGULAR SESSIONS

RESOLVED, That the title of Wastewater Treatment Plant Operator Trainee, currently allocated to grade 8, be reallocated to grade 11; and be it further

RESOLVED, That the title of Wastewater Treatment Plant Operator, currently allocated to grade 11, be reallocated to grade 14; and, be it further

RESOLVED, That the title of Supervising Wastewater Treatment Plant Operator, currently allocated to grade 17, be reallocated to grade 18.

Grade 8	(2018: \$16.01 - \$20.47) 40 hours per week (\$33,301 - \$42,578 per year)
Grade 11	(2018: \$17.60 - \$22.51) 40 hours per week (\$36,608 - \$46,821 per year)
Grade 14	(2018: \$19.45 - \$24.95) 40 hours per week (\$40,456 - \$51,896 per year)
Grade 17	(2018: \$21.63 - \$27.71) 40 hours per week (\$44,990 - \$57,637 per year)
Grade 18	(2018: \$22.36 - \$28.73) 40 hours per week (\$46,509 - \$59,758 per year)

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

Unanimously Adopted – R/C Vote 17 Yes; 2 Absent – February 27, 2019

RES. NO. 72-19

Appointing Deputy Clerk/Secretary to the Legislature

At Administrative Services and Audit & Control Committees:

At the Request of Chairman Paul M. Wendel:

WHEREAS, Lori J. Foster, after 30 years of exemplary and dedicated service, has retired from the position of Secretary to the Chautauqua County Legislature and as Deputy Clerk for the Chautauqua County Legislature effective February 27, 2019, therefore be it

RESOLVED, That Olivia L. Ames, 8021 Frisbee Road, Cassadaga, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2019 at a salary of \$17.93 per hour; and be it further

RESOLVED, That in addition to Secretary to the Legislature, Olivia L. Ames be, and hereby is, appointed Deputy Clerk for the Chautauqua County Legislature for the year 2019, and

JOURNAL OF PROCEEDINGS

shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective February 28, 2019.

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

Unanimously Adopted – R/C Vote 17 Yes; 2 Absent – February 27, 2019

MOTIONS: (On file w/Legislature Data)

2-19 - In Support of Additional State Funding For the NYS Office for the Aging – Unanimously Adopted

3-19 - Proclaiming March 18th – 22nd Agricultural Literacy Week in Chautauqua County- Unanimously Adopted

2nd Privilege of the Floor

No one chose to speak at this time

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the meeting was adjourned. (7:35 p.m.)

REGULAR SESSIONS

Regular Meeting
 Chautauqua County Legislature
 Wednesday, March 27, 2019 6:30 p.m.
 Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:32 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Bankoski, Himelein, Nazzaro)

MOVED by Legislator Vanstrom, SECONDED by Legislator Whitford and duly carried the minutes were approved. (02/27/19)

Legislator Niebel delivered the prayer followed by the Pledge of Allegiance

1st Privilege of the Floor

My name is Tina Hastings, my address is 32 Parkway Street, Silver Creek, New York. I'm the executive director of the Tri-County Arts Council, formerly the Cattaraugus County Arts Council. We've been in existence for 20 years and recently changed our name to the Tri-County Arts Council to Serve Chautauqua, Cattaraugus and Alleghany counties. The main purpose of our organization in the beginning was to help administer the New York State Council Arts re-grant program for Cattaraugus County and in 2009 we began administering that for Chautauqua County, as well. This last year, for 2019, we granted out about \$28,000 of funding to small arts organizations and small artists. As part of our rebranding and expansion, we conducted a community survey and asked for letters of support from artists and community members and organizations that we've worked with in the past. Everyone was in support of our name change and geographic expansion. I just want to say that there are so many wonderful, thriving arts organizations in the county representing many diverse forms of art and they serve as drivers of an arts economy and improve the livability of our region and I hope that the resolution before you later this evening you will approve and officially recognize us as the arts council for Chautauqua County so that we can work together on supporting the arts. Thank you.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
 NO VETOES FROM 2/27/19

COMMENDATION:

ROBBIE PENHOLLOW
 DIVISION II NYS WRESTLING CHAMPION
 By
 Legislator Mark Odell
 Legislator Lisa Vanstrom

6:45 P.M.

PUBLIC HEARINGREGARDING SECOND MODIFICATOIN OF IMPROVEMENTS FOR NORTH
CHAUTAUQUA COUNTY WATER DISTRICT

Chairman Wendel: It is now 6:45 p.m., at this time we will open the public hearing regarding the second modification of improvements for the North Chautauqua County Water District. Is there anyone to speak to the public hearing?

My name is Mike Wilson. I live at 3380 East Main Road, Dunkirk, which is actually Route 20 in Sheridan. I'm one of the people that lives in the boundary areas between all kinds of jurisdiction. A couple days ago I sent an email attachment letter to the editor of the Dunkirk Observer with requests to include it in the Jamestown Post-Journal if it was appropriate. Some of you, perhaps many of you, have seen that article today. I have copies with me on both sides of the aisle. The thrust of the request that I made was to hold off any kind of voting until there's better public awareness of the action that's about to be taken. I don't necessarily disagree with the action, and historically I've favored the North County Water District and I've also contributed a lot of my time to (*inaudible*) public water supplies in Chautauqua County. I think there was a rush to notify- and it was not the best job- notifying the public of tonight's hearing. There's a lot of difficulty to obtain information regarding the expansion. There needs to be- for instance, a map of the expansion should have been available on a website in advance to any decision and not after decisions, the economic ramifications, how it effects individuals along the rights of way- there just needs to be a lot more information before the decision. I would really like to see you table the issue, get more information out and then hold the hearing again at the next session. So, that's the thrust of my comments. Thank you.

My name is Barbara Nellis. I live at 5284 Van Buren Road in Dunkirk. Back in 2016 we were told we would have the public water by 2017 and so on and so forth. I don't believe our two houses are getting the water. I watched them run a pipe form Route 5 to the very first house on Van Buren- about 300 feet. The second and third house have it coming down that one street from Route 5. My land is immediately joined to the third house that water and then the next one, 5278 happens to be my son's property. Our houses are sitting there- no water. Then, the Hemmingers(?) the next house, have water coming from Route 5, but across the back of the property. I don't understand -if they ran 300 feet of pipe they couldn't go another few feet to get to our properties that are sitting there with no water. No matter what we do to the well water, it is pretty much not tolerable, so we buy our water. I don't understand why we're being left out.

Chairman Wendel: Is there anyone else to speak to the public hearing? Seeing no one, we'll close the public hearing. (*6:52 p.m.*)

COMMUNICATIONS:

1. Invitation - Silvertree Seniors of Jamestown Tour of Facility
 2. Letter - League of Women Voters – Program on Medical Marijuana
 3. Letter - County Executive – Appointment to Chautauqua County Youth Board
-

REGULAR SESSIONS

RENEW & AMEND RES. NO. 32-19 - Acceptance of CARTS 5311 2017-2018 Consolidated Grant and 2017 Accelerated Transportation Capital Grant (See page 35 for Complete text)

Moved by Legislator Chagnon, Seconded by Legislator Whitford to amend by the following:

Under Establish and Increase Appropriation Accounts H.5630.25014.4 changed to H.5630.999.4 which refers to vehicle purchases. The title of account H.5630.25014.4 is changed from Contractual - Miscellaneous Capital Projects to Contractual-Accel Transit Grant Funding 2017

Under Establish and Increase Revenue Accounts change account H.5630.25014.R459.7000 to H.5630.999.R459.7000. Change account H.5630.25014.R359.7000 to H.5630.999.R359.7000. Change account H.5630.25014.R503.1000 to H.5630.999.R503.1000 and change account H.5630.25015.R359.7000 to H.5630.25014.R359.7000 – Unanimously Carried to Amend

RENEW & AMEND – Unanimously Adopted – March 27, 2019

RENEW & AMEND RES. NO. 46-19 - Amend 2018 Budget for Year End Reconciliations North Chautauqua Lake Sewer District (See page 48 for complete text)

Moved by Legislator Chagnon, Seconded by Legislator Whitford to amend by the following:

Under Decrease Appropriation Accounts add a 7 to the end of the account ESN.9730.9732., which would make it ESN.9730.9732.7 and replace the word “principal” with “interest” in the title of the same account – Unanimously Carried

RENEW & AMEND– Unanimously Adopted – March 27, 2019

TABLED RES. NO. 56-19 - Amend 2018 Budget for Year End Reconciliations – Transfer to Capital (See original resolution on page 55)

Legislator Chagnon: Mr. Chairman, I would make a motion to bring Resolution 56-19 off the table.

Legislator Whitford: I second.

Unanimously Carried

Legislator Whitford: Mr. Chairman, I would like to make a motion to amend 56-19 by substitution.

Legislator Chagnon: Mr. Chairman, I would second that motion.

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Unanimously Carried to Amend by Substitution (New Resolution Shown Below)

RES. NO. 56-19

Amend 2018 Budget for Year End Reconciliations – Transfer to Capital

By Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, capital projects H.2490.688 (Jamestown Community College Science Building Construction) and H.2490.00862 (Jamestown Community College Carnahan Center Renovation) were closed pursuant to Resolution 20-18, but the projects are not complete and were closed in error because of a miscommunication; and

WHEREAS, JCC has additional work to do on the projects and requests reinstatement of the budgets that remained when the projects were closed; and

WHEREAS, the Transfer to Capital department expenses exceeded initial budgetary estimates because expenditures were charged to capital projects H.2490.688 and G.2490.00862 after they were closed and reconciled; now therefore be it

RESOLVED, That capital projects H.2490.00862 JCC Carn Ctr Reno (2011) and H.2490.688 JCC Science Bldg Const 2009 be reopened; and be it further

RESOLVED, That A Fund Reserve for Capital is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

<i>A.-----878.0000</i>	<i>Fund Balance--Reserve for Capital</i>	<i>\$49,877</i>
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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:

<i>A.9950.----.9</i>	<i>Interfund Transfers—Transfer to Capital</i>	<i>\$49,877</i>
<i>H.2490.00862.4</i>	<i>Contractual—Community College Tuition, JCC Carn Ctr Reno (2011)</i>	<i>\$11,947</i>
<i>H.2490.688.4</i>	<i>Contractual-- Community College Tuition, JCC Science Bldg Const 2009</i>	<i>\$37,930</i>
	<i>Total</i>	<i>\$99,754</i>

INCREASE REVENUE ACCOUNTS:

<i>H.2490.00862.R503.1000</i>	<i>Interfund Transfer—Interfund Transfer</i>	<i>\$11,947</i>
<i>H.2490.688.R571.0000</i>	<i>Proceeds L/T Obligations—Serial Bonds</i>	<i>\$37,930</i>
	<i>Total</i>	<i>\$49,877</i>

TABLED RES. NO. 56-19 – UNANIMOUSLY ADOPTED as amended

REGULAR SESSIONS

RES. NO. 73-19

Board Appointments – North County Industrial Water District No. 1 & North County Industrial Sewer District No. 1

By Public Facilities Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, North County Industrial Water District No. 1 was created by Resolution 245-78 and North County Industrial Sewer District No. 1 was created by Resolution 246-78; and

WHEREAS, Resolutions 245-78 and 246-78 provide that the duration of the terms of the Water District and Sewer District Board Members is six (6) years; and

WHEREAS, Resolution 178-05 provides that the membership of each of the boards shall be five members; and

WHEREAS, the two Boards share the same members; and

WHEREAS, the terms of (two) Board members expired on December 31, 2018; therefore be it

RESOLVED, That the following individuals shall serve on both the North County Industrial Water District No. 1 and the North County Sewer District No. 1 Boards:

James Crowell (reappointment)
2931 W. Sheridan Drive
Dunkirk, NY 14048
Term Expires: 12/31/24

Edward Divine (reappointment)
618 Main Street
Dunkirk, NY 14048
Term Expires: 12/31/24

Signed: Hemmer, Scudder, Gould

Unanimously Adopted – March 27, 2019

RES. NO. 74-19

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.

Michele D. Starwalt
1031 Central Ave.
Dunkirk, NY 14048
Term Expires: 12/31/21

Signed: Wilfong, Rankin, O'Connell, Pavlock, Whitford

Unanimously Adopted – March 27, 2019

RES. NO. 75-19

Authorizing Public Hearing Regarding a Potential Application for 2019 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 2019 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 spring 2019; and

WHEREAS, the CDBG Program 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 benefit low- and moderate-income persons; and

WHEREAS, the County is considering applying for 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 April 24, 2019, 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.

REGULAR SESSIONS

Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford

Unanimously Adopted – March 27, 2019

RES. NO. 76-19

Authorizing Public Hearing Regarding a Potential Application for 2019 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding

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

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of Webb’s Chautauqua Resorts, LLC located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project and administration of the OCR Economic Development Grant Program; and

WHEREAS, the County is required to seek input from the public 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 April 24, 2019, 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 eight (8) 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: Odell, Chagnon, O’Connell, Starks, Muldowney, Niebel, Gould

Unanimously Adopted – March 27, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 77-19

Designating Tri-County Arts Council as the Official Arts Council for Chautauqua County

By Planning and Economic Development Committee:

At the Request of County Executive George M. Borrello and Legislator Mark Odell:

WHEREAS, the former Chautauqua County Arts Council was discontinued in 2013 as a not-for-profit entity; and

WHEREAS, the arts and related cultural offerings are an important part of the identity and quality of life in Chautauqua County; and

WHEREAS, the Tri-County Arts Council of Allegany, New York has been formed to serve as a regional arts council for the counties of Allegany, Cattaraugus, and Chautauqua to facilitate shared resources and enhance funding opportunities for the arts in the three counties; and

WHEREAS, the Executive Director of the Reg Lenna Center for the Arts and the President of The United Arts Appeal of Chautauqua County have both endorsed the designation of the Tri-County Arts Council as the official arts council for Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Tri-County Arts Council as the official arts council for Chautauqua County; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute any necessary agreements, including, but not limited to, inter-municipal agreements, to effectuate this designation and the beneficial activities of the Tri-County Arts Council.

Signed: Odell, Chagnon, O'Connell, Starks

Unanimously Adopted – March 27, 2019

RES. NO 78-19

Authorize Contracts and Agreements with Local Police Departments for 2019-2020 STOP-DWI Enforcement Efforts

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, it is necessary for the effective implementation of the STOP-DWI Plan for Chautauqua County to enter into contracts and agreements with various municipalities throughout the County, and to enter into memoranda of understanding with various County Departments including Office of the Sheriff and Probation Department; and

WHEREAS, funding for such contracts and agreements will be derived from STOP-DWI funds pursuant to the 2019-2020 STOP-DWI Plans and from New York State STOP-DWI

REGULAR SESSIONS

Foundation through a grant from the Governor's Traffic Safety Committee via the National Highway Traffic Safety Administration; and

WHEREAS, these 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 and empowered to execute contracts and agreements with various participating municipal corporations in Chautauqua County and County Departments for the purposes of implementing the current STOP-DWI Plan.

Signed: Niebel, Bankoski, Pavlock, Whitford

Unanimously Adopted – March 27, 2019

RES. NO 79-19

Authorize Acceptance of Indigent Legal Services Grant for the Period April 1, 2018 to March 31, 2023

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services with a funding level of \$15,539,474.61 for the operational period of April 1, 2018 through March 31, 2023; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of April 1, 2018 through March 31, 2023 in the amount of \$15,539,474.61, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

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

Unanimously Adopted – March 27, 2019

RES. NO 80-19

Authorize Lease Agreement with Lynn Development, Inc. for Office Space for the Office of the Public Defender

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

WHEREAS, the County of Chautauqua desires to lease from Lynn Development, Inc., approximately 1,121 square feet of office space located at 310-322 E. Third St., Suite 222, Jamestown, County of Chautauqua, State of New York for use by the Chautauqua County Office of the Public Defender; and

WHEREAS, negotiations have been undertaken to obtain a lease agreement mutually beneficial to the County of Chautauqua and Lynn Development, Inc.; and

WHEREAS, said lease will be funded entirely through New York State Indigent Legal Services Hurrell-Harring Grant due to Statewide Expansion Guidelines; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Lynn Development, Inc., upon the following terms and conditions:

- 1) Premises. Approximately 1,121 square feet of office space on the second floor of the Lynn Building located at 310-322 E. Third St., Suite 222, Jamestown, New York 14701.
- 2) Term. April 1, 2019 through March 31, 2024.
- 3) Rent. \$1,900.00 per month for approximately 1,121 square feet and including two (2) parking spots located across the street.
- 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

RESOLVED, That the County Executive may renew this lease for up to two (2) additional terms of five (5) years subject to the same terms and conditions, except that the monthly rent shall increase to \$2,100 per month for the first five year renewal, and \$2,300 per month for the second five year renewal.

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

Unanimously Adopted – March 27, 2019

REGULAR SESSIONS

RES. NO 81-19

Approving SEQRA Findings in Relation to the Second Modification of the Map and Plan for the North Chautauqua County Water District

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 29-19 calling a public hearing for the purpose of considering a second modification to the Map and Plan for the North Chautauqua County Water District (“the District”); and

WHEREAS, notice of said public hearing was duly published and mailed as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, Mayville, New York on March 27 at 6:45 o’clock PM, prevailing time; and

WHEREAS, the County Legislature has received from the District Board a modified Map and Plan entitled “North Chautauqua County Regional Water System Map and Plan” dated May 2015, with Amendment #2 to Section 7.0 dated January 2019 (hereinafter referred to as the “Map and Plan”) prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York, as well as the testimony and other information received by it at the public hearing and otherwise; and

WHEREAS, the County Legislature has determined the proposed modified project to be a Type 1 action as defined by 6 NYCRR 617.4, 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 County Legislature, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, the County Legislature caused to be prepared a Full Environmental Assessment Form (“FEAF”), as is required for projects classified as Type 1 actions, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this County Legislature has reviewed the FEAF, as amended by Addendum No. 2 to the FEAF, and supporting documentation, copies of which are attached; therefore be it

RESOLVED, in consideration of the FEAF and Addendum No. 2 thereto, 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 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 on behalf of the County to execute a “Negative Declaration” for the proposed action.

Signed: Hemmer, Scudder, Gould, Odell, Chagnon, O'Connell, Starks, Muldowney, Niebel

Unanimously Adopted – March 27, 2019

RES. NO 82-19

Determining that it is in the Public Interest to Make a Second Modification to the Map and Plan for the North Chautauqua County Water District

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

WHEREAS, pursuant to Resolutions 260-15, 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, subsequent to the adoption of Resolutions 260-15, 39-16 and 81-16, the County Legislature on August 23, 2017 adopted Resolution 231-17 to modify the initial capital improvements due to changes in the structure of the financial assistance to be received from New York State's funding agencies, and changes in the timing of projects to be completed in the District's development; and

WHEREAS, as of January 2019, the District has found it again necessary to modify the initial capital improvements as previously modified in August 2017, which is due to further changes in the structure of the financial assistance to be received from New York State's funding agencies, and additional changes in the timing of projects to be completed in the District's development; and

WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature has received from the District Board a modified Map and Plan entitled "North Chautauqua County Regional Water System Map and Plan" dated May 2015, with Amendment #2 to Section 7.0 dated January 2019 (hereinafter referred to as the "Map and Plan"), prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York, with the request by the District Board that this Legislature call a public hearing thereon pursuant to County Law § 253-b and § 254; and

WHEREAS, the said second modifications to the Map and Plan consist of: (1) an increase in the linear feet to be replaced in the Village of Brocton Transmission supply main – changed from 8,700 feet to 10,300 feet; (2) the addition to the project of approximately 6,000 linear feet of 12-inch main to be installed from the pump station on Middle Road to Roberts Road in the Town of Dunkirk in order to supply the proposed water storage tank in the Town of Sheridan; (3) the addition to the project of upgrades to the existing pump station located on Middle Road in the Town of Dunkirk in order to supply the proposed water storage tank in the Town of Sheridan; (4) the up-sizing of water main along Roberts Road in order to accommodate flows to the Town of Sheridan and the East Side Fredonia Interconnect; (5) the addition to the

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project of approximately 11,500 linear feet of 12-inch main to be installed along Roberts Road, Miller Road, and NYS Route 20 in order to supply the proposed water storage tank in the Town of Sheridan and accommodate the interconnection with the Village of Fredonia; (6) a change in the location of a 500,000 gallon water storage tank to be now constructed on Miller Road in the Town of Sheridan, instead of in the East Town of Dunkirk, in order to supply water to portions of the Towns of Sheridan and Dunkirk, along with the Village of Fredonia as an emergency supply; (7) the replacement of an existing 6-inch water main that runs along NYS Route 20 from Old Mill Street to the Portland town line with 1,500 linear feet of 12-inch main; (8) the replacement of an existing 6-inch water main that runs along NYS Route 20 from the Brocton Village line to the Pomfret town line with 6,500 linear feet of 12-inch main; (9) the addition to the project of approximately 1,000 linear feet of water main to be installed along NYS Route 5 to accommodate a future connection with the Village of Westfield supply; (10) the demolition of an existing water storage tank located on NYS Route 5 in the Town of Portland which is no longer required; and (11) the demolition of an existing water storage tank located on Progress Drive in the Town of Sheridan which is no longer required; and

WHEREAS, the estimated maximum cost of the improvements as now modified for the second time would increase from \$15,068,000 to \$19,399,500, and the estimated annual District debt service payment would increase from \$292,500 to \$395,050, with all District costs anticipated to be paid by municipalities receiving water from the proposed District under contract with no assessments by the proposed District upon properties within the District, and the estimated cost to the typical property from assessments or other charges to be made by the proposed District upon such properties to remain at zero; and

WHEREAS, pursuant to Resolution 29-19, the Chautauqua County Legislature called a public hearing at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on March 27, 2019 at 6:45 o'clock P.M. on the question of the adoption of the modified Map and Plan that includes the aforementioned changes to the improvements, and to take such action thereon as is required or authorized by law; and

WHEREAS, such notice was given as stated therein and as required by law and the public hearing was held and all persons appearing thereat were heard; now therefore be it

RESOLVED, Upon the modified Map and Plan entitled "North Chautauqua County Regional Water System Map and Plan" dated May 2015, with Amendment #2 to Section 7.0 dated January 2019, prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York, and the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to construct the improvements as modified for the North Chautauqua County Water District as described in the preambles hereof at a maximum cost of Nineteen Million Three Hundred Ninety-Nine Thousand Five Hundred Dollars (\$19,399,500), which includes all amounts anticipated to be required to be expended in connection with the construction and financing of such improvements.

Signed: Hemmer, Scudder, Gould, Odell, Chagnon, Starks, Muldowney, O'Connell

Unanimously Adopted – March 27, 2019

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RES. NO. 83-19

Authorize Use of 3% Occupancy Tax Monies to Assist the 2019 75th Anniversary Gerry Rodeo Event

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Legislators Dan Pavlock and Mark Odell:

WHEREAS, Chautauqua County's annual community events are invaluable assets that provide tourism opportunities, and enhance the quality of life; and

WHEREAS, the Gerry Volunteer Fire Department annually sponsors the Gerry Rodeo event in Chautauqua County; and

WHEREAS, the Gerry Rodeo will be celebrating its 75th anniversary this year and celebratory plans include additional marketing and event enhancements such as two days of fireworks, a nationally recognized clown/barrel man, and a 10 time circuit finals announcer; and

WHEREAS, the 75th Gerry Rodeo Event will provide funding in the amount of \$14,000 of the total budget of \$21,000 and has embarked on a campaign to secure additional funding from local and state sources; and

WHEREAS, for projects proposed outside the application cycle for the 2019 3% Occupancy Tax Tourism Promotion Fund, the currently available funds are \$34,189; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of \$3,500 of the 3% Occupancy Tax appropriation for undesignated off-cycle projects to assist the Gerry Volunteer Fire Department in the production and marketing of its 2019 75th Anniversary Rodeo Event.

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

Unanimously Adopted – March 27, 2019

RES. NO. 84-19

Modifying Allocation of 2% Occupancy Tax Funding for Cleanup of Burtis Bay on Chautauqua Lake

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, during the month of October 2018, excessive amounts of aquatic vegetation, high water levels, and wind conditions resulted in a large deposit of aquatic vegetation and a fish kill in Burtis Bay on Chautauqua Lake; and

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WHEREAS, pursuant to Resolution 263-18, the Chautauqua County Legislature designated \$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 (the “Project”); and

WHEREAS, cold weather and ice on Chautauqua Lake have delayed implementation of the Project until the spring of 2019 when the extent and magnitude of the removal and its cost can be reevaluated; and

WHEREAS, the Chautauqua Lake & Watershed Management Alliance (CLWMA) has collaborated with stakeholders including local charitable foundations to secure additional financial resources for the Project; and

WHEREAS, the CLWMA is a not-for-profit organization that is uniquely positioned to fund, administrate, and implement projects on Chautauqua Lake on behalf of its members and stakeholders; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates up to \$25,000 on a reimbursement basis from the 2% Occupancy Tax Reserve, originally allocated to the Chautauqua Lake Association, to instead be allocated to the CLWMA for removal of and disposal of aquatic vegetation and dead fish from Burtis Bay on Chautauqua Lake; and be it further

RESOLVED, That Chautauqua County’s contribution shall be equitably proportioned with respect to the overall cost of the Project and that any remaining unspent County funds shall be returned to the 2% Occupancy Tax Reserve account; and be it further

RESOLVED, That the Alliance shall report back to the Legislature regarding its activities related to the expenditure of these funds.

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

Unanimously Adopted – March 27, 2019

RES. NO. 85-19

Authorize Use of 2% Occupancy Tax Monies to Retain Professional Services to Complete and Implement the 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

JOURNAL OF PROCEEDINGS

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, pursuant to Resolution 301-18, the Chautauqua County Legislature authorized the use of the 2% Occupancy Tax Reserve to retain Ecology and Environment Engineering and Geology, P.C., to review existing information and prepare an outline of potential strategies for building a Chautauqua Lake Weed Management Consensus Strategy among the Chautauqua Lake municipalities and stakeholder groups for 2019 and beyond; and

WHEREAS, the County desires to further retain the services of Ecology and Environment Engineering and Geology, P.C., to implement the desired strategy identified as a result of its work to date, which includes discussions and a meeting with the New York State Department of Environmental Conservation, defining the consensus position, the development of an herbicide white paper, and the development and agreement on a Memorandum of Understanding, at a cost not to exceed \$12,000; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$247,424; 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 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 & Watrway \$12,000

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$12,000

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

Unanimously Adopted – March 27, 2019

REGULAR SESSIONS

RES. NO. 86-19

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 & Development, Division of Economic Development (“CCDED”) 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 \$75,000.00 to provide service which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County.

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

Unanimously Adopted – March 27, 2019

RES. NO. 87-19

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 & Development, Division of Economic Development is responsible for originating programs and activities to

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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 \$101,952.00.

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

Unanimously Adopted – March 27, 2019

RES. NO. 88-19

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

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, O'Connell, Starks, Muldowney, Niebel, Gould

Unanimously Adopted – March 27, 2019

REGULAR SESSIONS

RES. NO. 89-19

Authorize Extension of Lease Agreement for Department of Planning & Development, Division of 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 & Development, Division of Economic Development (“CCDED”) and Chautauqua County Industrial Development Agency (“CCIDA”) have shared office space for many years; and

WHEREAS, CCDED 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: 228 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 \$1,500.00 to be paid monthly at a rate of \$125.00 per month beginning in January of 2019.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve months commencing on January 1, 2019 and terminating December 31, 2019 subject to termination by prior notice.
5. Other: As negotiated by County Executive.

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

Unanimously Adopted – March 27, 2019

RES. NO. 90-19

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:

JOURNAL OF PROCEEDINGS

WHEREAS, the County Department of Planning & Development, Division of 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, 2019 through December 31, 2019.

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

Unanimously Adopted – March 27, 2019

RES. NO. 91-19

Amend 2018 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District
(NCLSD)

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

WHEREAS, some NCLSD expenses have exceeded initial budgetary estimates; and

WHEREAS, the NCLSD 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:

	Contractual - Sewage Treatment, Sewage Treatment	
ESN.8130.8132.4		\$18,066

INCREASE REVENUE ACCOUNT:

	Departmental Income-Chrgs: Sewer	
ESN.8130.9999.R212.2000		\$18,066

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

Unanimously Adopted – March 27, 2019

REGULAR SESSIONS

RES. NO. 92-19

Amend 2018 Budget for Year End Reconciliations – Health Insurance Fund

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some Health Insurance Fund expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Health Insurance Fund has received revenues in excess of budget; now therefore be it

RESOLVED, That M Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

M.----.----.924.0	Net Assets--Unrestricted (Deficit)	\$295,240
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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

M.1930.----.4	Contractual - Judgements & Claims	\$382,422
M.9089.8000.8	Employee Benefits - Undistributed Benefits	<u>\$ 9,285</u>
	Total	\$391,707

DECREASE APPROPRIATION ACCOUNTS:

M.9089.8000.4	Contractual - Undistributed Benefits	\$ 72,745
M.1910.----.4	Contractual - Administration	<u>\$ 9,301</u>
	Total	\$ 82,046

INCREASE REVENUE ACCOUNT:

M.9089.8000.R270.9004	Departmental Income-Retiree Contributions	\$ 14,421
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Signed: Scudder, Davis, Muldowney, Starks, Chagnon, Niebel, Gould

Unanimously Adopted – March 27, 2019

RES. NO. 93-19

Amend 2018 Budget for Year End Reconciliations – Liability Insurance Accounts

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

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

JOURNAL OF PROCEEDINGS

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

INCREASE APPROPRIATION ACCOUNT:

CS.1710.----.4 Contractual – Insurance Administration	\$4,344
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DECREASE APPROPRIATION ACCOUNT:

CS.1930.----.4 Contractual – Judgements & Claims	\$4,344
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Signed: Scudder, Davis, Muldowney, Starks, Chagnon, Niebel, Gould

Unanimously Adopted – March 27, 2019

RES. NO. 94-19

Amend 2019 Budget for Vehicle Replacement – Information Technology Services – Office Services

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

WHEREAS, the 2019 Budget includes appropriations for the replacement of one vehicle for the department of Information Technology Services, and the cost of this vehicle was less than expected; and

WHEREAS, a second vehicle utilized by the Chautauqua County Courier was damaged beyond repair in an accident and needs to be replaced, and this unexpected expense was not budgeted; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1610.----.2	Equipment - Office Services	\$22,549
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DECREASE APPROPRIATION ACCOUNTS:

A.1610.----.4	Contractual - Office Services	\$744
H.1610.999.4	Contractual - Office Services, Vehicle Replacement (Annual)	\$6,683
A.9950.----.9	Interfund Transfers - Transfer to Capital	<u>\$6,683</u>
	Total	\$14,110

INCREASE REVENUE ACCOUNT:

A.1610.----.R268.0000	Sale of Property/Compsa-Insurance Recoveries	\$15,122
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REGULAR SESSIONS

DECREASE REVENUE ACCOUNT:

H.1610.999.R221.0VEH	Shared Services-Shared Services Vehicles	\$6,683
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Signed: Scudder, Davis, Muldowney, Starks, Chagnon, Gould, Niebel

Unanimously Adopted – March 27, 2019

RES. NO. 95-19

Amend 2019 Budget for Feasibility Study for Hops/Barley Economic Development Project

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

WHEREAS, the agricultural industry in Chautauqua County has suffered in the past several decades due to shifting preferences, changing market demands, and other global economic fluctuations; and

WHEREAS, in the early part of the 20th century and prior to Prohibition, New York State (including Chautauqua County) was a mecca for growing hops and barley to supply the robust beer and distilleries industries that existed in the region because it has ideal growing conditions; and

WHEREAS, breweries, distilleries, and healthy functional foods are a strong and ever burgeoning industry that is in need of raw material ingredients that are currently being shipped in primarily from growers on the west coast of the United States; and

WHEREAS, as a result of eight months of collaborative exploration and extensive research by the County, the Chautauqua County Industrial Development Agency (CCIDA), Chautauqua Region Economic Development Corporation (CREDC), various stakeholders, and Chris Lacorata (the Developer), the parties have concluded that a model operation that integrates the hops and barley industries from the growing stage through the processing of ingredients and finished food products would serve the fast growing craft beer, distilled spirits, and healthy functional foods industry sectors (the “Project”); and

WHEREAS, the proposed integrated approach addresses a number of historical challenges associated with growing seasons; captures substantial new operating efficiencies by combining several processing industries and steps into one contiguous operation; and provides significant opportunities for freight savings for eastern United States customers and Canadian markets; and

WHEREAS, this type of operation currently does not exist in the United States, and it would provide significant East Coast infrastructure in Chautauqua County for the hops and barley ingredient industries and a unique go-to market strategy as a multi-service supplier; and

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WHEREAS, while significant research has been undertaken to conclude that this concept is worth pursuing, the next prudent step is to conduct a comprehensive feasibility study that proves the market assumptions and corresponding economics; and

WHEREAS, the Developer presented this Project, including the feasibility portion, to the County Planning Board and the Legislature's Planning & Economic Development Committee, and the Project was well received; and

WHEREAS, due diligence has been completed on a third party agency, First Key, who possesses the technical expertise to complete the complicated scope of work, with the results of the work being the development of a commercial strategy that includes deep assessments in market, technical, and financial areas; and

WHEREAS, the cost of the study has been quoted at \$120,000, and the Developer is personally covering \$60,000 (50%) of the cost and is respectfully requesting that the County and other local stakeholders cover the other \$60,000 (50%) of the cost to complete this important undertaking; and

WHEREAS, the County, CCIDA, and CREDC requested funding from local foundations and are confident the Project will be awarded funding from these sources and the financial contribution from the County will not exceed \$20,000; and

WHEREAS, the results of the study will be jointly owned by the Developer and the funding parties, along with the conditions and use of the study being agreed upon by the funding parties, with all funding being awarded to and expended by CREDC; now therefore be it

RESOLVED, That the County Legislature hereby allocates \$20,000 for a comprehensive feasibility study for the aforementioned Project; and it is further

RESOLVED, That A Fund Balance is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$20,000
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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 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.COMC.4	Contractual—Promotion of Industry, Community Contracts	\$20,000
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Signed: Odell, Chagnon, O'Connell, Starks, Muldowney, Niebel, Gould

Adopted w/ Legislators Hemmer, Davis, Gould, Pavlock voting "no" – March 27, 2019

RES. NO. 96-19

Amend 2019 Budget for Additional Capital Project: Development of a Brownfields Inventorying and Marketing Strategy

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

WHEREAS, the County of Chautauqua is home to an expansive inventory of contaminated sites (hereinafter referred to as "brownfields") scattered throughout the County, most of which are concentrated in the cities of Dunkirk and Jamestown; and

WHEREAS, many of these brownfields, in their present state, are unattractive and undevelopable due to the environmental risks they pose to developers and the extravagant costs associated with remediating them; and

WHEREAS, the cities of Dunkirk and Jamestown recently completed and were certified for their Brownfield Opportunity Area ("BOA") plans, which delineate areas where investment is to be concentrated while establishing that development in these areas qualifies for brownfield tax credits; and

WHEREAS, these incentives are very attractive to developers and change the economics of development projects on these parcels and in these areas, thereby resulting in new projects that create new tax revenues, new jobs, the removal of blight, and remediated sites; and

WHEREAS, the City of Dunkirk, the City of Jamestown, the County of Chautauqua Industrial Development Agency (CCIDA), and the County have been collaborating to devise a strategy for how to inventory and market the brownfield sites, and the stakeholder group concluded that it required expertise beyond its ability and needs to hire a consultant with the requisite expertise; and

WHEREAS, the County has determined that it requires \$20,000 in order to hire a consultant that can work with the County and its stakeholders to develop a strategy and GIS-based tool for the purpose of inventorying and marketing its brownfield sites (the "Project"), and the CCIDA has agreed to contribute \$4,000 (20%) of this cost thereby leaving a balance of \$16,000 (80%) to be expended by the County; and

WHEREAS, on February 5, 2019, the County Planning Board unanimously recommended to the County Legislature that the County expend \$16,000 from the Capital Reserve to make this Project a reality; therefore be it

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RESOLVED, That the County Legislature hereby allocates \$16,000 from the Capital Reserve for the aforementioned Project; and it is further

RESOLVED, That the A Fund Capital Reserve is appropriated at follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital \$16,000

; and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$16,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.37003.4 Contractual—Brownfield Strategy (2019) \$16,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6420.37003.R503.1000 Interfund Transfer – Interfund Transfer \$16,000

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

Unanimously Adopted – March 27, 2019

RES. NO. 97-19

Amend 2019 Budget for Additional Capital Project: Fiber Optic Cable to Businesses In and Around Stoneman Industrial Park

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

WHEREAS, the Stoneman Industrial Park and the surrounding area located in the Town of Busti is home to over a dozen businesses that are currently served by outdated and ineffective dial-up modem service; and

WHEREAS, several of the businesses, including Southern Tier Brewing, Water Street Brass, Classic Brass, and Chautauqua Hydroseed, requested the County and the County of Chautauqua Industrial Development Agency (CCIDA) to assist them in updating their internet service, which is one of their most important utility services, to High-Speed Fiber Optic Cable; and

WHEREAS, DFT Communications agreed to extend Fiber Optic Cable from the dead-end located at Winch Road and Fairmount Avenue in Lakewood to over a dozen businesses in

REGULAR SESSIONS

and around the Stoneman Industrial Park in Busti (the “Project”), provided the County and CCIDA agree to pay for a share of the cost; and

WHEREAS, DFT provided a quote of \$98,050 to complete the Project and has committed to expending \$68,050 (69%) toward its implementation, and the CCIDA has agreed to expend \$3,000 (3%) toward the Project, thereby leaving a balance of \$27,000 (28%) to be expended by the County; and

WHEREAS, on February 5, 2019, the County Planning Board unanimously recommended to the County Legislature that the County expend \$27,000 from the Capital Reserve to make this Project a reality; therefore be it

RESOLVED, That the County Legislature hereby allocates \$27,000 from the Capital Reserve for the aforementioned Project; and it is further

RESOLVED, That the A Fund Capital Reserve is appropriated at follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital \$27,000

;and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$27,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.37004.4 Contractual—Stoneman Fiber Optic Cable (2019) \$27,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6420.37004.R503.1000 Interfund Transfer – Interfund Transfer \$27,000

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

Unanimously Adopted – March 27, 2019

RES. NO. 98-19

Amend 2019 Budget Appropriations and Revenues in the County Road Fund (D Fund)

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

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WHEREAS, it has been determined accounting changes are needed to more closely monitor revenues and expenditures for funded capital improvements in the county bridge and road programs; and

WHEREAS, the County and its stakeholders would like to more clearly identify expenditures on the “Complete Streets” program; and

WHEREAS, it has been determined that permit fees for road renovations should be recorded in the department for capital highway improvements; and

WHEREAS, it has been determined that interfund transfers to and from the D Fund should be recorded in a separate department, rather than as a sub-department of the snow removal department; now therefore be it

RESOLVED, That the Director of Finance establish the following revenue accounts and expenditure classification to be used for existing and future capital improvements in county bridges that are funded by specific awards:

D.5112.389.R358.9003	New York State Aid-Marchiselli Funds
D.5112.389.R359.7000	New York State Aid-Transp Capital
D.5112.389.R458.9002	Federal Aid-Surface Transp Program
D.5112.389.4	Contractual-Capital Improvements, Funded Bridge 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:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

D.5112.392.4	Contractual - Capital Improvements, Complete Streets	\$850,000
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DECREASE APPROPRIATION ACCOUNTS:

D.5112.391.4	Contractual - Capital Improvements, Highway Improvements	\$850,000
A.9901.9000.9	Interfund Transfers - Transfer to Other Funds, Trans Co Road Suppl (A-D)	<u>\$60,000</u>
	Total	\$910,000

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

D.5112.392.R503.1000	Interfund Transfers-Interfund Transfer	\$850,000
D.9901.9000.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$10,875,398</u>
	Total	\$11,725,398

INCREASE REVENUE ACCOUNTS:

D.5112.391.R350.PAVE	New York State Aid-NYS Aid PAVE NY	\$852,557
D.5112.391.R259.0025	Licenses & Permits-Permits - DPF	<u>\$60,000</u>
	Total	\$912,557

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DECREASE REVENUE ACCOUNTS:

D.5112.----.R350.PAVE	New York State Aid-NYS Aid PAVE NY	\$852,557
A.1440.----.R259.0025	Licenses & Permits-Permits - DPF	\$60,000
D.5412.9999.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$11,785,398</u>
	Total	\$12,697,955

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

Unanimously Adopted – March 27, 2019

RES. NO. 99-19

Authorize Director of Finance to Increase Appropriations for PIN 5762.12 County Bridge 998 Replacement

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

WHEREAS, Resolution 134-17 approved a project for PIN 5762.12 (the Project) and committed \$300,000 to cover 100% of the Project's Preliminary Engineering Design I-IV phases; and

WHEREAS, the Project's Total Phases are currently estimated to be \$2,002,000 to be borne at the ratio of 95% Federal funds and 5% County funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of Pin 5762.12 All Phases; and

WHEREAS, the local share for the first phases was calculated to be \$15,000 and the total local share is calculated to be \$100,100 and can be covered with existing funding in account D.5112.390; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the advancement of the Project; and be it 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 Chautauqua County hereby agrees that construction of the Project shall begin no later than twenty four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; 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

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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 the Director of Finance is authorized and directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Bridge Programs (Funded) \$1,702,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program \$ 85,100

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002 Federal Aid: Surface Transp Program \$1,616,900

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

Unanimously Adopted – March 27, 2019

RES. NO. 100-19

Authorize Purchase of Property at 29 North Erie Street in Mayville New York

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the property located at 29 North Erie Street in Mayville, New York, identified as Section 245.19, Block 1, Lot 18, lies adjacent to the Mayville complex and is available for purchase; and

WHEREAS, the property could potentially be utilized to provide additional parking and green-space for County purposes; and

WHEREAS, the owner of the property, Brenda Beehler, has entered into a contract with the County to sell the property for the sum of Thirty-Two Thousand Five Hundred Dollars (\$32,500.00), subject to approval by the County Legislature; now therefore be it

RESOLVED, That the County Legislature adopts the findings and conclusions in relation to the environmental impacts contained in the Short Environmental Assessment Form (SEAF) on

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file with the Clerk of the County Legislature, and adopts the State Environmental Quality Review Act (SEQRA) determination contained in the SEAF that the proposed acquisition of the subject property will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary documents for the acquisition by the County of the real property described on the Chautauqua County tax map as SBL 245.19-1-18 and located in the Village of Mayville from Brenda Beehler for the purchase price of Thirty-Two Thousand Five Hundred and No/100 Dollars (\$32,500.00).

Signed: Hemmer, Niebel, Chagnon

Unanimously Adopted – March 27, 2019

EMERG. RES. NO. 101-19

Approval of Chautauqua Lake Weed Management Consensus Strategy Memorandum of Agreement

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua Lake is an invaluable asset for Chautauqua County that enhances the environment and quality of life of its residents, provides recreational and tourism opportunities, and spurs 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 Harmful Algal Blooms (hereinafter referred to as “HABs”); and

WHEREAS, the County desires to bring the Chautauqua Lake stakeholder municipalities, agencies, and organizations (hereinafter referred to as “Participants”) together to agree upon a Chautauqua Lake Weed Management Consensus Strategy; and

WHEREAS, pursuant to Resolution 301-18, the County retained the services of Ecology & Environment, Inc. (hereinafter referred to as “E&E”) for the preparation of a Chautauqua Lake Weed Management Consensus Strategy; and

WHEREAS, the County Executive met with the Chautauqua Lake & Watershed Management Alliance (Alliance) Board to discuss the objective and process that would be employed to develop the Chautauqua Lake Weed Management Consensus Strategy; and

WHEREAS, E&E met with representatives from the following Participants between January 25, 2019 and February 13, 2019 to solicit input pertaining to weed management in Chautauqua Lake, and memorialized in writing the Participants’ positions on these issues: Town

of Chautauqua, Chautauqua Watershed Conservancy, Chautauqua Institution, Town of Busti, Town of North Harmony, Town of Ellery, Chautauqua Lake Partnership, Chautauqua Lake Fishing Association, Village of Celoron, Town of Ellicott, Village of Lakewood, Chautauqua Lake Association, and Chautauqua Fishing Alliance; and

WHEREAS, E&E, based on the input received by the Participants and their review of additional materials provided to them by the County and the Participants regarding Chautauqua Lake, developed the issues pertaining to weed management into Weed Management Consensus “tenets” governing future weed management practices in Chautauqua Lake; and

WHEREAS, both the County and E&E met with the New York State Department of Environmental Conservation (NYSDEC) to discuss the purpose and goals of a Chautauqua Lake Weed Management Consensus Strategy before the process began, and later after the tenets had been drafted; and

WHEREAS, E&E worked with the County to finalize the Weed Management Consensus tenets, and the County now desires to formally enter into a Memorandum of Agreement with the Participants outlining these tenets; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive to enter into the Chautauqua Lake Weed Management Consensus Strategy Memorandum of Agreement with the Chautauqua Lake stakeholder municipalities, agencies, and organizations, which sets forth tenets governing future weed management practices in Chautauqua Lake.

Unanimously Adopted – March 27, 2019

LOCAL LAW
INTRODUCTORY NO. 1-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A
MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: PROBATION DEPARTMENT)

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan set forth in Local Law 7-90, and as amended, to set the salary ranges for three new titles for Probation Department Management positions: Probation Supervisor 1; Deputy Probation Director (Group B); and Probation Director (Group B). The titles above for which salary ranges are proposed shall replace the current titles of Probation Supervisor, Deputy Probation Director II, and Probation Director II at the same salary ranges as currently adopted in the Management Salary

REGULAR SESSIONS

Plan. This amendment is necessary due to the adoption of changes to the New York Codes, Rules and Regulations, Title 9, Appendix H-10 entitled *Standard Specifications for Professional Probation Positions*, to become effective May 28, 2019.

Section 2. Salary Levels.

The titles and salary ranges of the 2019 Management Salary Plan shall be amended on May 28, 2019 as follows:

Probation Supervisor 1 shall be placed in Range 4 (\$47,144 to \$72,198) of the 2019 Management Salary Plan, and the title of Probation Supervisor eliminated from the Management Salary Plan.

Deputy Probation Director (Group B) shall be placed in Range 6 (\$53,522 to \$82,068) of the 2019 Management Salary Plan, and the title of Deputy Probation Director II eliminated from the Management Salary Plan.

Probation Director (Group B) shall be placed in Range 10 (\$66,277 to \$101,807) of the 2019 Management Salary Plan, and the title of Probation Director II eliminated from the Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Sponsor: Legislator Bob Scudder

Emailed: 03/12/19

Adopted by Legislature: 03/27/19

R/C Vote: 16 Yes; 3 Absent

Public Hearing by County Executive: 04/09/19

Adopted as Local Law 2-19

Date State Filed: 04/15/19

2nd Privilege of the Floor

Good evening and thank you for letting me speak. My name is Paul Wallenhorst I live at 3470 Lakeshore Drive in Dunkirk- physically in the Town of Sheridan. I'm asking a question as an individual and also as a member of the Town of Sheridan board of tax assessment and a former zoning board of appeals member and planning board member for the Town of Sheridan- specifically regarding two resolutions that were approved- 81-19 and 82-19. This specifically affects me as I found orange marker cones in my driveway today and they're going to put in a twelve inch line, which is fine. I have no objections whatsoever. Two questions that come to my mind- one is from the perspective of the board of tax assessment review. Are we going to anticipate any increases or changes in tax assessments and how do we do our job in that regard if there (*inaudible*) questions relative to the amount of an assessment change relative to whatever cost an individual may have sustained. The first part is the tax assessment side, the second side is

as an individual, what cost will we be assessed for the work that's being done? I've heard nothing. Can anyone help me on this?

Legislator Niebel: As far as the tax assessment issue, there won't be any tax assessment increase. Kathy, is that correct?

Clerk Tampio: Not to our knowledge. It's just a transmission main that transfers water from our supplier in the City of Dunkirk to all the municipalities.

Mr. Wallenhorst: So the adjustments stay constant?

Clerk Tampio: As far as I know.

Legislator Niebel: I'm in agreement with Kathy. What we're talking about is user fees. Anybody that hooks into the North County Water District down there will of course pay for the usage of the water.

Mr. Wallenhorst: Is there a charge associated with either the line running across ones property-

Legislator Niebel: You mean the hookup, Paul?

Mr. Wallenhorst: Either the fact that when the line is established it's a new line, or the hookup?

Legislator Niebel: There'll be a meter pit and the charge for that- Kathy? \$750?

Clerk Tampio: Approximately.

Legislator Niebel: But as far as the water line running to a residential house- you can either pay a contractor to do that, or you can do it yourself.

Mr. Wallenhorst: I understand that- \$750 for the pit fee, but for the actual cost of the pipe that runs across- the number of linear feet that a person has in their property- there's no attached associated cost with that?

Clerk Tampio: No.

Legislator Niebel: No, I think that's up to the-

Clerk Tampio: That's up to the Town of Sheridan. If you're not already in a Town of Sheridan water district, they would establish a water district. I can't image there would be much of cost because this transmission main is being paid for entirely by the North Chautauqua Water District, which is just a water supplier. So, the District supplies water to the Town of Sheridan and charges them so much money per thousand gallons and in turn, the Town of Sheridan bills their individual home customers based on that cost that they have to pay plus any other costs that are a part of the district.

REGULAR SESSIONS

Mr. Wallenhorst: Understood. Thank you.

Legislator Niebel: Paul, the town can add an operational fee to the charge.

Mr. Wallenhorst: OK.

Legislator Niebel: What was your second question?

Mr. Wallenhorst: It was relative to the infrastructure itself, but I had the answer to that already. There's no infrastructure cost.

Legislator Niebel: It's pretty much covered by grants.

Mr. Wallenhorst: Great, thank you.

Chairman Wendel: Anyone else to speak to the privilege of the floor?

County Executive Borrello: I just wanted to thank you all for your leadership tonight in supporting this consensus strategy- memorandum of agreement. I really want to say that this leadership is a symbol and a sign to all those other folks out there that we are asking to sign onto this and become part of the solution that is ultimately going to lead to a healthier and more usable Chautauqua Lake. Thank you all for your leadership on this and I also want to thank Pierre for all he has done to be a part of this whole effort, Mark Geise who has really been the architect behind this and Dave McCoy our watershed coordinator and anyone else I'm leaving out. So, I believe this was a historic day and the start of a new era and a positive move forward for us for the entire County. Thank you very much.

Chairman Wendel: Anyone else to speak to the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:25 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, April 24, 2019 6:30 p.m.
Mayville, N.Y. 14757

Clerk Tampio called the meeting to order at 6:34 p.m.

Clerk Tampio: If there are no objections, Chairman Wendel has designated Legislator Chagnon to act as Chairman in his absence.

Clerk Tampio called the roll and announced a quorum present. (Absent: Wendel, Wilfong, Vanstrom)

Acting Chairman Chagnon: I would like to ask for a moment of reverent silence in memory and recollection of Legislator Himelein who passed away recently and former Legislator Don Ahlstrom. So, please join me in a moment of reverent silence.

Acting Chairman Chagnon: Thank you.

Legislator O'Connell delivered the prayer followed by the Pledge of Allegiance

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (03/27/19)

1st Privilege of the Floor

Acting Chairman Chagnon: Is there anyone to address the Legislature at the Privilege of the floor? Anyone?

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 2/27/19

COMMENDATIONS:

DUNKIRK MARAUDER BOWLING TEAM
STATE CHAMPIONSHIP

By
Legislator Kevin Muldowney
Legislator Robert Bankoski

REGULAR SESSIONS

6:35 P.M.

PUBLIC HEARINGS

REGARDING A POTENTIAL APPLICATION FOR 2019 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

Clerk Tampio: (6:42 p.m.) I have a statement to read preliminary to the comments. The purpose of this hearing is to solicit public comments on the County of Chautauqua's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$10 million for housing, economic development, public facilities, public infrastructure, public facilities, microenterprise and community planning activities, with the principal purpose of benefitting low/moderate income persons. Cities/towns/villages with a population under 50,000 and counties with populations under 200,000 are eligible to apply. All activities within the CDBG program must meet an eligible national objective as defined by the Housing and Community Development Act of 1974. Households at or below 80% of the area median income are defined as low-and moderate income. Current income limits are as follows:

Family of One	\$36,050
Family of Two	\$41,200
Family of Three	\$46,350
Family of Four	\$51,540
Family of Five	\$55,600
Family of Six	\$59,700

Income limits continue to increase as family size increases.

One current proposal being considered is to request \$204,500 to provide assistance with the repair or replacement of existing household septic systems and/or install treatment on water wells for eligible low-income homeowners. Assistance will be provided to eligible homeowners to make repairs to septic systems that are found to be in violation of the Sanitary Code of the Chautauqua County Health District. Additionally assistance will be provided to eligible homeowners to upgrade water wells with insufficient water supply or wells that are contaminated with bacteria. This proposal not only protects the health and safety of the residents and their neighbors, but also reduces the nutrients that enter the watershed from inadequate septic systems and contribute to harmful algal blooms in our lakes.

Acting Chairman Chagnon: Is there anyone wishing to comment on this public hearing? Anyone wishing to address this public hearing? Hearing none, I will close the public hearing and we will move to the second public hearing. (6:45 p.m.)

6:35 P.M.

REGARDING A POTENTIAL APPLICATION FOR 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING THROUGH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL AND THE USES OF SAID FUNDING

Clerk Tampio: (6:46 p.m.) The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title 1 of the Housing and Community Development Act of 1974 and administered by the United States Department of Housing and Urban Development (HUD). Funds are provided directly by HUD to large municipalities (generally over 50,000 in population for cities, villages, and towns and 200,000 for counties) through the Formula Entitlement program. For all other municipalities, the New York State Office of Community Renewal (OCR) is New York State's designated agency for distributing CDBG funds through the Small Cities program. The CDBG program provides grants to municipalities in order to ensure safe, decent, and affordable housing; assist businesses and activities that will create and retain employment opportunities; and provide improved public facilities and services. The OCR generally only funds projects or activities where at least 51% of the activity beneficiaries are low- to moderate-income persons (LMI). A low- or moderate-income person is one who is a member of a family whose income is at or below 80% of the area median income established by the U.S. Department of Housing and Urban Development. Municipalities intending to apply for CDBG funding are required to hold a public hearing prior to submitting the application. The hearing is for the purpose of (i) soliciting public input regarding community development and housing needs in the municipality; and (ii) soliciting public comment regarding any specific activities proposed for submission. If funding is awarded, a second public hearing will be required during the implementation phase of the project or activity the CDBG funds are supporting. At present, the County is considering the submission of a CDBG application to provide a grant to the Chautauqua Region Economic Development Corporation for the purpose of providing financing in support of new commercial operations at the Lodge at Chautauqua Lake, to be located on Route 394, Chautauqua Lake in Mayville, New York. The commercial capital budget is estimated to be \$3 million and the project will create over 30 full-time equivalent jobs, the majority of which will be made available to low- and moderate- income individuals. Any person wishing to make comments regarding community needs or the proposed project is now invited to do so.

Acting Chairman Chagnon: Is there anyone wishing to address this public hearing at this time? Anyone wishing to address the public hearing? Hearing none, I will close the public hearing. (6:48 p.m.)

COMMUNICATIONS:

Clerk Tampio: The Legislature is in receipt of the seven communications as listed on the agenda this evening and there are three additional communications that we received today and I will list them for you. One is a letter from the New York State Ag and Markets regarding a notice to conduct a review of county Ag district number 13. The second is a communication for the election commissioner certification in regards to one of the resolutions being presented

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tonight for the democratic election commissioner. The third one is the investment report for March of 2019. Are there any items you wish to be read aloud? If you'd like copies of any of these items, please let our office know.

Acting Chairman Chagnon: Thank you.

1. Letter – Appointment to Cornell Cooperative Extension Board
2. Letter – District Attorney - Re: Succession of Powers and Duties within DA's Office in event of Vacancy or Absence
3. Letters(2) – District Attorney – Oath of Office
4. Report – Fn. Director Crow – Investment Report – February 2019
5. Report - Chautauqua County Land Bank Corporation – Annual Report
6. Certificate to fill Vacancy on County Legislature – District 18
7. Certificate of Acceptance to Fill Vacancy – Martin J. Proctor
8. *Letter – New York State Ag & Market – Re: Review of Ag District 13*
9. *Certificate – Election Commissioner*
10. *Report – Investment Report - Fn. Director Crow*

Legislator Nazzaro: We have two emergency resolutions on our desk tonight and I would like to make a motion to take one of them out of order. The one I would like to take out of order is the appointment of Martin J. Proctor as Legislator from District 18 to fill the vacancy of the untimely death of Mr. Himelein.

Acting Chairman Chagnon: Thank you.

Legislator Bankoski: I'd like to second that.

Acting Chairman Chagnon: OK. Discussion on the emergency resolution? Any questions or comments? At this time we will have a vote to bring this emergency resolution to the floor. All those in favor please say aye? Opposed?

Unanimously Carried

EMERG. RES. NO. 122-19

Appointment of Martin J. Proctor as Legislator from District 18, Towns of Chautauqua Districts-1,2,3, Mina, Sherman and the Villages of Mayville and Sherman, NY

At the Request of Legislator Chagnon:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the death of David L. Himelein, District 18; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 18, (Towns of Chautauqua Districts-1,2,3, Mina, Sherman and the Villages of Mayville

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and Sherman) Committee recommending the appointment of Martin J. Proctor, 2276 Sunnyside Road, Clymer, NY 14724; and

WHEREAS, a Certificate of Acceptance has been received from Martin J. Proctor; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Martin J. Proctor is hereby appointed Legislator from District 18, comprised of the Towns of Chautauqua Districts-1,2,3, Mina, Sherman and the Villages of Mayville and Sherman

Signed: Chagnon

Unanimously Adopted – April 24, 2019

RES. NO. 102-19

Confirm Appointment – Norman P. Green (D) Commissioner of Elections

At the Request of Legislators Nazzaro, Bankoski, O’Connell, Starks, and Whitford:

WHEREAS, there is a vacancy in the position of the Democratic Commissioner of Elections for the current term of office that expires December 31, 2020; and

WHEREAS, a Certificate of Appointment signed by the County Democratic Chairman, Norman P. Green, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Norman P. Green to fill the vacancy in the position of Democratic Commissioner of Elections for the remainder of the current term of office that expires December 31, 2020; therefore be it

RESOLVED, That Norman P. Green be and hereby is appointed Democratic Commissioner of Elections for the County of Chautauqua for the remainder of the current term of office that expires December 31, 2020, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan.

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

Adopted w/ Legislator Scudder voting “no” – April 24, 2019

RES. NO. 103-19

Confirm Re-Appointment – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:

At the Request of Chairman Paul M. Wendel:

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WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established as a county sewer district of the County of Chautauqua by Resolution 272-77; and

WHEREAS, pursuant to County Law § 261 and Resolution 345-77 the District is governed by a seven-member Board of Directors, who serve for terms of six years; and

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has recommended the reappointment of two board members whose terms expired on December 31, 2018; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointments to the Portland-Pomfret-Dunkirk Sewer District Board:

Richard Purol
10940 South Roberts Road
Dunkirk, N.Y. 14048
Term Expires: 12/31/2024

Daniel E Larish
10148 Patterson Lane
Fredonia, N.Y. 14063
Term Expires: 12/31/2024

Signed: Wilfong, Nazzaro, Scudder, Gould

Unanimously Adopted – April 24, 2019

RES. NO. 104-19

Confirm Re-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 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.

Kayleah Feser
10099 Patterson Ln
Fredonia, NY 14063
Term Expires: 12/31/20

Rachel Mesmer Ludwig
5128 Spring Street
Ashville, NY 14701
Term Expires: 12/31/20

Signed: Wilfong, O'Connell, Pavlock, Whitford

Unanimously Adopted – April 24, 2019

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RES. NO. 105-19

Authorize Supplemental Agreement No. 3 with NYSDOT for PIN 5758.45

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

WHEREAS, Resolution 23-18 authorized Supplemental Agreement No. 2 for PIN 5758.45 (the Project) for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds; and committed \$204,350 to cover 100% of the Project's Preliminary Engineering Design I-VI and Right of Way Incidentals and Acquisition phases; and

WHEREAS, the Project's Preliminary Engineering Design I-VI and Right of Way Incidentals and Acquisition phases are currently estimated to be \$279,350; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of Pin 5758.45 for the above Phases; and

WHEREAS, the local share for the above phases was calculated to be \$10,217.50 and the total local share is now calculated to be \$25,217.50 and can be covered with existing funding in account D.5112.390; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the advancement of the Project; and be it 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

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

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INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Bridge Programs (Funded) \$75,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program \$15,000

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002 Federal Aid: Surface Transp Program \$60,000

Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Niebel, Muldowney

Unanimously Adopted – April 24, 2019

RES. NO. 106-19

Amend 2019 Budget Appropriations and Revenues – Capital Improvements, Funded Bridges & Road (D Fund)

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

WHEREAS, pursuant to Resolution No. 98-19, accounting changes were adopted to more closely monitor revenues and expenditures for funded capital improvements in the county bridge and road programs, and a new sub-department was established for capital improvements to bridges funded in part by specific awards; and

WHEREAS, it would be advantageous to establish a similar sub-department for capital improvements to roads funded in part by specific awards; and

WHEREAS, New York State CHIPS funds are expected to be received as reimbursements for work on county bridge and road projects; and

WHEREAS, some projects in progress at the end of 2018 have remaining budgets for revenues and appropriations, and these budgets need to be carried forward into 2019; now therefore be it

RESOLVED, That the Director of Finance establish the following revenue accounts and expenditure classification to be used for existing and future capital improvements to county roads that are funded by specific awards:

D.5112.393.R358.9003 New York State Aid-Marchiselli Funds
D.5112.393.R359.7000 New York State Aid-Transp Capital
D.5112.393.R458.9002 Federal Aid-Surface Transp Program
D.5112.393.R459.7000 Federal Aid-Transp Capital
D.5112.393.R503.1000 Interfund Transfers-Interfund Transfer
D.5112.393.4 Contractual-Capital Improvements, Funded Road Program

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; and be it further

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

INCREASE THE USE OF FUND BALANCE:

D.----.----.915.0000	Unassigned Fund Balance—Assigned/Unappropriated Fund Balance	\$ 57,273
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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 ACCOUNT:

D.5112.389.4	Contractual-Capital Improvements, Funded Bridge Program	\$ 940,639
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INCREASE REVENUE ACCOUNTS:

D.5112.389.R358.9003	New York State Aid-Marchiselli Funds	\$ 103,729
D.5112.389.R359.7000	New York State Aid-Transp Capital	\$ 12,835
D.5112.389.R458.9002	Federal Aid-Surface Transp Program	\$ 766,802
D.5112.390.R350.1000	New York State Aid-NYS Aid CHIPS	\$1,081,360
D.5112.391.R350.1000	New York State Aid-NYS Aid CHIPS	<u>\$2,653,670</u>
	Total	\$4,618,396

DECREASE REVENUE ACCOUNT:

D.5112.----.R350.1000	New York State Aid-NYS Aid CHIPS	\$3,735,030
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Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Niebel, Muldowney

Unanimously Adopted – April 24, 2019

RES. NO. 107-19

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.26,
Dale Drive Shoulder Expansion

By Public Facilities and Audit & Control:

At the Request of County Executive George M. Borrello:

WHEREAS, the Dale Drive Shoulder Expansion, Transportation Alternative Program project, PIN 5762.26 (the “Project”), will improve pedestrian and bicycle travel along County Road 48 (Dale Drive) in the Village of Cassadaga, Chautauqua County; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such Project to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

REGULAR SESSIONS

WHEREAS, Resolution No. 164-17 authorized the Department of Public Facilities to proceed with the Project, and Resolution No. 203-17 approved funding for the Preliminary Engineering (Design I-IV) phase of the Project PIN 5762.26; 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-IV) and Construction/Construction Inspection phases of the project PIN 5762.26; and

WHEREAS, the Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the Project PIN 5762.26 are estimated to be \$735,000; and

WHEREAS, it would be appropriate to establish the budget for the all phases of the Project in the sub-department in the County Road Fund (the D Fund) for roads funded in part by specific awards; and

WHEREAS, it would be appropriate to move all budgets from the original capital project H.1440.25996 (Dale Dr Shoulder Wide (2017)) to the D Fund and close capital project H.1440.25996; now therefore be it

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

RESOLVED, That the 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 Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the Project or portions thereof; 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 Preliminary Engineering (Design I-IV) and Construction/Construction Inspection 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, 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 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 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

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RESOLVED, That this Resolution shall take effect immediately; and it is further

RESOLVED, That the Reserve for Capital is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance--Reserve for Capital	\$121,000
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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 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

	Contractual - Capital Improvements, Funded Road	
D.5112.393.4	Program	\$735,000
A.9950.----.9	Interfund Transfers - Transfer to Capital	<u>\$121,000</u>
	Total	<u>\$856,000</u>

DECREASE APPROPRIATION ACCOUNT:

	Contractual - Engineers, Dale Dr Shoulder	
H.1440.25996.4	Wide (2017)	\$130,000

INCREASE REVENUE ACCOUNTS:

D.5112.393.R459.7000	Federal Aid-Transp Capital	\$588,000
D.5112.393.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$147,000</u>
	Total	<u>\$735,000</u>

DECREASE REVENUE ACCOUNTS:

H.1440.25996.R459.7000	Federal Aid-Transp Capital	\$104,000
H.1440.25996.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$26,000</u>
	Total	<u>\$130,000</u>

Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Niebel, Muldowney

Unanimously Adopted – April 24, 2019

RES. NO. 108-19
Abolish Petty Cash Funds That Are No Longer Needed

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

WHEREAS, Resolution No. 284-73 established a revolving petty cash fund in the amount of \$100.00 to be used by the Chautauqua County Airport Manager; and

REGULAR SESSIONS

WHEREAS, Resolution No. 102-54 established a revolving petty cash fund in the amount of \$150.00 to be used by the County Highway Department; and Resolution No. 164-87 increased the Department of Public Works petty cash fund by \$50.00 to \$200.00; and Resolution No. 9-17 decreased the Department of Public Facilities petty cash fund by \$100.00 to \$100.00; and

WHEREAS, Resolution No. 192-87 established a revolving petty cash fund in the amount of \$150.00 to be used by the STOP-DWI Program; and

WHEREAS, Resolution No. 89-56 established a revolving petty cash fund in the amount of \$200.00 to be used by the Sheriff's Department; and Resolution No. 85-99 increased the Office of the Sheriff's Fiscal Management Unit's petty cash fund by \$50.00 to \$250.00; and

WHEREAS, Resolution No. 134-04 established a revolving petty cash fund in the amount of \$200.00 to be used by the Victim Impact Panel; and Resolution No. 60-13 increased the Victim Impact Panel petty cash fund by \$100.00 to \$300.00; and Resolution No. 132-14 increased the Victim Impact Panel petty cash fund by \$150.00 to \$450.00; and

WHEREAS, the petty cash funds established by Resolution Nos. 284-73, 102-54, and 192-87 are no longer necessary; and

WHEREAS, the petty cash fund for the Victim Impact Panel does not need to be a separate fund and can be combined with the petty cash fund for the Office of the Sheriff's Fiscal Management Unit; therefore be it

RESOLVED, That the petty cash funds established by Resolution Nos. 284-73, 102-54, 192-87, and 134-04 are hereby abolished; and be it further

RESOLVED, That the amount of the Office of the Sheriff's Fiscal Management Unit's petty cash fund is hereby increased by \$450.00 to a total amount of \$700.00; and be it further

RESOLVED, That the Director of Finance is hereby directed to make any and all necessary accounting adjustments to establish these changes.

Signed: Wilfong, Nazzaro, Scudder, Gould, Niebel, Whitford, Pavlock, Chagnon, Muldowney

Unanimously Adopted – April 24, 2019

RES. NO. 109-19

Amend 2019 Budget Appropriations–Vehicle Purchase Allocations

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

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WHEREAS, the purchases of light duty vehicles approved in the capital budget are typically expensed over four years as vehicle purchase allocations in the operating budget; and

WHEREAS, the 2019 budgets for vehicle purchase allocations were based on anticipated purchase prices of vehicles; and

WHEREAS, some actual vehicle purchase prices were more or less than anticipated so the vehicle allocation expenses have changed; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.6010.----.4	Contractual - Social Services Admin	\$586
A.3110.----.4	Contractual - Sheriff	<u>\$16,111</u>
	Total	\$16,697

DECREASE APPROPRIATION ACCOUNTS:

	Contractual - Chautauqua County Airport, Jamestown	
A.5610.5610.4	Airport	\$1,357
A.3010.----.4	Contractual - Emergency Services	\$8,778
A.3150.----.4	Contractual - Jail	<u>\$6,562</u>
	Total	\$16,697

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

Unanimously Adopted – April 24, 2019

RES. NO. 110-19

Amend 2019 Budget Appropriations–Depreciation Expenses for Enterprise Funds

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

WHEREAS, the 2019 budgets for depreciation expenses for enterprise funds are based on the value of assets in use at the end of 2017; and

WHEREAS, the value of some assets has changed and some additional assets were acquired or constructed and put in use during 2018; therefore be it

RESOLVED, That enterprise fund balances are appropriated as follows:

REGULAR SESSIONS

INCREASE THE USE OF FUND BALANCES:

EL.-----924.0000	Unassigned Fund Balance--Net Assets-Unrestricted (Deficit)	\$97,535
ESS.-----924.0000	Unassigned Fund Balance--Net Assets-Unrestricted (Deficit)	\$18,009
ESN.-----924.0000	Unassigned Fund Balance--Net Assets-Unrestricted (Deficit)	\$111,159
ESP.-----924.0000	Unassigned Fund Balance--Net Assets-Unrestricted (Deficit)	\$1,079
EW.-----924.0000	Unassigned Fund Balance--Net Assets-Unrestricted (Deficit)	<u>\$4,146</u>
	Total	\$231,928

; 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:

EL.8160.1000.4	Contractual - Environment, Landfill	\$97,535
ESS.8120.----.4	Contractual - Sanitary Sewers	\$19,605
ESN.8120.8122.4	Contractual - Sanitary Sewers, Sanitary Sewers Contractual - Sewage Treatment, Sewage Treatment	\$2,763
ESN.8130.8132.4	Treatment	\$108,396
ESP.8120.8124.4	Contractual - Sanitary Sewers, Sanitary Sewers	\$1,079
EW.8310.----.4	Contractual - Water District	<u>\$4,146</u>
	Total	\$233,524

DECREASE APPROPRIATION ACCOUNT:

ESS.8130.----.4	Contractual - Sewage Treatment	\$1,596
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Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – April 24, 2019

RES. NO. 111-19

Amend 2018 Budget for Year End Reconciliations – Information Technologies and
Communications System

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

WHEREAS, some expenditures associated with capital project H.1680.636 (Telephone System Upgrade (2006)) were budgeted in 2018 as operating expenses and should be appropriately classified as capital expenditures; now therefore be it

JOURNAL OF PROCEEDINGS

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

INCREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfers - Transfer to Capital Contractual - Information Technology,	\$61,155
H.1680.636.4	Telephone System Upgrade (2006)	<u>\$61,155</u>
	Total	\$122,310

DECREASE APPROPRIATION ACCOUNT:

A.1650.----.4	Contractual - Communications System	\$61,155
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INCREASE REVENUE ACCOUNT:

H.1680.636.R503.1000	Interfund Transfers-Interfund Transfer	\$61,155
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Signed: Scudder, Davis, Starks, Chagnon, Nazzaro, Niebel, Gould, Muldowney

Unanimously Adopted – April 24, 2019

RES. NO. 112-19

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 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, the County Board of Elections will use the grant proceeds for Voting Machine related items, such as but not limited to Voting Machine Scanner replacement, Ballot Marking Device replacement and Training on the Voting Machines; and

WHEREAS, the remaining funding is \$44,460.37 and revenues and expenditures associated with the grant are already included in the 2019 budget so no budget amendments are necessary; and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from April 1, 2019 through March 31, 2020; 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.

REGULAR SESSIONS

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

Unanimously Adopted – April 24, 2019

RES. NO. 113-19

Authorize Extension of Voter Education/Poll Worker Training and the New York State Poll Site Access Improvement Grant

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, the remaining funding is \$10,057.11 and revenues and expenditures associated with the grant are already included in the 2019 budget so no budget amendments are necessary; and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from April 1, 2019 through March 31, 2020; 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, Starks, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 24, 2019

RES. NO. 114-19

Authorize Memorandum of Understanding with Cattaraugus County Sheriff's Office

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

WHEREAS, the Chautauqua County Office of the Sheriff is the recipient of grant funding for Explosive Ordnance Disposal Team initiatives; and

JOURNAL OF PROCEEDINGS

WHEREAS, the Cattaraugus County Sheriff's Office has historically assisted with said initiatives through deputy participation on the Explosive Ordnance Disposal Team; and

WHEREAS, this grant expense and revenue is included in the 2019 Budget so amendments are not needed; it is hereby

RESOLVED, That the County Executive is hereby authorized to enter into a Memorandum of Understanding with Cattaraugus County regarding continuation of the collaborative Explosive Ordnance Disposal Team for a term beginning October 1, 2018 until termination by the parties.

Signed: Niebel, Pavlock, Whitford

Unanimously Adopted – April 24, 2019

RES. NO. 115-19

Amend 2018 & 2019 Budgets for Grant Equipment Revenue – Office of the Sheriff, Public Safety Communications Network

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

WHEREAS, several purchase orders for grant-funded equipment were prepared in 2018 for the Office of the Sheriff, Public Safety Communications Network, but the purchases were not completed in 2018; and

WHEREAS, 2018 revenues for the Office of the Sheriff, Public Safety Communications Network are significantly short of budget because grant revenue could not be earned because the corresponding equipment was not purchased; and

WHEREAS, the 2018 expenditure budgets for the equipment were encumbered so they automatically roll forward into the 2019 budget, but the corresponding revenue budgets for the equipment do not automatically roll forward into the 2019 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:

DECREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000 Federal Aid-Other Public Safety Aid	\$536,592
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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:

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000	Federal Aid-Other Public Safety Aid	\$536,592
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Signed: Niebel, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – April 24, 2019

RES. NO. 116-19

Amend Chautauqua County Health & Human Services 2019 Budget for Rollover of Public Health Emergency Preparedness Program Opioid Crisis Funding

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

WHEREAS, On July 30, 2018 Chautauqua County was awarded \$75,000 in Public Health Emergency Preparedness Program Opioid Crisis Funding for the period July 1, 2018 to June 30, 2019; and

WHEREAS, revenues and expenditures related to the Public Health Emergency Preparedness Program Opioid Crisis Funding for the period July 1, 2018 to December 31, 2018 were minimal; and

WHEREAS, activity on the project is expected to continue and unused grant funds are still available; and

WHEREAS, the 2019 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	\$ 36,769
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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 2019 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010----.4	Contractual – Public Health Admin	\$ 38,231
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INCREASE REVENUE ACCOUNT:

A.4010.----.R430.5003	Federal Revenue – CDC-Bioterrorism Grant	\$ 75,000
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Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 24, 2019

RES. NO. 117-19

Amend 2019 Budget for Equipment Purchases for Environmental Health Childhood Lead Poisoning Primary Prevention Program

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

WHEREAS, 2019 expenditures for equipment purchases for the Environmental Health Childhood Lead Poisoning Primary Prevention Program are now projected to be in excess of the budgeted amount; and

WHEREAS, 2019 expenditures for contractual purchases for the Environmental Health Childhood Lead Poisoning Primary Prevention Program are now projected to be lower than the budgeted amount; and

WHEREAS, the 2019 Budget must be adjusted to facilitate purchase of the equipment and reflect the above listed changes in expenditures; now, therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.2	Equipment- Other Public Health Progs- Lead Testing	\$ 6,405
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DECREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual- Other Public Health Progs- Lead Testing	\$ 6,405
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Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 24, 2019

RES. NO. 118-19

Authorize Grant Application for 2019 Community Development Block Grant Funding through the New York State Office of Community Renewal

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

REGULAR SESSIONS

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of Webb’s Chautauqua Resorts, LLC located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project and administration of the OCR Economic Development Grant Program; and

WHEREAS, pursuant to Resolution 76-19, the County has held a public hearing pursuant to 24 CFR §§570.431 and 570.486 to obtain citizens’ views regarding the CDBG program as administered by OCR and the Project; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to submit a CDBG grant application to the OCR to support the Project; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with CREDC, and all other related documents associated with the OCR grant, and all such documents to be subject to review and approval by the Chautauqua County Law Department; and be it further

RESOLVED, That the County Executive is hereby designated as the Certifying Officer responsible for all environmental review actions associated with the OCR grant pursuant to the National Environmental Policy Act (“NEPA”).

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

Unanimously Adopted – April 24, 2019

RES. NO. 119-19

Establishment of a Chautauqua County Food Policy Council

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

WHEREAS, the Growing Foods Connections Partnership (“Partnership”) identified Chautauqua County as a Community of Opportunity, and formed the Growing Foods Connections (“GFC”) Committee in 2015; and

WHEREAS, the GFC Committee worked with the Partnership to identify the barriers and capacities of the Chautauqua County food system; and

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WHEREAS, students from the University at Buffalo of the State of New York (“UB”) graduate program completed the Cultivating Prosperity in Chautauqua County (“Cultivating Prosperity”) report based on the work conducted by the Partnership and the GFC Committee; and

WHEREAS, in prioritizing the recommendations proposed by the Cultivating Prosperity report, the GFC Committee determined the formation of a food policy council to be a top priority; and

WHEREAS, a food policy council serves as a network to bring stakeholders both directly and indirectly involved in a food system together to increase communication between sectors and to strengthen and build healthy, sustainable communities; 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 Cultivating Prosperity report; and

WHEREAS, CCHN and the Chautauqua County Division of Planning and Community Development (CCDPCD) have entered into an agreement to form a County Food Policy Council to strengthen and sustain the local food system; and

WHEREAS, pursuant to Resolution No. 219-18, the Chautauqua County Legislature authorized the County Executive to enter into an agreement with CCHN to accept \$15,000 in grant funding for the formation of the Chautauqua County Food Policy Council; and

WHEREAS, CCDPCD met with the GFC Committee to determine the purpose and composition of a food policy council for Chautauqua County; therefore, be it

RESOLVED, That the Chautauqua County Legislature hereby establishes a Chautauqua County Food Policy Council, hereinafter referred to as the FPC; and be it further

RESOLVED, That the FPC will consist of a minimum of thirteen members, comprising seven reserved seats and six community seats. The seven reserved seats will include members from the following organizations and groups:

- Cornell Cooperative Extension of Chautauqua County;
- County Legislator or other County government representative;
- Chautauqua County Health Network;
- a farmer or food producer;
- a wholesale or commercial consumer;
- a food distributor or transporter; and
- a governmental or non-governmental organization working in the area of health, social services, and/or nutrition assistance.

Additional seats may be added as recommended by the FPC, but total membership will not exceed fifteen members; and be it further

REGULAR SESSIONS

RESOLVED, That members of the FPC shall be appointed by the County Executive, based on the recommendations of the FPC and CCDPCD, and confirmed by the County Legislature.

Signed: Odell, Chagnon, O'Connell, Starks

Unanimously Adopted – April 24, 2019

RES. NO. 120-19

Town of Busti Stormwater Project - Confirm Prior Match Commitment

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 Chautauqua County Division of Planning and Community Development (CCDPCD), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Lakewood, and the Town of Busti successfully partnered in 2016 to procure previous state funding pursuant to Resolution 193-16, which produced a stormwater engineering study and report completed in May 2018; and

WHEREAS, the stormwater engineering study and report identified stormwater projects located within the Village of Lakewood and Town of Busti which were then pursued through

2018 CFA grant funding, implementation of which will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the 2018 CFAs included the New York State Department of Environmental Conservation (DEC) Water Quality Improvement Program (WQIP) grant, which offers state grant funding to cover 75% of water quality related project costs; and

WHEREAS, the Town of Busti, in partnership with the CCDPCD, the Village of Lakewood and the Alliance, has successfully been awarded up to \$202,478 in state reimbursable grant funding for the Lakewood – Busti Precision Swale Retrofit project under the WQIP grant; and

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WHEREAS, by Resolution 172-18, the County committed a local cash match of \$5,000 for the Lakewood – Busti Precision Swale Retrofit project:

Project Title	Total Project Costs	NYS CFA Funding Awarded	Commitment of County Cash Matching Funds	Other Sources of Local Match
Lakewood – Busti Precision Swale Retrofit	\$269,971	\$202,478	\$5,000	\$62,493*
<i>*Additional sources of match funding other than County match will be combination of cash and in-kind commitments from the Alliance and Town of Busti.</i>				

; therefore be it

RESOLVED, That the County shall fulfill its portion of the local match commitment identified in Resolution 172-18 as \$5,000 for the Lakewood – Busti Precision Swale Retrofit Project from the reallocated Alliance member water quality program funds established under Resolution 131-15 and appropriated in capital project account H.8020.674 Chaut Lake Management Comm (2008); and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this resolution.

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

Unanimously Adopted – April 24, 2019

RES. NO. 121-19

Amend 2018 Budget for Year End Reconciliations – Final Adjustments

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

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

WHEREAS, the some departments received revenues in excess of budget; now therefore be it

RESOLVED, That the Self Insurance MS Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

MS.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$1,553,559
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REGULAR SESSIONS

; 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.1985.----.4	Contractual - Municipal Sales Tax	\$748,794
A.3989.----.4	Contractual - Emergency Medical Service	\$1,198
A.4010.----.4	Contractual - Public Health Administration	\$7,884
A.9730.----.6	Principal - Debt Service	\$21
A.9730.----.7	Interest - Debt Service	\$270
EE.8410.----.4	Contractual - Electric Generation	\$13,419
EL.8160.7000.8	Employee Benefits - Environment, Recycling	\$562
ESN.8120.8122.8	Employee Benefits - Sanitary Sewers, Sanitary Sewers	\$9,782
ESN.8130.8132.8	Employee Benefits - Sewage Treatment, Sewage Treatment	\$10,993
ESS.8130.----.8	Employee Benefits - Sewage Treatment	\$47,963
EW.8120.----.8	Employee Benefits - Sanitary Sewers	\$140
EW.8310.----.8	Employee Benefits - Water District	\$290
M.9089.8000.4	Contractual - Undistributed Benefits, Benefit Surcharge	\$1,522
MS.1720.----.4	Contractual - Benefits & Awards	<u>\$2,243,241</u>
	Total	\$3,086,079

DECREASE APPROPRIATION ACCOUNTS:

A.3989.CME.4	Contractual - Emergency Medical Service, Continuing Medical Education	\$1,198
A.4010.NURS.4	Contractual - Public Health Administration, Nursing	\$7,884
EE.9710.----.7	Interest - Debt Service/Serial Bonds	\$13,419
EL.8160.7000.4	Contractual - Environment, Recycling	\$562
ESS.8130.----.4	Contractual - Sewage Treatment	\$47,963
EW.8120.----.1	Personal Services - Sanitary Sewers	\$140
EW.8310.----.1	Personal Services - Water District	\$290
MS.1710.----.4	Contractual - Insurance Administration	<u>\$80,955</u>
	Total	\$152,411

INCREASE REVENUE ACCOUNTS:

A.1985.----.R111.0MUN	Non Property Tax Items-Sales Tax-Muni Make Whole	\$748,794
A.9730.----.R118.9000	Non Property Tax Items-Mortgage Tax	\$291
ESN.8130.9999.R212.2000	Departmental Income-Chrgs: Sewer	\$20,775
M.9089.8000.R270.9004	Departmental Income-Retiree Contributions	\$1,522
MS.1710.9999.R270.9000	Miscellaneous-Participant Assessments	<u>\$608,727</u>
	Total	\$1,380,109

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 24, 2019

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski to bring Emergency Resolution No. 123-19 to the Floor

Unanimously Carried

EMERG. RES. NO. 123-19

Authorize Grant Application for 2019 Community Development Block Grant Funding through the New York State Office of Community Renewal – Septic and Wells Program

At the Request of County Executive George M. Borrello:

WHEREAS, the County desires to submit a 2019 Community Development Block Grant (CDBG) application to the New York State Office of Community Renewal seeking \$204,500.00 for a private water and wastewater assistance project (the Project), designed to assist low and moderate income persons with repair and replacement of their water and wastewater systems; and

WHEREAS, pursuant to Resolution 75-19, the Chautauqua County Legislature held a public hearing to obtain public input relevant to the proposed Project; and

WHEREAS, the Project grant application, due on April 26, 2019, requires the applicant to certify that the governing body has authorized and directed certain actions by a designated representative of the County; therefore be it

RESOLVED, That Director of Health and Human Services, Christine Schuyler, is hereby designated as the official representative of the County to act in connection with the submission of this CDBG Project application; and be it further

RESOLVED, That the Director of Health and Human Services is authorized and directed to submit a Project application for CDBG funding and all understandings and assurances contained therein, and to provide such additional information as may be required; and be it further

RESOLVED, That the County Executive is authorized to execute any agreements and associated documents necessary to receive such funding.

Unanimously Adopted – April 24, 2019

2nd Privilege of the Floor

Acting Chairman Chagnon: Anybody wishing to address the second privilege of the floor?

My name is Peggy Newell and I live in Burtis Bay in the Village of Celeron. My husband Mike wanted to be here very much tonight, but he's home sick and didn't want to spread his

REGULAR SESSIONS

germs. We have been advocating for the last 6 months- many of you are aware that I spoke here back in November about the concern we had for what was happening in our bay. There was a massive fish kill in the fall, weeds accumulated and we were very concerned. Several others have spoken before this body as well and other municipalities.

Mr. Borrello has just informed us that a plan is in effect and for that, we are eternally grateful for all of you who made that possible. Thank you so much.

Acting Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Whitford and duly carried the meeting was adjourned. (7:05 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, May 22, 2019 6:30 p.m.
Mayville, N.Y. 14757

Clerk Tampio called the meeting to order at 6:34 p.m.

Clerk Tampio: If there are no objections, Chairman Wendel has designated Legislator Chagnon to act as Chairman in his absence.

Clerk Tampio called the roll and announced a quorum present. (Absent: Wendel, Scudder, Muldowney)

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (04/24/19)

1st Privilege of the Floor

Acting Chairman Chagnon: Is there anyone to address the Legislature at the first Privilege of the floor?

My name is Peter Wiemer. I'm the owner of We Wan Chu Cottages on Chautauqua Lake. I do not believe that we should be spending bed tax dollars on any herbicide use of herbicide consultants at all. I can't believe that the majority of properties on Chautauqua Lake, which would line the upper end of the lake in the Chautauqua Institution- the \$20,000-\$24,000 a year that I generate in bed tax, Webb's, Irwin Bay Cottages, Pine Hill Cottages, the Chautauqua Suites- that they would want their bed tax dollars spent on herbicides and having blood on their hands because down the road, inevitably, somebody is going to be suing somebody over spraying herbicides that are going to cause cancer in people. I know my business is already being negatively affected because I have fisherman that were staying at We Wan Chu and I had to call up Hogan's Hut and ask them about where we're not allowed to fish and they told us for sure not to fish below Long Point. I understand now, this evening, after speaking with some people that the half-life is 186 days. That means 6 months before even half the life of this chemical is dissipated, let alone another 6 months for another half-life. It's not going to be safe for years to swim or fish on the lower end of the lake, let alone negatively impacting my business. Again, I can't believe that people at Peak n' Peek or all the hotels in Fredonia or Dunkirk are going to want their bed tax dollars spent on herbicides. I mean, I can understand the County wants not to have to take it out of the general budget. I don't think you should touch it at all because when it comes down the road- when they do start to sue people, they're going to sue the people that voted it in. Let the Village of Lakewood and the towns that have sprayed in their lake down there be the ones responsible. I don't want to be responsible for it and would never have any spraying that would decrease my business, hurt my fisherman from coming back and Chautauqua County's tourism. I think it's totally absurd. Thank you.

REGULAR SESSIONS

Acting Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor?

My name is Mike Butler. I'm a fisherman and I've lived here my whole life.

Acting Chairman Chagnon: Please state your address for the record.

Mr. Butler: 5 Columbia Ave, West Ellicott. I brought some pictures with me. We caught these fish on the lake Sunday, just above the crib and two of the livers don't look good and one does. I'd like to pass them around so you guys can see what's wrong with them. Ask the DEC; they don't protect our lake anymore. Part of the confusion is- I'd like to read this- this is out of the paper "24D has been labeled in some studies as a possible carcinogen, while the evidence isn't clear enough too scientifically to pinpoint 24D as a cancer causing agent." It still raises a question. I've talked to the DEC; I've watched these guys spray for three days. I see people going in the lake, putting docks in Burtis Bay right after they spayed. On Wednesday I got kicked out of where I was fishing in Burtis Bay- I started back in the beginning of April fishing right when they put the docks in. There's a few things- in three minutes I couldn't go over all of them. I've called the pesticide hotline number. Last year they told me 24D causes cancer in the fish. It gets in all their organs and I can see that now. I don't want to eat this stuff. I eat a lot of fish; I already ate four walleyes this week. I eat a lot of calicoes. It's not fair to the fisherman. A lot of my buddies aren't coming up here today; they're too busy. This room would be filled with fisherman if they had the time. You guys are supposed to represent us- take care of this. With the chemicals- I did ask them this year how long it stays in the fish- three days and they've already done studies on this. How they did their study- did they take them out of this poison and put them in a clean tank? I don't know. He mentioned the half-life- I don't believe anything I hear anymore from the DEC. I stood there and watched them tell the other DEC guy- I think it was Thursday I finally caught up with them. Are they spraying- applicating- I say spraying, but they don't spray- are they putting that in the channel over there? I said yeah they are. I've been sitting down their videotaping the guys going back and forth over in the channel, but yet there's a third party out there overseeing this, that I understand you guys are giving money to? And you're also giving money to pesticides. What are you guys doing to study the fish out there? I cornered the DEC on that. They're not studying the fish or the wildlife, not at all. So, I brought up a study done that I found that continued use of 24D has detriment effect on the fish and wildlife. His answer to me was that we're spraying up here and next year we're going to spray down here. What they're doing is they're applicating here, they're skipping a little area, they're applicating here, skipping another area. We don't even know with the signs where they're actually putting the chemicals down. I guess maybe you should spend that money on testing the fish and not giving them more money to put more pesticide down. It's their job to protect our fish- what we eat out of that lake. I'm not happy about it. A lot of people are not fishing. I had a guy come from Missouri last year- 900 miles. We came off the lake- the signs were up. Had no clue they were doing it. We went to the upper end to fish. Thank you.

Acting Chairman Chagnon: Thank you.

Mr. Butler: Oh, I'd like to pass these around if I could. You guys can take a look at the difference of these. You can keep them.

My name is Jane Conroe. I'm here this evening as a private citizen.

Acting Chairman Chagnon: Jane, please state your address for the record.

Ms. Conroe: I live at 4741 Whiteside Parkway in Bemus Point. The opportunity to speak to you is actually quite rare and I know it's best to talk to people face to face, so I truly appreciate the freedom that we have to come here and speak with you. So, thank you for this opportunity.

I have a request to begin with and that is I believe in your agenda tonight is an appropriation for \$65,000 to the Alliance. I believe, personally, that the \$35,000 that has been set aside for the monitoring of the lake is a wise investment. It is endorsed by several county documents that you have in your possession. So, I encourage you, if you could, approve the \$35,000 for that monitoring. However, I strongly disagree with funding for herbicide treatment as it was done this year because two county created documents – macrophyte management strategy and the memorandum of agreement are not followed by the treatments that were done this year. Tenant C in your MOA says to use the MMS for guidance. Tenant E says to manage plants to protect fish habitat. Tenant Q says time the treatment so it is least impactful to the spawning of fish. The MMS states that at least 20 zones that are environmentally sensitive should not have been treated in this year's treatment. That is to my knowledge because we're still not sure exactly where the treatments occurred. If this appropriation is only to go to Burtis Bay, those zone numbers would be decreased, but there are still zones in Burtis Bay that are declared environmentally sensitive and the MMS says do not treat. The MMS states that 24D is not recommended for Chautauqua Lake at all. 24D was used. The MMS states that July first should be the date that holds herbicides. In other words, you can't treat until July first simply because fish spawn- treatments were done last week when most of the species of fish in our lake were spawning. If you financially support these treatments you are truly rejecting the validity of the MMS and the MOA. Until those documents are changed, I think they're in (*inaudible*) we should abide by the work that you've done, that I've done. I don't think we can pick and choose what we want every now and then. The MMS was a collaborative effort on which you spent many thousands of dollars to produce. You approved the MOA, but some of us might be saying they're state issued permits, aren't we allowed? Permits don't mean you must. The permits say you may. Our local policies were created because we know what's best for our area. Shouldn't we stand behind what we've done together? Shouldn't we collectively say that those documents are what we stand for now? They were well written then and I think they're still well written. Please use the documents that we have in existence now. The treatments, as they were done, are finished, but they did not follow your own documents. Thank you.

Acting Chairman Chagnon: Thank you. Anyone else wishing to speak to the first privilege of the floor?

Mr. Butler: Can I make one more comment?

REGULAR SESSIONS

Acting Chairman Chagnon: You've had your three minutes, sir. I've given you well beyond your three minutes.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 4/24/19

COMMUNICATIONS:

Clerk Tampio: The Legislature is in receipt of two communications as listed on your agenda this evening. Are there any items you wish to be read? If you would like a copy of any of these communications please let our office know.

1. Letter – NYS Department of State – Ack. Receipt of LL 2-19
2. Letter – Chautauqua County Board of Elections – Early Voting Sites

RES. NO. 124-19
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 \$3,735,030 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2019-2020 CHIPS appropriations for Chautauqua County to \$3,726,171.28; and

WHEREAS, the Chautauqua County capital budget includes \$852,557 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2019-2020 PAVE-NY appropriations for Chautauqua County to \$850,535.68; and

WHEREAS, the County's budget should be amended to conform to these adjustments to funding; now therefore be it

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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 the funding; and be it further

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

DECREASE REVENUE ACCOUNT:

D.5112.390.R350.1000	New York State Aid CHIPS	\$8,858
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DECREASE REVENUE ACCOUNT:

D.5112.391.R350.PAVE	New York State Aid-PAVE-NY	\$2,021
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DECREASE APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual-County Bridge Program	\$8,858
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DECREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual-Highway Improvements	\$2,021
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney

Unanimously Adopted – May 22, 2019

RES. NO. 125-19

Authorize Supplemental Agreement No.2 with NYSDOT for PIN 5759.84

(Later Amended by Resolution 175-19 on page 207)

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

WHEREAS, Resolution 134-15 and Resolution 200-16 approved a project for the Replacement of the Harrison Street Bridge over Chadakoin River, in the City of Jamestown, Chautauqua County, PIN 5759.84 (the Project) and committed 100% of the Project's total cost; and

WHEREAS, the total cost is now estimated at \$3,463,450 to be borne at the ratio of 80% Federal funds and 20% State funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the additional Non-Federal Share for the Project's cost; and

WHEREAS, it is anticipated that New York State will provide reimbursement to the County equal to 100% of the Non-Federal share; now therefore be it

REGULAR SESSIONS

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

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4	Contractual – Capital Improvements, Bridge Programs (Funded)	\$3,138,450
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002	Federal Aid: Surface Transp Program	\$2,510,760
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R359.7000	New York State Aid – Transport Capital	\$627,690
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney

Unanimously Adopted – May 22, 2019

RES. NO. 126-19

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project
PIN 5762.49

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

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WHEREAS, a Bridge Painting project for BINS 3325590, 3326140, 3325910, 3323930, 3325760 and 3325770 in the Towns of Sherman, Villenova, Chautauqua, Stockton, and Village of Sinclairville (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 \$680,000 to be borne at the \$544,000 Federal funds and \$102,000 State Marchiselli funds and \$34,000 Local 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 5762.49; and

WHEREAS, the local share is currently calculated to be \$34,000 and can be covered with existing funding in account D.5112.390; 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 nonfederal share costs of the Project exceed 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.5112.389.4 Contractual – Capital Improvements, Bridge Programs (Funded) \$680,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program \$34,000

REGULAR SESSIONS

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002	Federal Aid: Surface Transp Program	\$544,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R358.9003	New York State Marchiselli	\$102,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney

Unanimously Adopted – May 22, 2019

RES. NO. 127-19

Accepting Donation of Funds from the Chautauqua County Health Network (CCHN) for Complete Streets Projects

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

WHEREAS, the Chautauqua County Health Network (CCHN) has grant funds in an amount not to exceed \$13,000.00 available for projects which further goals of the Creating Healthy Schools and Communities (CHSC) initiative; and

WHEREAS, CCHN and County officials have identified opportunities for the County to further CHSC goals via activities which support pedestrian and bicycle use of roadways, such as installation of roadway striping, signage, crosswalks and curb cuts in Cassadaga, Dunkirk, and Jamestown, NY; and

WHEREAS, grant funds are available for the provision and/or purchase of supplies and materials to be used in such projects, which supplies and materials will be installed and applied by DPF staff consistent with the County's Complete Streets program; and

WHEREAS, projects funded by the CHSC grant must be completed by September 2019; 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 from CCHN grant funds and grant-related materials which further CHSC initiative goals.

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

Unanimously Adopted – May 22, 2019

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RES. NO. 128-19

Support of Vehicle Leasing and Fleet Management Service Agreements

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello, Legislator Pierre Chagnon, and
Legislator Charles Nazzaro:

WHEREAS, the County owns many vehicles in its inventory ranging greatly in size, frequency of usage, type, and purpose; and

WHEREAS, it is the charge and responsibility of every department in County government to constantly pursue methods that reduce costs while providing safe and reliable services to our constituents and customers, both internal and external; and

WHEREAS, the County issued a request for proposals for vehicle leasing and fleet management services to afford County departments the alternative of leasing vehicles when most beneficial to the County, and to provide ongoing management of the County's vehicle inventory based on usage and market conditions; now therefore be it

RESOLVED, That within authorized budget appropriations, the County Legislature supports County government departments and agencies utilizing vehicle leasing and fleet management services to optimize the County's vehicle inventory for the benefit of the County.

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 129-19

Authorize Execution of Agreement with Cattaraugus County Sheriff

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

WHEREAS, Chautauqua County and Cattaraugus County have a long history of law enforcement cooperation; and

WHEREAS, such cooperation includes a cooperative Explosive Ordnance Demolition Team ("Bomb Squad") including from Deputies of both departments; and

WHEREAS, New York State Department of Homeland Security provides grant funds to Chautauqua County to operate the multi-county Team; and

WHEREAS, this grant is included in the 2019 Budget so no budget amendments are needed; now therefore be it

REGULAR SESSIONS

RESOLVED, That the County Executive and County Sheriff are authorized to enter into an agreement with Cattaraugus County for training funds in an amount not to exceed \$11,000 for Cattaraugus County Deputy Sheriff Bomb School Training.

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

Unanimously Adopted – May 22, 2019

RES. NO. 130-19

Authorize Execution of New York State Division of Criminal Justice Services Grant – Southern Tier Regional Drug Task Force 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 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 \$75,000.00, with no local funds, for contract period from January 1, 2019 to December 31, 2019; 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 with the New York State Division of Criminal Justice Services to secure the grant funding.

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

Unanimously Adopted – May 22, 2019

RES. NO. 131-19

Amend and Close Capital Project Accounts – Office of the Sheriff

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

WHEREAS, Chautauqua County approved Capital Project H.3110.06003 (Sheriff Roof Replacement) in the 2019 Capital Budget; and

WHEREAS, the approved cost of Project H.3110.06003 was established at \$240,000 but the scope of the project exceeds the original estimate and funding needs now total \$300,000; and

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WHEREAS, capital projects H.3150.06848 (Jail Repointing (2014)) and H.3150.06965 (Jail Commander Upgrade (2016)) have been completed and can be closed; and

WHEREAS, expenditures for capital projects H.3150.06848 and H.3150.06965 were under budget so closure of the projects will return approximately \$14,000 to the capital reserve; now therefore be it

RESOLVED, That the Director of Finance close capital projects H.3150.06848 and H.3150.06965, 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; 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 – Reserve for Capital	\$60,000
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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 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$60,000
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06003.R503.1000	Interfund Transfer – Interfund Transfer	\$60,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06003.4	Contractual— Sheriff, Roof Replacement (2019)	\$60,000
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Signed: Niebel, Vanstrom, Bankoski, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 132-19
Amend 2019 Budget Appropriations– Emergency Services

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

REGULAR SESSIONS

WHEREAS, some Emergency Services department expenses are expected to exceed initial budgetary estimates, as well as some appropriations are expected to have a surplus; now therefore it be

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual - Emergency Services	\$16,500
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DECREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment – Emergency Services	\$16,500
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Signed: Niebel, Vanstrom, Bankoski, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 133-19

Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$150,000 from the 2016 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY16 grant with no local funds, per Contract #C969560 during the performance period of September 1, 2016 through August 31, 2019; and

WHEREAS, pursuant to Resolution 118-16, 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, some revenues and expenditures associated with this grant were not included in the 2019 operating budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment—Emergency Services	\$32,689
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JOURNAL OF PROCEEDINGS

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid—Homeland Security	\$32,689
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Signed: Niebel, Vanstrom, Bankoski, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 134-19

Authorize Acceptance of Funds from New York State Office for the Aging to Address Unmet Customer Needs

By Legislator Wilfong, Legislator O’Connell and Audit & Control Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office for the Aging (OFA) is the recipient of \$478,965 from the New York State Office for the Aging (NYSOFA) for 2019-2020; and

WHEREAS, such funds are to be utilized to provide case management, meals, home care, home repairs, and other needs and services to customers on OFA’s waiting list for services; and

WHEREAS, such funds shall be reoccurring in future years provided OFA spends its allocation each year on OFA customers’ unmet needs; and

WHEREAS, such funds are not included in the 2019 Budget; now therefore, be it

RESOLVED, That Chautauqua County accepts \$478,965 from NYSOFA to provide various services to address OFA customers’ unmet needs; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any and all agreements with New York State to obtain these funds; and be it further

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

INCREASE REVENUE ACCOUNT:

A.6772.----.R377.2000	New York State Aid—OFA	\$336,286
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INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services - Office for the Aging	\$ 36,092
A.6772.----.8	Employee Benefits - Office for the Aging	\$ 26,985
A.6772.----.4	Contractual - Office for the Aging	<u>\$273,209</u>
	Total	\$336,286

REGULAR SESSIONS

Signed: Wilfong, O'Connell, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 135-19

To Accept New York State Department of Health 2019-20 Maternal and Infant Community Health Collaboratives Community Health Worker Expansion Project Grant

By Legislator Wilfong, Legislator O'Connell 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 Maternal and Infant Community Health Collaboratives (MICHC) activities for the period 8/1/19- 9/30/20 in the amount of \$117,714; and

WHEREAS, the 2019 Chautauqua County Adopted Budget must be adjusted to include awarded funds of \$42,041 applicable to the 2019 budget year; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the 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; 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.4010.NURS.R340.1000	New York State Aid–Public Health Grant	\$42,041
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INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual – Public Health Administration-Nursing	\$42,041
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Signed: Wilfong, O'Connell, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 136-19

Accept New York State Department of State Local Waterfront Revitalization Program Grant
Funds for Kayak Launches

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

WHEREAS, Chautauqua County is blessed with many sources of fresh water, including several smaller lakes, streams and tributaries, Chautauqua Lake, and Lake Erie; and

WHEREAS, Chautauqua County Comprehensive Plan: *Chautauqua 20/20* seeks to capitalize on the County's natural assets, especially its water sources, in order to grow the economy and improve the quality of life for its visitors and residents; 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, kayaking is a growing and popular waterway sport but Chautauqua County lacks formal launches designed for kayaks, and the installation of kayak launches at key waterway locations would enhance the County's tourism economy and act as an additional draw for visitors; and

WHEREAS, the Division of Planning and Community Development, on behalf of the City of Dunkirk, Village of Silver Creek, Towns of Westfield and Hanover, and the Chautauqua Watershed Conservancy, submitted a grant application to the New York State Department of State Local Waterfront Revitalization Program (NYS DOS LWRP), under Title 11 of the Environmental Protection Fund, for the installation of kayak launches at waterfront sites throughout the County (the "Project"); and

WHEREAS, County was successful in its application for the Project, the total cost of which is \$97,540, and received a letter from the NYS DOS LWRP awarding \$73,155 (# 79986) in grant funds toward the Project; and

WHEREAS, the Division of Planning and Community Development has committed \$4,715 in in-kind staff time to administer the grant, and each of the grant partners agreed to contribute funding for the remaining cash contribution; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYS DOS LWRP grant funding in the amount of \$73,155, and execute all agreements necessary to implement the Project; and further be it

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

REGULAR SESSIONS

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.8020.37006.4	Contractual—Planning, Kayak Launches (2019)	\$92,825
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.8020.37006.R389.7000	New York State Aid— Culture & Rec Capital Grants	\$73,155
H.8020.37006.R208.9000	Departmental Income— Other Culture & Recreation Income	\$19,670
	Total	\$92,825

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

Unanimously Adopted – May 22, 2019

RES. NO. 137-19

Authorize Use of 3% Occupancy Tax Monies to Support the Chautauqua Lake Pops by the Shore Series in Mayville

(Also amended by Res. 193-19 on page 230)

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

WHEREAS, Chautauqua County’s natural assets, especially its lakes, are invaluable settings for hosting events that provide opportunities to enhance the quality of life for Chautauqua County residents while attracting people to the County to spend money; and

WHEREAS, the Bemus Bay Pops series was a very successful event that attracted thousands of people to a waterfront location in Bemus Point to enjoy a series of primarily music-related shows for many years; and

WHEREAS, due to the sale of the Italian Fisherman in February 2018, which owned and leased an adjacent parcel to host the Bemus Bay Pops series, and a decision by the new owners to discontinue the series, the Bemus Bay Pops was discontinued at the Bemus Point location; and

WHEREAS, the Village of Mayville and the original organizers of the Bemus Bay Pops series, Bemus Pops Inc., desire to revive the event, which runs from June through August, in Mayville at a location directly in front of the old rail station building on Village-owned property; and

WHEREAS, the Village of Mayville and Bemus Bay Pops Inc., d/b/a Chautauqua Lake Pops, are currently in urgent need of funding to assist with the up-front costs associated with planning and administering this event; otherwise, it is unlikely that the event will occur at the level planned; and

JOURNAL OF PROCEEDINGS

WHEREAS, Mayville is the County seat, and a gateway for activities to occur on Chautauqua Lake; and

WHEREAS, the economic impact of the Bemus Bay Pops was estimated at over \$10 million a year in the region, as determined by an independent consultant in 2010; and

WHEREAS, the total annual budget for the event is \$450,000, of which approximately \$150,000 has been raised from sponsors to date, with the intent of garnering more financial support through sponsorships and ticket sales; and

WHEREAS, the fund balance in the 3% Occupancy Tax Reserve for Undesignated off-cycle projects is \$30,689; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of the 3% Occupancy Tax Reserve for Undesignated off-cycle projects to assist the Chautauqua Lake Pops in holding the Chautauqua Lake Pops by the Shore series of events from June through August 2019; and be it further

RESOLVED, That the County Executive is authorized to establish accounts and enter into contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000 Fund Bal, Rsvd Fund Bal-Reserve for Occupancy Tax \$10,000

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual—Promotion of Industry, Tourism \$10,000

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

Adopted w/ Legislator Gould voting “no” – May 22, 2019

REGULAR SESSIONS

RES. NO. 138-19

Acceptance of New York State Energy Research and Development Authority Clean Energy
Community Grant

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

WHEREAS, the reduction of greenhouse gas emissions and the advancement of energy efficiency are priorities for the County; and

WHEREAS, the Chautauqua County Division of Planning and Community Development and the Department of Public Facilities committed staff to undertake a series of programs, which ultimately led to Chautauqua County's designation as a "Clean Energy Community" (CEC); and

WHEREAS, the CEC designation made Chautauqua County eligible for a New York State Research and Development Authority (NYSERDA) Clean Energy Community Grant in the amount of \$150,000, which requires no local match; and

WHEREAS, Chautauqua County submitted a grant proposal to NYSERDA for clean energy improvements to County facilities and the County's vehicle fleet, which was accepted by NYSERDA; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSERDA Clean Energy Community Grant in the amount of \$150,000; 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 Director of Finance is authorized and directed to make the following amendment to the 2019 Capital Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.8020.37005.4	Contractual—Planning,	
	Clean Energy Community Grant (2019)	\$150,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.8020.37005. R398.9000	New York State Aid—Other	
	Home & Community Service	\$150,000

Signed: Odell, Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 139-19

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

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

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

WHEREAS, seven of the thirty-one 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 Division of Planning and Community Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the projects recommended by the Waterways Panel for 2020 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Mid Knight Holsteins	1	\$40,000	\$40,000
Chedwell	2	\$21,732	\$21,732
Summer Haven	3	\$15,800	\$15,800
Ellicott (Town)	4	\$39,700	\$39,700
Mission Meadows	5	\$34,000	\$34,000
Chautauqua (Town)	6	\$33,250	\$33,250
Boat Stewards	7	\$39,972	\$39,972
Lighthouse Point	8	\$24,136	\$ 0
Morse	9	\$11,612	\$ 0
Park	10	\$10,760	\$ 0
Cooney	11	\$15,280	\$ 0
Pomfret (Town)	12	\$40,000	\$ 0
Hiliker	13	\$21,904	\$ 0
Stott	14	\$33,356	\$ 0
Todczydlowski	15	\$28,272	\$ 0
Giacchino	16	\$20,164	\$ 0

REGULAR SESSIONS

Miller (Paul)	17	\$45,432	\$ 0
Burns	18	\$34,700	\$ 0
Dolce	19	\$28,782	\$ 0
Montgomery	20	\$16,662	\$ 0
Harvey	21	\$24,660	\$ 0
Reinhardt	22	\$34,632	\$ 0
Smith	23	\$19,822	\$ 0
Glaser	24	\$19,822	\$ 0
Vahl	25	\$8,942	\$ 0
Mulkins	26	\$9,992	\$ 0
Jackson	27	\$21,740	\$ 0
Avery	28	\$10,262	\$ 0
Weintraub	29	\$20,472	\$ 0
Seymour	30	\$18,320	\$ 0
Miller	31	\$40,000	\$ 0
TOTALS		\$784,178	\$224,454

Signed: Odell, Chagnon, O'Connell, Starks, Proctor, Nazzaro, Gould, Muldowney

Unanimously Adopted – May 22, 2019

RES. NO. 140-19

Allocation of 2% Occupancy Tax Funding from the 2019 Reserve Account to Provide Additional Funding to the Chautauqua Lake & Watershed Management Alliance

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello and County Legislator Pierre 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, pursuant to the adopted 2019 budget, the sum of \$240,000 was allocated from 2% Occupancy Tax revenues to the Chautauqua Lake & Watershed Management Alliance (the "Alliance") in part to support the Alliance's facilitating of projects recommended in the Chautauqua Lake Watershed Management Plan, the Chautauqua Lake Macrophyte Management Strategy, and the Chautauqua Lake Local Waterfront Revitalization Program; and

JOURNAL OF PROCEEDINGS

WHEREAS, for 2019 the Alliance is facilitating lake management projects that included early season application of herbicides, and which will be followed by an independent third-party monitoring program to assure that the application of herbicides is performed within applicable regulations and is fully protective of human health and aquatic resources; and

WHEREAS, in order for the Alliance to meet its projected program objectives for 2019, it would be advantageous for the County to allocate to the Alliance an additional \$65,000 from the 2% Occupancy Tax Reserve fund; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$210,424; therefore, be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway \$65,000

and be it further:

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$65,000

Signed: Odell, Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 141-19
Investment Policy for the County of Chautauqua

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

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

REGULAR SESSIONS

WHEREAS, the change in name of one of the County's authorized depositaries 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:

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.

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).

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.

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.

DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity schedule.

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.

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	Bank of America	Evans Bank, N.A.
Citizen's Bank N.A.	JP Morgan Chase, N.A.	PayPal
Northwest Bank		

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:

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.

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.

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.

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

REGULAR SESSIONS

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.

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.

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 depositaries, 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:

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.
<u>The Baker Group LP</u>	<u>Stifel, Nicolaus & Company, Inc.</u>

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.	

PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

From an authorized trading partner, including through a repurchase agreement, future, or option contract.

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.

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.

REGULAR SESSIONS

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.

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 party 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, Gould

Unanimously Adopted – May 22, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 142-19
 Authorize Review of Current Investment Holdings

By Audit & Control Committee:
 At the Request of Legislator Pierre Chagnon and Legislator Charles Nazzaro:

WHEREAS, oversight of the investment program is the responsibility of the Audit & Control Committee; and

WHEREAS, in its 2016 audit of Chautauqua County the Office of the New York State Comptroller recommended that the Legislature seek legal and financial guidance to develop a plan to rebalance current investments with investments consistent with GML and the County's policy, and

WHEREAS, the County's Investment Policy states that the Audit & Control Committee undertake a review with a financial advisor of the County's investment holdings; and

WHEREAS, in order to comply with both the State Comptroller's recommendations and the County's Investment Policy the Audit & Control Committee released an RFP for a review of its investment holding; and

WHEREAS, the Audit & Control Committee has received a proposal for a one time review of the County's investment holdings at a cost of \$15,000; and

WHEREAS, the 2019 Budget includes \$100,000 in account A-1320 for internal audit work, now therefore be it

RESOLVED, That the County Legislature authorizes the County Executive to enter into an agreement with Courier Capital for a one time review of the County's Investment holdings at a cost of \$15,000 paid from account A-1320.

Signed: Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 22, 2019

RES. NO. 143-19
 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

REGULAR SESSIONS

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, 2018 through March 31,
2019**

	TOWNS		CITIES
Arkwright	5,403.56	Dunkirk	22,210.25
Busti	35,291.76	Jamestown	81,498.69
Carroll	10,512.80		
Charlotte	4,208.32	TOTAL	\$103,708.94
Chautauqua	51,884.87		
Cherry Creek	1,161.37		
Clymer	6,388.03		VILLAGES
Dunkirk	11,533.27		
Ellery	35,827.25	Bemus Point	2,402.36
Ellicott	51,680.03	Brocton	1,446.75
Ellington	10,519.34	Cassadaga	1,108.19
French Creek	10,152.44	Celoron	3,409.02
Gerry	9,652.26	Falconer	6,013.04
Hanover	29,330.18	Fredonia	21,096.76
Harmony	8,295.87	Lakewood	10,568.50
Kiantone	13,966.73	Mayville	4,070.90
Mina	16,041.61	Panama	987.74
North Harmony	24,335.24	Sherman	875.70
Poland	10,179.88	Silver Creek	3,391.07
Pomfret	41,014.44	Sinclairville	899.12
Portland	15,806.71	Westfield	11,032.91
Ripley	5,225.22		
Sheridan	14,678.76		
Sherman	4,921.35		
Stockton	6,135.43	TOTAL	\$67,302.06
Villanova	4,879.72		
Westfield	29,808.90		
TOTAL	\$468,835.34		
GRAND TOTAL	\$639,846.34		

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould

Unanimously Adopted – May 22, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 144-19

Authorize Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA)

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 110-17 that adopted the County's Tax Foreclosure Policy, upon receipt of a request from the County of Chautauqua Industrial Development Agency (CCIDA) or other local development organization received by the County on or before the last day for redemption, the County shall transfer property acquired through tax foreclosure to the CCIDA or a local development organization, subject to terms and conditions approved by the County Legislature; and

WHEREAS, the County has acquired through tax foreclosure proceedings two adjoining parcels in the City of Jamestown located on Winsor Street and Crescent Street; and

WHEREAS, the Jamestown Urban Renewal Agency (JURA) has conducted a demolition on one of the two parcels at a cost of \$33,862.75, and will be completing a demolition on the second parcel upon completion of asbestos abatement; and

WHEREAS, JURA has requested that the County convey both parcels to JURA for future development; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties to JURA for \$1.00 each, with JURA responsible for all applicable real estate taxes and assessments commencing with the 2019-20 school taxes:

387.08-2-40	222 Winsor Street
387.08-2-37	108 Crescent Street

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould

R/C Vote: 16 Yes; 3 Absent – Unanimously Adopted – May 22, 2019

RES. NO. 145-19

Authorize Transfer of Tax Foreclosure Property in the Village of Westfield

By Administrative Services, Planning & Economic Development, and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 110-17 that adopted the County's Tax Foreclosure Policy, upon receipt of a request from the County of Chautauqua Industrial Development Agency

REGULAR SESSIONS

(CCIDA) or other local development organization received by the County on or before the last day for redemption, the County shall transfer property acquired through tax foreclosure to the CCIDA or a local development organization, subject to terms and conditions approved by the County Legislature; and

WHEREAS, a tax delinquent property in the Village of Westfield designated on the Chautauqua County Tax Map as Section 192.84, Block 1, Lot 32, and located at 71 East Main Street (the "Land"), was subject to a mortgage held by CCIDA; and

WHEREAS, CCIDA has requested in writing that the County convey the Land to CCIDA, in order to allow CCIDA to protect its mortgage interest; now therefore be it

RESOLVED, That the County Executive is authorized to transfer the Land to CCIDA or its affiliated designee, for the full amount of outstanding taxes, interest, and penalties, and execute all documents necessary to complete the conveyance.

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Odell, Chagnon, O'Connell, Nazzaro, Gould

R/C Vote: 16 Yes; 3 Absent – Unanimously Adopted – May 22, 2019

RES. NO. 146-19

A Resolution Authorizing Various Capital Projects in and for the County of Chautauqua, New York, at a Total Maximum Estimated Cost of \$5,260,363, and Authorizing the Issuance of \$3,242,863 Bonds of said County to Pay Costs Thereof

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

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 following capital projects and improvements are hereby authorized in and for the County of Chautauqua, New York:

- (a) WAN upgrades and expansion, at a maximum estimated cost of \$1,570,363, being a class of objects or purposes having a period of probable usefulness of ten years pursuant to subdivision 25 of paragraph a of Section 11.00 of the Local Finance Law;
- (b) Purchase of heavy equipment and machinery, at a maximum estimated cost of \$1,000,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law; and
- (c) Improvements to facilities at Jamestown Community College, at a maximum estimated cost of \$2,690,000, being a class of objects or purposes having a period of probable usefulness of fifteen years pursuant to subdivision 12 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The plan for the financing of the aforesaid purposes consists of the issuance of \$3,242,863 bonds of said County, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, which shall be allocated as per the maximum estimated costs set forth in Section 1 hereof, with only \$672,500 bonds allocated toward improvements at JCC, there being \$1,345,000 State aid and \$672,500 being provided from JCC toward such project.

Section 3. 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. 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 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. 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 serial 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 6. 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 7. 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.

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Section 8. 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.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: 16
 NAYS: 0
 ABSENT: 3
 EXCUSED: 0

This resolution was thereupon declared duly adopted.

* * * * *

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Odell, O'Connell, Chagnon, Muldowney, Starks, Proctor

R/C Vote: 16 Yes; 3 Absent – Unanimously Adopted– May 22, 2019

Acting Chairman Chagnon: We have one motion, but I understand that before we discuss this we have some visitors who would like to speak to the Legislature. Ladies, please come down front.

Hi everyone, my name is Sophie Woodis and I am this year's Chautauqua County Dairy Princess. I'll let my other princesses introduce themselves.

Hi, my name's Tesika Kilmer and I'm Chautauqua County's first alternate Dairy Princess. I'm a junior at Falconer High School and just recently I was selected as the 2019 Girl State representative for Falconer.

Hi, I'm Autumn. I'm from Forestville and I'm the second alternate Dairy Princess.

Ms. Woodis: I'd like to introduce myself. As I said, I'm Sophie Woodis. I'm a junior at Chautauqua Lake Central School and I live on my family's dairy farm in Dewittville, New York. We milk about 750 registered dairy cows. I've grown up watching my family work and eventually working alongside them every single day. Recently, my family's farm has received a dairy of distinction award, which goes to show how committed they are and how well they dairy farm here in Chautauqua County. Our life's work is to provide wholesome dairy products for our consumers and to care for our livestock and our land. Dairy farming is hard work, so I love to be able to represent Chautauqua County farmers as the Dairy Princess. My goal is to work with the community to ensure that the farmer's message is projected honestly and clearly. In the past, everybody had a farm and you provided your food for your own family, but that's not the case today. Many people go their whole lives without even stepping foot on a farm. This lack of connection can often lead to misunderstandings between farmers and consumers. My goal is to

bridge that gap. By attending community events I can teach people about what we do as dairy farmers. Going into classrooms is one way to help teach youth about farming and the importance of having dairy in their diet.

Another big educational opportunity Dairy Princesses take advantage of here in Chautauqua County is the fair. We go to the fair, set up our booth in the end of the dairy barn and spend all week passing out dairy products and trying to reach as many people as we can. Because I am just starting my reign as Dairy Princess, I have a whole year of promotional activities ahead of me. Only a year to teach people about how nutritious dairy products are, which could be hard because of how jam packed dairy products are.

So, if I leave you with anything tonight, please remember how important dairy is in your diet and how each dairy farmer is dedicated to making a wholesome product. We are going to leave you with some recipe cards of fun milk punch recipe that we use all the time at all the events. We'll pass those out to you. Thank you all for your time.

Applause

Acting Chairman Chagnon: Thank you.

MOTION: (On file w/Legislature Data)

4-19 Proclaiming June 2019 as Dairy Month in Chautauqua County - Unanimously Carried

LOCAL LAW
INTRODUCTORY NUMBER 2-19
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 6-13 OF THE COUNTY OF CHAUTAUQUA
IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS

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

1. Purpose. The purpose of this local law is to clarify and streamline provisions of the Occupancy Tax Local Law relating to rentals booked through third parties, including, but not limited to, Airbnb, Flipkey, Homeaway, VRBO, and realtors.

2. Amendments of Local Law 6-13 of the County of Chautauqua.

a. Section 3(1) of Local Law 6-13 is hereby amended to read as follows:

1. Definitions.

When used in this local law, the following terms shall mean:

(a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary

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or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) Operator. Any person operating a hotel or motel in the County of Chautauqua, including but not limited to, the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee, management company, booking company, or any other person otherwise operating such hotel or motel.

(c) Hotel/Motel. A building or portion of it, which is used for the lodging of guests on an overnight basis for greater than fourteen (14) days per calendar year, and which is advertised in any manner for such use. The term "hotel" or "motel" shall include, but not be limited to, apartment hotels, motor courts or inns, boarding houses, cottages, apartments, condominiums and those facilities designated and commonly known as "bed and breakfast" and "tourist" facilities.

(d) Occupancy. The use or possession, or the right to use or possession of any room in a hotel or motel.

(e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(f) Permanent Resident. Any Occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.

(h) Room. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.

(i) Return. Any return filed or required to be filed as herein provided.

(j) Director of Finance. The Director of Finance of Chautauqua County.

(k) Booking Company. A person collecting rent for a room or rooms in a hotel/motel via an on-line platform or otherwise, including, but not limited to entities such as Airbnb, FlipKey, Homeaway, VRBO, and realtors.

b. Section 3(6) of Local Law 6-13 is hereby amended to read as follows:

6. Registration.

Within ten (10) days after the effective date of this local law, or in the case of Operators commencing business after such effective date, within three (3) days after such commencement or opening, every Operator shall file with the Director of Finance a certificate of registration in a form prescribed by the Director of Finance. The Director of Finance shall within five (5) days after such registration issue without charge to each Operator a certificate of authority empowering such Operator to collect the tax from the Occupant. For Operators other than booking companies, and a duplicate thereof certificate will be issued for each additional hotel or motel of such Operator. Except in the case of certificates issued to booking companies, each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificate of authority shall be prominently displayed by the Operator in such manner that it may be seen and come to the notice of all Occupants and persons seeking occupancy. Such certificate shall be non-assignable and non-transferable and shall be surrendered immediately to the Director of

Finance upon the cessation of business at the hotel(s) or motel(s) for which it is being issued ~~named~~ or upon ~~its~~ the sale or transfer of a named hotel or motel.

c. Section 3(7) of Local Law 6-13 is hereby amended to read as follows:

7. Administration and Collection.

(a) The tax imposed by this local law shall be administered and collected by the Director of Finance, or such other fiscal officers of the County as he or she may designate, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the Operator. The tax shall be paid by the Occupant to the Operator as trustee for and on account of the County, and the Operator shall be personally liable for the tax collected or required to be collected under this local law. The Operator shall have the same right in respect to collecting the tax from the Occupant, or in respect to nonpayment of the tax by the Occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession, and enforcement of any innkeeper's lien that s/he may have in the event of non-payment of rent by the Occupant; provided, however, that the Director of Finance or other fiscal officer or officers, employees or agents duly designated by him or her shall be joined as a party in any action or proceeding brought by the Operator to collect or enforce collection of the tax.

(c) Where the Occupant has failed to pay and the Operator has failed to collect a tax as imposed by this local law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the Occupant directly to the Director of Finance, and it shall be the duty of the Occupant to file a return thereof with the Director of Finance and to pay the tax imposed thereon to the County Director of Finance within fifteen (15) days after such tax was due.

(d) The Director of Finance may, whenever he or she deems it necessary for the proper enforcement of this local law, provide by regulation that the Occupant shall file returns and pay directly to the Director of Finance the tax herein imposed, at such times as returns are required to be filed and payment made over by the Operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after January 1, 2008, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly, monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after January 1, 2008. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Director of Finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in subsection thirteen of Section 3 this local law.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary

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is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the Operator, except that, where by regulation pursuant to subdivision seven (d) of this section, an Occupant is required to file returns and pay directly to the Director of Finance the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the Occupant. Where an Occupant claims exemption from the tax under the provisions of subdivision four of this section, the rent shall be deemed taxable hereunder unless the Operator shall receive from the Occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the Occupant is its agent, representative, or employee, together with a certificate executed by the Occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the Occupant's duties as a representative of such corporation or association. Where deemed necessary by the Operator, he may further require that any Occupant claiming exemption from the tax furnish a copy of a certificate issued by the Director of Finance of the Occupant, certifying that the corporation or association herein named is exempt from the tax under subdivision four of this section.

(g) When a person rents room(s) through a booking company, the person and the booking company are deemed to be co-Operators, but it shall be permissible for a booking company to file tax returns and make payment of tax on behalf of the person as to rental transactions handled by the booking company. With the approval of the County Executive, a booking company may make payment of tax on behalf of a person without filing a tax return, and without specifically identifying the person(s) upon whose behalf the tax was paid, but in such case, the person(s) for whom the booking company paid the tax shall remain responsible for filing a tax return indicating the amount of tax expected to be paid by the booking company.

3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Sponsors: Legislators Chagnon and Nazzaro

Emailed: 5/9/19

Adopted by Legislature: 5/22/19

R/C Vote: 16 Yes; 3

Public Hearing by County Executive: 6/6/19

Adopted as Local Law 3-19

Date State Filed: 6/12/19

2nd Privilege of the Floor

Acting Chairman Chagnon: Anybody wishing to address the second privilege of the floor?

Mr. Bentley: I'm Brad Bentley, the Director of Public Facilities for Chautauqua County. I just want to take the opportunity while I've got some press in the room. We had a press release on the CARTS service. We're going to be expanding our service. We're going to provide Saturday service through the summer months- June 1st through August 31st. We had a nice little Facebook Live with Mr. Borrello on site, but I just wanted to take the opportunity to get this message out. We're going to be providing this service and I encourage everyone to use CARTS.

It's a great system for public transportation for those that don't have access for their own. We will provide access to the city routes going to Wegmans, Walmart- just the basic needs, but even if you want to go to attractions it's also good for tourism. So, this is something that we just started and we're hoping to expand it even further, but we're going to take it just one step at a time. So, please get out there and let your constituents know that CARTS is a public service; it's for everybody. Thank you.

Acting Chairman Chagnon: Anybody else wishing to speak to the second privilege of the floor?

MOVED by Legislator Gould, 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, June 26, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:35 p.m.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (05/22/19)

1st Privilege of the Floor

Mr. Huckno: My name is Wally Huckno- 498 Valerie Lane, Jamestown New York. For ten years I was a member of this august body and certainly, I appreciate everything that you do. It is a job in Chautauqua County that goes forward each and every day and you do not get the thanks that you deserve.

Congratulations to County Executive Borrello and my friend David Wilfong. David, I had in school. I told David- David, you've got to do your homework each and every day. Well, he didn't exactly get it each and every day, but a lot of the days he came into school crying and I asked, what's the matter? He said my sister Donna beat me up again. So, David congratulations. That is terrific.

I'm really here tonight on several missions. One, to thank all of you for the wonderful job you do and on behalf of President DeMarte, the JCC Board of Trustees, the Administration, the students, all the faculty- we want to thank you for all the support that you give to JCC. This is truly a partnership and education and educating our youngsters is so important for all of us in our county. I remember my mother always said to me, "get an education." This was a lady that finished eighth grade only, but she realized how important it was to be educated. We have a partnership here in the county between JCC and the people in our Legislature. I have- this will be my third term, I hope, to represent you. When I was here I did it in a nonpartisan way. I voted for the republicans, I voted for the democrats, often the (*inaudible*) of my party. I don't believe in partisan politics. I hope that I've represented you well at JCC. My door is open and I will continue to represent you well. You do a great job for us, thank you so much.

(*Applause*)

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

My name is Nithin Vejudla- 51 Nottingham Circle, Jamestown New York. Seeing how much of tonight's agenda is centering on education and there is also a line item about the occupancy tax reserve, I would like to speak today to make an appeal to the County Legislature of Chautauqua County to address the funding gap the Jamestown Prendergast Library is currently suffering. For those of you that don't know, the City of Jamestown has cut funding for the-

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Chairman Wendel: Excuse me sir, I don't mean to cut you short. We do want to listen to you, but it has to be something on the agenda and the funding for Jamestown Public Library is not on our agenda. There is time at the end of the meeting for an open forum. Thank you very much.

Mr. Vejendla: Thank you.

Chairman Wendel: Anyone to speak to the first privilege of the floor?

FISHING ESSAY AWARDS
2 GRAND PRIZE WINNERS
By
Sports Fishery Advisory Board
County Executive Borrello
Chairman Paul M. Wendel, Jr.

PROCLAMATION:

HONORARY CITIZEN OF CHAUTAUQUA COUNTY
PETRA SUCIC
FOREIGN EXCHANGE STUDENT
By
Chairman Paul M. Wendel, Jr.

COMMENDATIONS:

CERTIFICATE AWARDS
To High School
VALEDICTORIANS
By
County Executive Borrello
Chairman Paul M. Wendel, Jr.

PRESENTATION:

Planning Board's Review of
2020 Capital Projects
By Doug Bowen
(On file w/ Legislature Data)

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 VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
 NO VETOES FROM 5/22/19

COMMUNICATIONS:

1. Letter – County Executive Borrello – Amendment to Administrative Code – Re: Section 5.02A
 2. Letter – County Executive Borrello – Amendments to Administrative Code – Re: Article 7: Section 7.02
 3. Letter – Western Regional Off-Track Betting Corporation – Resolution 58-2019
 4. Letter - County Executive – Appointments to Chautauqua County Food Policy Council
 5. Letter - County Executive – Appointments to Chautauqua County Traffic Safety Board
 6. Letter - County Executive – Appointments to Chautauqua County STOP DWI Advisory Board
 7. Letters (2) – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2019 State Equalization Rates
 8. Report – Fn. Director Crow – Investment Report – April 2019
 9. Report – NYS Small Business Development Center - Chautauqua County Quarterly Report
 10. Report – Chautauqua Lake & Watershed Management Alliance – 2018 Annual Report
 11. Letter – NYS Department of State – Re: Ack. Receipt of LL 3-19 (Amending Local Law 6-13 of the County of Chautauqua Imposing a Tax on the Occupancy of Hotel or Motel Rooms)
 12. Report – Chautauqua County Planning Board – 2020 Capital Budget & 2021-2025 Capital Plan
-

LOCAL LAW INTRO 3-19 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (re: Assigned Counsel Administrators)

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

Section 1. Additional Title.

The Chautauqua County Management Salary Plan, as set forth in Local Law 7-90, and as amended, is hereby further amended to add the new title of Assigned Counsel Administrator.

Section 2. Salary Level.

The title of Assigned Counsel Administrator shall be placed in Range 10 (\$66,277 to \$101,807) of the 2019 Management Salary Plan.

Section 3. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Emailed: 6/12/19

Adopted by Legislature: 6/26/19

Public Hearing by County Executive: 7/9/19

Adopted As Local Law 4-19

R/C Vote: 17 Yes; 2 Absent

Date State Filed: 7/16/19

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RES. NO. 147-19

Confirm Appointments - Chautauqua County Food Policy Council

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

WHEREAS, the Chautauqua County Food Policy Council was created by Resolution 119-19; and

WHEREAS, a food policy council serves as a network to bring stakeholders both directly and indirectly involved in a food system together to increase communication between sectors and to strengthen and build healthy, sustainable communities; and,

WHEREAS, Resolution 119-19 provides that the membership of the Council will consist of a minimum of thirteen members, comprising seven reserved seats and six community seats; and

WHEREAS, additional seats may be added as recommended by the Council, but total membership will not exceed fifteen members; and

WHEREAS, County Executive George M. Borrello, has submitted the following initial 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 Food Policy Council:

Mikayla Certo
3332 West Oak Hill Rd.
Jamestown, NY 14701
Term Expires: 12/31/21
CCHN Representative

Emily Reynolds
2644 Waits Corners Rd.
Sherman, NY 14781
Term Expires: 12/31/20
Cornell Cooperative
Extension

Legislator Paul Wendel Jr.
20 Hern Ave.
Lakewood, NY 14750
Term Expires: 12/31/19
County Government

Colin Erdle
12229 Hanford Rd.
Silver Creek, NY 14136
Term Expires: 12/31/21
Farmer/Food Producer
Erdle Farms

James Galbato
10 Hunt Rd.
Jamestown, NY 14701
Term Expires: 12/31/20
Wholesale/Transportation
Brigiotta' s

Linnea Carlson
33 Lori Ln.
Frewsburg, NY 14738
Term Expires: 12/31/19
Food Distributor/Market
Mgr. Jamestown
Renaissance Corp.

Shelly Wells
3565 Route 394
Ashville, NY 14710
Term Expires: 12/31/21
Health/Social Services
Chautauqua County

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Sue Abers
884 Route 394
Kennedy, NY 14747
Term Expires: 12/31/20
Community Member
Abers Acres

Kathleen Peterson
8751 Barber Rd.
Westfield, NY 14787
Term Expires: 12/31/21
Community Member
CC Rural Ministries

Elizabeth Lopez
139 Broadhead Ave.
Jamestown, NY 14701
Term Expires: 12/31 /19
Community Member
Salvation Army

Patricia Hammond
760 Deer St.
Dunkirk, NY 14048
Term Expires: 12/31/19
Community Member
NCCF

Linda DeJoseph
302 State St.
Jamestown, NY 14701
Term Expires: 12/31/20
Community Member
JCC Food Pantry
Coordinator

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

Unanimously Adopted – June 26, 2019

RES. NO. 148-19
Confirm Re-Appointment - JCC Board of Trustees

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

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 one appointment to the Board of Trustees to be made by the Chautauqua County Legislature; 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:

Wally Huckno, Sr.
498 Valerie Lane W.E.
Jamestown, NY 14701
Term to Expire 06/30/2026

Signed: Scudder, Davis, Starks, Proctor

Unanimously Adopted – June 26, 2019

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RES. NO. 149-19

Confirm Appointment and Re-Appointments - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointment 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 Traffic Safety Board.

Breeanne Agett
1847 Winch Rd.
Lakewood, NY 14750
Term Expires: 7/31/21
Re-appointment

Drew Rodgers
3800 Fluvanna Townline Rd.
Jamestown, NY 14701
Term Expires: 7 /31 /21
Re-appointment

Dennis Barmore
2644 28 Mile Creek Rd.
Gerry, NY 14740
Term Expires: 7/31/21
Re-appointment

Jessica Dayton
10 E. Summit St.
Lakewood, NY 14750
Term Expires: 7/31/21
New Appointment
Replacing Terri Kindberg

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

Unanimously Adopted – June 26, 2019

RES. NO. 150-19

Confirm Re-Appointments – STOP DWI Advisory Board

By Public Safety 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 STOP-DWI Advisory Board:

Penelope Hutton
800 Lakeview Ave.
Jamestown, NY 14701
Term Expires: 7/31/21

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Benjamin Webb
 158 W. Lake Rd.
 Mayville, NY 14757
 Term Expires: 7/31/21

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

Unanimously Adopted – June 26, 2019

RES. NO. 151-19

Board Appointment – North County Industrial Water District No. 1 & North County Industrial Sewer District No. 1

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

WHEREAS, North County Industrial Water District No. 1 was created by Resolution 245-78 and North County Industrial Sewer District No. 1 was created by Resolution 246-78; and

WHEREAS, Resolutions 245-78 and 246-78 provide that the duration of the terms of the Water District and Sewer District Board Members is six (6) years; and

WHEREAS, Resolution 178-05 provides that the membership of each of the boards shall be five members; and

WHEREAS, the two Boards share the same members; and

WHEREAS, there is currently a vacancy on the Boards; therefore be it

RESOLVED, That Thomas Wik be appointed on both the North County Industrial Water District No. 1 and the North County Sewer District No. 1 Boards:

Appointment

Thomas Wik
 3312 Lake Shore Drive East
 Dunkirk, NY 14048
 Term Expires: 12/31/24

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – June 26, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 152-19

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 Aeon Roof Top Enclosure at the MMB; and

WHEREAS, pursuant to Resolution No. 129-18, capital project H.1620.25005 was established with a budget of \$57,000 for the replacement of one of the boilers, and the replacement cost was less than anticipated so \$16,000 are available to partially fund replacement of the second boiler; and

WHEREAS, the remaining boiler developed several issues at the onset of the last heating season, including leaks in the heat exchanger, and is currently not operational; and

WHEREAS, the dual boilers are provided for redundancy in the heating; however, if the other working boiler goes down for any reason the space would be without heating and 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; and

WHEREAS, the Department of Public Facilities entered into an agreement to have the boiler loop water tested and treated to help prevent future problems with the boiler heat exchangers; 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	\$ 20,000
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;and it is further

REGULAR SESSIONS

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfer—Interfund Transfers	\$ 20,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1620.25005.4	Contractual—MMB Boiler Replacement (2018)	\$ 20,000
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INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.25005.R503.1000	Interfund Transfer – Interfund Transfer	\$ 20,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – June 26, 2019

RES. NO. 153-19

Obligate County Funds for Local Share Funding of Essential Air Service Contract to Subsidize Commercial Air Service To/From Chautauqua County/Jamestown Airport

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

WHEREAS, the Chautauqua County/Jamestown Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, the U.S. Department of Transportation, Office of the Secretary of Transportation, terminated commercial air service to the Chautauqua County Jamestown Airport effective January 15, 2018, pursuant to Order No. 2017-12-2 dated December 29, 2017; and

WHEREAS, the U.S. Department of Transportation, Office of the Secretary of Transportation, issued Order No. DOT-OST-2003-14950 on February 8, 2019, denying a joint proposal between Chautauqua County and Boutique Air, Inc. for the restoration of commercial air service under the Essential Air Service (EAS) program, citing, among other reasons, that the Chautauqua County community has access to other commercial air service airports; and

WHEREAS, Boutique Air, Inc., in collaboration with Chautauqua County, seeks to establish commercial air service to/from the Chautauqua County /Jamestown Airport and both the Pittsburgh International Airport and the Baltimore/Washington International Airport under an EAS contract in accordance with the provisions of 49 U.S.C. §41733(g); and

WHEREAS, Boutique Air, Inc., proposes to operate said commercial air service at the Chautauqua County/Jamestown Airport at an annual subsidy cost of \$2,980,688 for a period of three years; and

JOURNAL OF PROCEEDINGS

WHEREAS, the U.S. Department of Transportation, Office of the Secretary of Transportation, has encouraged Chautauqua County, as the airport sponsor and joint participant in the EAS proposal, to contribute financially and through the contribution of in-kind services to the annual operating cost of the proposed commercial air service; and

WHEREAS, the Chautauqua County Chamber of Commerce expressed an explicit need for reliable commercial air service to the Chautauqua County/Jamestown Airport to improve commerce and sustain an economically viable community; and

WHEREAS, reliable commercial air service will enhance and promote Chautauqua County, its cities, towns, and villages by supporting the promotion of tourism, conventions, and trade shows; and

WHEREAS, the County Airports Commission recommended use of County funds to contribute local share funding of \$72,000 per year to augment the U.S. Department of Transportation EAS contract, and in-kind commitment of materials and services from County resources totaling \$52,000 per year for a period of up to three years; and

WHEREAS, if the joint proposal receives the required federal approval, it is contemplated that the County local share funding of \$72,000 per year shall be derived from occupancy tax revenue and other tourism/economic development funding as may be allocated through budget appropriation resolutions; and

WHEREAS, in-kind services provided by the County may include, but not be limited to, the establishment of a CARTS bus stop at the airport; the use of the airport terminal, apron, hangar and parking facilities; extended operating hours for snow removal and ground handling services; and marketing and promotional services through the County's managed social media outlets and tourism publications; therefore be it

RESOLVED, That Chautauqua County, as the airport sponsor and joint participant in the U.S. Department of Transportation Essential Air Services proposal, obligates local share funding of \$72,000 per year and in-kind services totaling \$52,000 per year for a period of up to three years to partially offset the operating costs of commercial air service to/from the Chautauqua County/Jamestown Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts with the U.S. Department of Transportation, within the constructs of the Essential Air Service Program, for the express and limited purpose of providing local share funding and in-kind services to partially offset the operating cost of commercial air service to/from Chautauqua County/Jamestown Airport.

Signed: Hemmer, Nazzaro, Wilfong, Odell, Chagnon, Starks, Muldowney, Niebel, O'Connell, Proctor (*P.F. Legislators Gould and Scudder Voting "No"*)

Adopted – June 26, 2019 (*Legislator Gould Voting "No"*)

REGULAR SESSIONS

RES. NO. 154-19
Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of Chairman Paul J. 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								
Chairman of Legislature	6	Paul Wendel	XXXX	XXXXXXXXXX		01/01/18-12/31/19	4.06	
APPOINTED OFFICIALS								
Public Defender	7	Nathaniel Barone	XXXX	XXXXXXXXXX		01/01/18 – 12/31/19	34.36	
Director of Public Facilities	8	Bradley Bentley	XXXX	XXXXXXXXXX		08/17/18 – 12/31/21	24.26	
Assistant Public Defender	7	Philip Cala	XXXX	XXXXXXXXXX		01/01/18 – 12/31/19	22.19	
Assistant District Attorney	7	Stephen DiLorenzo	XXXX	XXXXXXXXXX		03/05/18 – 12/31/20	25.48	
Assistant Public Defender	7	Mark Duncanson	XXXX	XXXXXXXXXX		01/01/18 – 12/31/19	24.91	
Assistant Public Defender	7	Danielle Erickson	XXXX	XXXXXXXXXX		05/03/18 – 12/31/19	23.11	
Physician	7	Michael Faulk	XXXX	XXXXXXXXXX		01/07/19 – 11/28/22	24.05	
First Assistant District Attorney	7	Michael Flaherty	XXXX	XXXXXXXXXX		09/10/18 – 12/31/20	24.48	
Deputy County Executive for	7	Mark Geise	XXXX	XXXXXXXXXX		03/05/18 – 12/31/21	30.10	

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Economic Development								
Assistant Public Defender	7	Carlton Hamann	XXXX	XXXXXXXXXX		06/14/18 – 12/31/19	22.14	
Deputy County Fire Coordinator	6	Daniel Imfeld	XXXX	XXXXXXXXXX		01/01/14 – 12/31/21	3.15	
Coroner	6	Richard Mackowiak	XXXX	XXXXXXXXXX		07/03/18 – 11/28/22		X
Coroner	6	Francis Migliore	XXXX	XXXXXXXXXX		09/28/17 – 11/28/22		x

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)
APPOINTED OFFICIALS								
Assistant Public Defender	7	Rexford Morgan	XXXX	XXXXXXXXXX		01/01/18 – 12/31/19	23.48	
Assistant County Attorney	8	Richard Rankin	XXXX	XXXXXXXXXX		01/01/18 – 12/31/21	17.06	
First Assistant Public Defender	7	John Rice	XXXX	XXXXXXXXXX		01/01/18 – 12/31/19	23.18	
Assistant Public Defender	7	Jeffrey Shevlin	XXXX	XXXXXXXXXX		06/19/18 – 12/31/19	22.21	
Physician	7	Brian Walters	XXXX	XXXXXXXXXX		1/7/19 – 11/28/22	23.43	

Signed: Scudder, Davis, Starks, Proctor

Unanimously Adopted – June 26, 2019

REGULAR SESSIONS

RES. NO. 155-19
Amend 2019 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 are expected to exceed initial budgetary estimates; and

WHEREAS, some Office of the Sheriff revenues are expected to exceed 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 2019 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3150.----.2	Equipment – Jail	\$2,900
A.3110.GRNT.3	Equipment – Sheriff, Sheriff Grants	<u>\$37,638</u>
		\$40,538

INCREASE REVENUE ACCOUNTS:

A.3150.R159.2001	Departmental Income—Chrgs: Commissary Reimb	\$2,900
A.3110.GRNT.R438.9BMB	Federal Aid--Bomb Detection	<u>\$37,638</u>
		\$40,538

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

Unanimously Adopted – June 26, 2019

RES. NO. 156-19

Authorize Execution for New York State Office of Homeland Security Grant for State Law Enforcement Terrorism Prevention Program (SLETPP) FY19

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

WHEREAS, the application of the Chautauqua County Sheriff was approved by the New York State 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, 2019 to August 31, 2022; and

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WHEREAS, a portion of the grant revenues and expenditures, corresponding to the portion of the grant performance that falls in the 2019 calendar year, 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 and Emergency Services.

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

Unanimously Adopted – June 26, 2019

RES. NO. 157-19

Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$149,956.00 from the 2017 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY17 grant, with no local funds, per Contract #C969570 during the performance period of September 1, 2017 through August 31, 2020; and

WHEREAS, pursuant to Resolution 237-17, 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, some revenues and expenditures associated with this grant were not included in the 2019 operating budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.2	Equipment-Emergency Services	\$ 6,320
A.3010.----.4	Contractual-Emergency Services	<u>\$30,320</u>
	Total	\$36,640

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$36,640
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – June 26, 2019

REGULAR SESSIONS

RES. NO. 158-19

Modify Capital Project Requests Related to Shared Storage Pole Barn

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

WHEREAS, Chautauqua County approved Capital Project H.3010.14998 – EMS/CCSO Pole Barn (2017) in the 2018 and 2019 Capital Budgets, with funding from the Chautauqua County Reserve for Capital and NCLSD user fees; and

WHEREAS, the project was intended to be a storage pole barn shared by Chautauqua County Office of the Sheriff (CCSO), Chautauqua County Office of Emergency Management Services (CEMS), and North Chautauqua Lake Sewer District (NCLSD); and

WHEREAS, design and construction costs of the pole barn are now expected to exceed the approved budget, and NCLSD is no longer in a position to contribute funds for the project; and

WHEREAS, the three parties to the project decided construction of the pole barn is no longer in the best interest of the County, and there are other capital projects that require attention, including replacing automatic external defibrillator (AED) units throughout the County and purchasing a device to safely and quickly provide presumptive analysis of various narcotics; and

WHEREAS, closure of project H.3010.14998 will return approximately \$167,500 to the capital reserve; now therefore be it

RESOLVED, That the Director of Finance close capital project H.3010.14998, 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; 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 – Reserve for Capital	\$ 87,593
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; and be it further

RESOLVED, That the ESN Fund Balance is adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

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

JOURNAL OF PROCEEDINGS

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

DECREASE APPROPRIATION ACCOUNT:

ESN.9950.----.9	Interfund Transfers – Transfer to Capital	\$250,000
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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$ 87,593
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.3010.14006.R503.1000	Interfund Transfer – Interfund Transfer	\$ 58,192
H.3110.06005.R503.1000	Interfund Transfer – Interfund Transfer	<u>\$ 29,401</u>
	Total	\$ 87,593

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.3010.14006.4	Contractual—Emergency Services, AEDs (2019)	\$ 58,192
H.3110.06005.4	Contractual—Sheriff,Narcotic Analysis Device (2019)	<u>\$ 29,401</u>
	Total	\$ 87,593

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

Unanimously Adopted – June 26, 2019

RES. NO. 159-19

Authorize Litigation Against Telecommunications Companies Regarding 911 Surcharges

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

WHEREAS, pursuant to New York State law, telecommunications companies are required to collect a 911 surcharge from their customers and to remit such funds collected to the appropriate county; and

WHEREAS, it has been reported that some counties may not have received the amount due from the telecommunications companies either due to their failure to collect the surcharge and/or their failure to remit such 911 surcharges to the counties; and

WHEREAS, the New York State Association of Counties (NYSAC) is coordinating county interests in this matter, and the law firm of Napoli Shkolnik, PLLC, has been retained on a contingency fee basis to represent counties and several other municipalities across New York State and other states regarding collection and remittance of 911 surcharges by various telecommunications companies; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to commence civil litigation on behalf of the County against telecommunications companies for their failure to collect or remit 911 surcharges to the County.

REGULAR SESSIONS

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

Unanimously Adopted – June 26, 2019

RES. NO. 160-19

Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2017 to December 31, 2019

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919.00 for the operational period of January 1, 2017 through December 31, 2019; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2017 through December 31, 2019 in the amount of \$269,919.00, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

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

Unanimously Adopted – June 26, 2019

RES. NO. 161-19

Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2018 to December 31, 2020

By Public Safety and Audit & Control Committees:

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

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WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$539,838.00 for the operational period of January 1, 2018 through December 31, 2020; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2018 through December 31, 2020 in the amount of \$539,838.00, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

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

Unanimously Adopted – June 26, 2019

RES. NO. 162-19

Authorizing the County Executive to Execute the Youth Bureau Resource Allocation Plan

By Human Services Committee:

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 program year; 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

REGULAR SESSIONS

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 for so long as the Youth Bureau continues to be eligible for and receives program funding from the New York State Office of Children and Family Services.

Signed: Wilfong, Rankin, O'Connell, Pavlock, Whitford

Unanimously Adopted – June 26, 2019

RES. NO. 163-19

Authorize Acceptance of Funds from the Administration for Community Living (ACL) through New York State Office for the Aging (NYSOFA) for the NY Connects No Wrong Door (NWD) System

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

WHEREAS, the Chautauqua County Office for the Aging (“OFA”) is the recipient of \$150,000 from the Administration for Community Living (“ACL”) through the New York State Office for the Aging (“NYSOFA”) for 2019-2020; and

WHEREAS, such funds are to be utilized to develop a business case system that documents the value of the NY Connects No Wrong Door (NWD) System; and

WHEREAS, such funds are not included in the 2019 Budget; now, therefore be it

RESOLVED, That Chautauqua County accepts \$150,000 from the Administration for Community Living (“ACL”) through the New York State Office for the Aging (“NYSOFA”) to develop a business case system that documents the value of the NY Connects No Wrong Door (NWD) System; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any and all agreements with New York State to obtain these funds; and be it further

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

INCREASE REVENUE ACCOUNT:

A.6772.----.R477.2000 Federal Aid—OFA Programs

\$ 94,500

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INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services - Office for the Aging	\$ 31,578
A.6772.----.8	Employee Benefits - Office for the Aging	\$ 13,289
A.6772.----.4	Contractual - Office for the Aging	<u>\$ 49,633</u>
	Total	\$ 94,500

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

Unanimously Adopted – June 26, 2019

RES. NO. 164-19

Close, Modify and Create Petty Cash Funds

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

WHEREAS, Resolution No. 391-80 established a revolving petty cash fund in the amount of \$100.00 to be used by the South Chautauqua Lake Sewer District; and

WHEREAS, Resolution No. 249-94 established two revolving petty cash funds in the amount of \$50.00 each to be used by the Division of Family, Children, and Adult Services in Dunkirk and Jamestown; and

WHEREAS, Resolution No. 312-82 established revolving petty cash funds in the amount of \$25.00 each to be used in the Jamestown and Dunkirk offices of the Health Department; and pursuant to Resolution 213-97, these fund were increased to \$75.00 each and a third fund of \$75.00 was added for use in the Mayville office of the Health Department; and pursuant to Resolution 175-99, the fund in the Jamestown office was increased to \$125.00; and pursuant to Resolution 186-16, the fund in the Jamestown office was moved to Mayville to form a second Mayville fund, and the fund in the Dunkirk office was abolished; and

WHEREAS, the petty cash funds established by Resolution Nos. 391-80 and 249-94 are no longer necessary; and

WHEREAS, the \$125.00 petty cash fund for the Mayville office of the Health Department will be abolished and redistributed as follows: \$50.00 to a new petty cash fund to make change at the check-in desk in the Hall R. Clothier Building (HRC); and \$25.00 to increase the \$75.00 Mayville petty cash fund to \$100.00; now therefore be it

RESOLVED, That the petty cash funds established by Resolution Nos. 391-80 and 249-94 are hereby abolished; and be it further

RESOLVED, That the amount of the Health Department's Mayville petty cash fund is hereby increased by \$25.00 to a total amount of \$100.00; a new petty cash account at the Health Department's HRC desk is hereby established in the amount of \$50.00; and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is hereby directed to make any and all necessary accounting adjustments to establish these changes.

Signed: Wilfong, Rankin, Pavlock, O’Connell, Whitford, Chagnon, Nazzaro, Muldowney (A.C. Carried with Legislator Niebel Voting “No”)

Unanimously Adopted – June 26, 2019

RES. NO. 165-19

Authorize Use of 3% Occupancy Tax Undesignated Reserve Funding to Pay for the Cost of Printing Marketing Brochure

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

WHEREAS, the Department of Planning & Development - Division of Economic Development and the County of Chautauqua Industrial Development Agency (CCIDA) worked together to develop a marketing brochure that includes the County’s world class attractions and 4-seasons, including year round destinations, naturally diverse assets, its historically significant attributes; and its strategic locational advantage; and

WHEREAS, the County and CCIDA are working with Orbitist, a web-developer, to develop a “One-Stop” resources website that dovetails with the marketing brochure, which is a key tenet of the Economic Development Partnership initiative; and

WHEREAS, CCIDA expended more than \$10,000 during the past year utilizing local consultants to develop the marketing brochure; and

WHEREAS, the balance in the undesignated reserve for 3% Occupancy Tax is approximately \$132,835; now therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of the undesignated reserve for 3% Occupancy Tax to assist with the costs associated with printing copies of the newly-created recruitment brochure to be used for attracting tourists, tourism-related businesses, and prospective seasonal and year-round residents to travel and invest in Chautauqua County; and be it further

RESOLVED, That the County Executive is authorized to establish accounts and enter into contracts necessary to implement the terms of this resolution; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000	Fund Bal, Rsvd Fund Bal-Reserve for Occupancy Tax	\$11,099
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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 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual—Promotion of Industry, Tourism	\$11,099
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Signed: Odell, Chagnon, O’Connell, Starks, Proctor, Nazzaro, Muldowney, Niebel

Unanimously Adopted – June 26, 2019

RES. NO. 166-19
Close Capital Projects

By Audit & Control Committee:
At the Request of County Executive George M. Borrello:

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

H.1620.25891 Buildings & Grounds—Mayville Carpet Replace (2013)
H.5610.25993 Chautauqua County Airport—Rehab Airport Pavement-DKK (2017)
H.6420.37976 Promotion of Industry—Scattered Site Develop (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: Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – June 26, 2019

RES. NO. 167-19
Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:
At the Request of County Executive George M. Borrello:

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

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resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolutions 64-05, 147-07, 144-14, and 147-15; and

WHEREAS, a proposed amendment to the County Administrative Code regarding the definition of "capital project" necessitates a corresponding amendment to Section III(C)(2) of the current Financial Management Policy; therefore be it

RESOLVED, That the County's Financial Management Policy is hereby amended to read as follows:

I. INTRODUCTION

Section 2.05(c) of the Chautauqua County Charter requires the County Legislature to adopt a comprehensive financial management policy for County government on at least an annual basis. The primary objective of this policy is to establish financial guidelines for the maintenance of County operating and capital funds, fund balances, operating and capital revenues, and the use of reserve funds. With a focus on long-term planning, these guidelines are intended to provide sound financial management in order to provide appropriate and responsible budgets for Chautauqua County taxpayers. These policies are for general use, and allow for exceptions as appropriate and necessary on a case-by-case basis.

II. PURPOSE

The County of Chautauqua recognizes the importance of adherence to sound financial management practices. By enacting financial management policies, the County of Chautauqua intends to achieve the following goals and objectives:

A. Credit Rating

The most global indicators of a county's overall financial health are the credit ratings issued by the various rating agencies in the financial community. These ratings assess a county's immediate and future financial needs and its means to fund them. It is the intent of this financial management policy to provide the financial community with the assurance that the County of Chautauqua follows structurally sound budgeting practices, maintains an appropriate level of funds in reserve, and embarks upon vigorous long-range planning for both operating and capital needs.

B. Stable Tax Structure

Government spending relies heavily upon the current economic environment. With New York State counties required to pay 25% or more for most public assistance programs, a majority of county spending is obligated to these mandated programs. During robust economic times, the demand upon social services is lower and there is very little pressure on the tax structure. During periods of slow economic growth or recessions, the demand for government services increases

greatly and taxes generally rise to meet these demands. In order to stabilize the peaks and valleys in the tax rate, financial management policies should be implemented to mitigate large changes in the taxation structure.

C. Fund Balances

The New York State Comptroller recommends that each local government assess what is a “reasonable amount” for its particular situation and adopt a fund balance policy. The purpose of this policy is to establish a fund balance policy to address the needs of Chautauqua County ("County") and establish adequate reserves to ensure that unanticipated events will not adversely affect the financial condition of the County nor jeopardize the continuation of necessary public services. This policy will ensure the County maintains adequate fund balance and reserves in the County's Governmental Funds to provide the capacity to:

1. Provide sufficient cash flow for daily financial needs.
2. Secure and maintain investment grade bond ratings.
3. To provide adequate reserves to offset significant economic downturns or revenue shortfalls, and
4. Provide adequate reserves for unforeseen expenditures related to emergencies.

D. Structurally Balanced Budgets

The County of Chautauqua’s definition of a structurally balanced budget is a budget that finances recurring appropriations with recurring revenues. A key component to maintaining stable taxation and fund balances is to limit the use of one-time revenues in the funding of recurring operations. It is the intent of this policy to attain structurally balanced budgets.

E. Long Range Planning

The County of Chautauqua recognizes the importance of long range planning for both operations and capital expenditures to ensure fiscal stability by providing the capability to plan for future expenditures and to weather unforeseen circumstances.

III. POLICIES

A. General Unobligated Fund Balance

This policy shall apply to the County’s General Fund, only.

Fund Balance for the County's Governmental Funds will be comprised of the following categories:

Nonspendable- amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Restricted- amounts externally imposed by creditors (debt covenants), grantors, contributors, laws, or regulations of other governments.

Committed- amounts used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.

Amounts set aside based on self-imposed limitations established and set in place prior to year-end and can be calculated after year-end.

Limitation imposed at highest level and requires same action to remove or modify.

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Resolutions that lapse at year end.

Assigned- amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed.

Unassigned- amounts that are not reported in any other classification.

When resources are available from multiple classifications, the County spends funds in the following order: restricted, committed, assigned, unassigned.

The Chautauqua County Legislature is the decision-making authority that can, by resolution, commit fund balance. The commitment may only be modified by a new resolution authorized by the Chautauqua County Legislature.

General Unobligated Fund Balance:

For the purpose of this policy, general unobligated fund balance shall consist of the Unassigned Fund Balance less any designations as footnoted in the Basic Financial Statements.

The County shall strive to maintain unobligated fund balance of not less than 5% and not more than 15% of General Fund gross revenues.

The Director of Finance shall report the amount and percentage of general unobligated fund balance to the Audit and Control Committee upon completion of the annual audit each year. In the event that unobligated fund balance exceeds 15% of adopted budget gross revenues, the excess may be utilized for any lawful purpose approved by the County Legislature. In order to minimize the long term effect of such use, the excess should be appropriated to fund one-time expenditures which do not result in recurring operating costs, and/or be used to establish or increase reserves.

In the event that general unobligated fund balance falls below 5% of adopted budgeted gross revenues, the Budget Officer shall make a recommendation to the Audit and Control Committee to restore the balance to the minimum level in the next budget year or other appropriate period of time.

B. General Fund Five-Year Plan

Beginning in the 2006 budget year, a five-year general fund budget projection shall be completed on an annual basis that projects both expenditures and revenues. A narrative shall be attached identifying all assumptions used in calculating the projection. Additionally, this narrative shall include measures to be taken to close any budget gap that may exist.

C. Capital Projects Six-Year Plan

1. Assessment - A comprehensive capital assessment of Chautauqua County's physical infrastructure shall be completed at least every five years. This assessment shall include an evaluation of the current state and future maintenance needs and or replacement expense of all buildings, roads, bridges, airports, parks, and dams.

2. Capital Requests - Pursuant to guidelines set forth in Article 7 of the Chautauqua County Administrative Code, department heads shall present all proposed capital projects as defined in the Administrative Code.

3. Funding – In order to provide a consistent source of funding for the County’s infrastructure, investment earnings accrued from the County’s general fund shall be dedicated to the Capital Project Reserve. This shall provide an estimated \$500,000 to \$1,500,000 a year to fund capital projects. Additionally, revenue from the Motor Vehicle Registration fee shall fund County road and bridge projects.

4. Account closeout – No later than February 28th of every year, all open capital project accounts shall be assessed and reviewed by the Audit and Control committee. Any projects that are complete and have excess funds shall be closed out and any balances transferred to the Capital Project Reserve.

5. Planning Process – As set forth in Article 7 of the Chautauqua County Administrative Code, a Capital Projects Six-Year Plan shall be recommended by the County Planning Board, Capital Projects Committee, and County Executive on an annual basis, and shall be confirmed by the County Legislature.

D. Tax Stabilization Fund

Tax stabilization fund balance may be utilized in the tentative budget process, pursuant to New York State General Municipal Law § 6-e, in an amount not to exceed 50% of the projected current year fund balance. When the balance reaches \$250,000 or less, the entire balance may be utilized.

E. Non-Property Taxes

Non-property taxes (sales, occupancy, mortgage, motor vehicle fee) are very elastic and are dependent upon variable economic trends. It is imperative to budget these revenues with a degree of conservatism to prevent shortages due to changing economic climates. As a general guideline, these revenues shall be budgeted as the actual receipts received two years prior – e.g., the 2005 tentative budget amounts will be the actual level of receipts received in 2003.

Deviations from the "two years prior" policy shall only occur based upon known factors that may considerably impact the proposed budget such as a change in tax rates, change in taxable entities, or a rapidly changing economic environment. Any deviation from policy shall be appropriately documented. Occupancy tax shall have the following minimum reserves:

3% Occupancy Tax -Tourism	\$50,000
2% Occupancy Tax - Lakes and Waterways	\$50,000

F. Purposes and Use of Debt

1. Capital Financing: The County will rely on internally generated funds and/or grants and contributions from other governments (i.e. federal, state and local) to finance its capital needs whenever available. Debt will be issued for a capital project when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries.

2. Asset Life: The County will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years. As a general rule, debt will not be issued for the road and bridge program, because of the recurring nature of road and bridge construction and maintenance. Debt will be used only to finance capital projects and equipment, except in the case of an emergency. County

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debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed, as prescribed in Local Finance Law.

3. Debt Authorization: No County debt issued for the purpose of funding capital projects shall be authorized by the Legislature unless it has been included in the Six-Year Capital Projects Plan or until the Legislature has modified the Plan.

G. Financial Tracking System

To provide a quantitative analysis of the fiscal condition of county finances, the New York State Comptroller's Office has developed a series of fiscal indicators. The following indicators shall be computed and tracked on an annual basis upon completion of the audit of the County's basic financial statements. The final results shall be reported to the Audit and Control committee no later than September 30th.

Indicator 1: Year-End Fund Balance

Assigned and Unassigned Fund Balance – To identify the amount of fund balance that is available in the general, special revenue, and/or enterprise funds to provide a cushion for revenue shortfalls or expenditure overruns.

Total Fund Balance – To identify the amount of fund balance that is available to be used to fund operations, provide a cushion for revenue shortfalls or expenditure overruns, and/or is reserved for specific future purposes.

Indicator 2: Operating deficits

Operating Deficit – To identify local governments that are incurring operating deficits

Indicator 3: Cash Position

Cash Ratio – To identify the ability of the local government to liquidate current liabilities.

Cash % of Monthly Expenditures – To identify the ability of the local government to fund the ensuing fiscal year's operations from available cash.

Indicator 4: Use of Short-Term Debt

Short-Term Debt Issuance – To identify the amount of short-term debt that is issued to meet obligations (cash flow).

Short –Term Debt Issuance Trend – To identify the trend in the issuance of short-term debt.

Indicator 5: Fixed Costs

Personal Services and Employee Benefits % Revenues – To identify the amount that revenues are restricted to be used for salaries and benefits.

Debt service % Revenues – To identify the amount that revenues are restricted to be used for debt service expenditures.

IV. MISCELLANEOUS

A. Adoption

The County of Chautauqua Financial Management Policy shall be presented to and adopted by the Chautauqua County Legislature as official County policy by formal legislative resolution.

B. Modification and Review

These policies, along with the Chautauqua County Investment policy, shall be reviewed annually by the Finance Department, Budget Department, Legislative Financial Analyst and Legal Counsel, and the Audit and Control Committee for formal approval in June of every year.

Signed: Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – June 26, 2019

RES. NO. 168-19
Confirming 2019 Salary of Public Defender

By Public Safety Committee and Audit & Control Committees:

At the Request of Chairman Paul M. Wendell, Jr., Legislator Terry Niebel, and County Executive George M. Borrello:

WHEREAS, Pursuant to Resolution 3-18, the County Legislature established the 2019 salary of the Public Defender to be an annual base salary of \$80,371.00, with an additional salary supplement subject to confirmation by the County Legislature to the extent of available grant funds received from the New York State Office of Indigent Legal Services (OILS) with no local share; and

WHEREAS, the County Legislature accepted a \$539,838.00 grant from OILS, which contains \$75,000.00 to be utilized for the additional salary supplement for the Public Defender in 2019; and

WHEREAS, the Budget Director has calculated the appropriate allocation of the \$75,000.00 between salary and benefits expense; therefore be it

RESOLVED, That the County Legislature hereby confirms the amount of \$62,127.00 as the additional 2019 salary supplement for the Public Defender to be funded by the grant from OILS referenced above with no local share.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Nazzaro, Muldowney (*A.C. Legislator Chagnon Voting "No"*)

Unanimously Adopted – June 26, 2019

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RES. NO. 169-19
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
QC-2-2019	City of Dunkirk	060300-79.11-3-19	Donald & Barbara Willis	\$ 4,782.78	\$ 4,782.78
QC-6-2019	City of Dunkirk	060300-79.11-7-46	William Green	\$ 3,717.11	\$ 3,717.11
QC-30-2019	City of Dunkirk	060300-79.19-5-55	Christie Miga	\$ 662.22	\$ 662.22
QC-41-2019	City of Dunkirk	060300-79.20-8-22	Donald & Mary Szejbka	\$ 956.28	\$ 956.28
QC-50-2019	City of Dunkirk	060300-96.07-2-2	Christie Miga	\$ 4,410.66	\$ 4,410.66
QC-52-2019	City of Dunkirk	060300-96.07-2-60	Christie Miga	\$ 161.63	\$ 161.63
QC-73-2019	City of Jamestown	060800-370.19-11-26	Thomas Stahlman	\$ 2,216.21	\$ 2,216.21
QC-90-2019	City of Jamestown	060800-387.05-3-2	Haley A Glover	\$ 261.59	\$ 261.59
QC-95-2019	City of Jamestown	060800-387.06-2-29	Kenneth J Lee	\$ 4,833.81	\$ 4,833.81
QC-137-2019	City of Jamestown	060800-387.09-7-18	Jack & Donna Hunt	\$ 3,887.09	\$ 3,887.09
QC-159-2019	City of Jamestown	060800-387.15-7-46	Jorge A Torres	\$ 3,263.73	\$ 3,263.73
QC-222-2019	City of Jamestown	060800-404.06-6-18	Mark & Sheryll Almquist	\$ 1,229.79	\$ 1,229.79
QC-228-2019	Arkwright	062000-182.00-2-8	Gary & Cathryn Schneider	\$ 4,484.65	\$ 4,484.65
QC-245-2019	Busti	062289-436.00-2-42	Rickie Kehrl	\$ 2,260.94	\$ 2,260.94
QC-246-2019	Carroll	062400-407.00-2-19	Richard & Kelly Berg	\$ 2,215.46	\$ 2,215.46
QC-254-2019	Chautauqua	062801-245.20-1-28	Lisa Shepard	\$ 192.17	\$ 192.17
QC-257-2019	Chautauqua	062889-262.00-2-22	Schuyler Cross	\$ 2,268.86	\$ 2,268.86
QC-259-2019	Cherry Creek	063000-203.00-2-8	Estate of John Lombardo	\$ 2,558.57	\$ 2,558.57
QC-274-2019	Town of Dunkirk	063400-96.01-2-6	Lesla Drummond	\$ 7,112.82	\$ 7,112.82

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QC-278-2019	Ellery	063601-333.09-2-37	Kathie Regan & Jon & Leah Langebartel	\$ 9,213.71	\$ 9,213.71
QC-290-2019	Ellicott	063801-386.07-2-60	Estate of Michael J Kestler	\$ 4,111.27	\$ 4,111.27
QC-291-2019	Ellicott	063801-386.07-4-56	Tammy M Lachner	\$ 4,348.95	\$ 4,348.95
QC-298-2019	Ellicott	063889-371.12-2-74.2	Lynn Development LLC	\$ 162.30	\$ 162.30
QC-314-20019	Ellington	064000-271.00-1-54	Jennifer Titus & Brian Plaatje	\$ 3,750.87	\$ 3,750.87
QC-341-2019	Hanover	064689-33.00-2-2	John Charry	\$ 10,834.51	\$ 10,834.51
QC-343-2019	Hanover	064689-33.05-2-58	Michael G Weber	\$ 14,027.34	\$ 14,027.34
QC-344-2019	Hanover	064689-33.05-2-59	Michael G Weber	\$ 744.27	\$ 744.27
QC-345-2019	Hanover	064689-33.05-2-60	Michael G Weber	\$ 396.09	\$ 396.09
QC-346-2019	Hanover	064689-66.08-1-11	Gary Sr. & Laurie Spengler	\$ 10,823.32	\$ 10,823.32
QC-355-2019	Harmony	064889-435.00-1-31	Samuel D Hicks Jr & Troy Hicks	\$ 2,591.98	\$ 2,591.98
QC-361-2019	Mina	065200-326.00-1-7	Charles J Kopta	\$ 22,154.21	\$ 22,154.21
QC-372-2019	Pomfret	065801-130.07-1-17	FDC Holdings LLC	\$ 881.28	\$ 881.28
QC-373-2019	Pomfret	065801-130.07-1-18	FDC Holdings LLC	\$ 5,427.32	\$ 5,427.32
QC-374-2019	Pomfret	065801-130.07-1-23	FDC Holdings LLC	\$ 383.74	\$ 383.74
QC-375-2019	Pomfret	065801-130.07-1-42	FDC Holdings LLC	\$ 2,310.82	\$ 2,310.82
QC-381-2019	Pomfret	065889-112.08-1-32	Estate of Mildred Janklowski	\$ 9,387.05	\$ 9,387.05
QC-382-2019	Pomfret	065889-112.20-1-49.2	Barbara Adkins	\$ 6,083.00	\$ 6,083.00
QC-387-2019	Pomfret	065889-181.15-1-49	Amanda Jane Whitmore	\$ 2,665.30	\$ 2,665.30
QC-388-2019	Pomfret	065889-182.00-1-1	Charles Muscato	\$ 7,018.00	\$ 7,018.00
QC-406-2019	Ripley	066200-258.00-1-24	Michael W Perdue	\$ 711.34	\$ 711.34
QC-409-2019	Ripley	066200-309.00-2-8	Charles & Marjorie Kopta	\$ 612.41	\$ 612.41
QC-413-2019	Sherman	066689-329.00-1-3.1	Tayllor & Teanna Griswold	\$ 513.63	\$ 513.63
QC-414-2019	Stockton	066801-182.17-1-27	Regina Swenson & Anthony Lazarony	\$ 9,119.21	\$ 9,119.21
QC-418-2019	Stockton	066889-248.00-1-58	Carl C Heilman	\$ 3,313.24	\$ 3,313.24
QC-422-2019	Villanova	067000-153.00-1-58	Rebecca & Lance Brittain	\$ 4,414.23	\$ 4,414.23
			Total Reacquisition	\$ 187,475.76	\$ 187,475.76
PA-182-2019	Cherry Creek	063000-237.11-2-24	Shelley Lincoln & Gary Howe	\$ 50.00	\$ 202.84
			Total	\$ 50.00	\$ 202.84

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

Unanimously Adopted – June 26, 2019

MOVED by Legislator Chagnon, SECONDED by Legislator Nazzaro to Bring Emergency Resolution No. 170-19 to the Floor

Unanimously Carried

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EMERGENCY RES. NO. 170-19

Authorize Payment of \$37,500 for Settlement of Claim of Ditech Financial LLC

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 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 Law Department has recommended settlement of the claim of Ditech Financial LLC for the sum of \$37,500.00, of which the County will be responsible for the entire amount as it is within the County's deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$37,500.00 to Ditech Financial LLC or its designated subsidiary/assignee be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of Ditech Financial LLC; 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	
		\$37,500

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

CS.1930.----.4	Contractual – Judgments & Claims	
		\$37,500

Unanimously Adopted – June 26, 2019

MOTIONS: (On file w/ Legislature Data)

5-19 - In Support of the Grant Application of the Western New York Land Conservancy for the College Lodge Forest Park Project – Unanimously Adopted

6-19 - Urging New York State to Restore Extreme Weather Recovery Funding and Increase CHIPS Funding for Local Road, Bridge and Culvert Maintenance and Replacement - Unanimously Adopted

2nd Privilege of the Floor

Legislator Bankoski: Kind of an old issue- we've talked in the past about windmills and turbines and so on and so forth. We've had a lot of people here in the past from Arkwright and

from Cassadaga venting their displeasure with what's going on and at the time, also the topic came up of possibly another wind farm in Ripley. At which time, I spoke up and I made a statement at that time that if you do not want wind turbines that now is the time to speak up and let your elected officials know that you don't want them there. I kind of just left it at that.

Just recently, in Dunkirk, a windmill company approached the Dunkirk historical lighthouse about putting some type of a wind testing machine on their property and they're willing to pay them so much a month for so many months because it's right on the peak there. That'd be a great spot to get your actual readings and so on and so forth. The lighthouse board unanimously voted it down and they're a non-profit organization which definitely could have used the money that the wind company was going to give them to allow them to monitor the winds.

On behalf of myself and Legislator Muldowney, we've discussed this issue a couple times amongst ourselves and we are adamantly opposed to any wind turbines on Lake Erie. They would have to drill holes 125 feet into the lake bottom disturbing the sediments and the patterns of how the fish would spawn and how they pool and so on, and so forth. We just want to be on record that we are adamantly opposed to any wind turbines on Lake Erie, on the shores of Dunkirk and that we will do anything possible to prevent this from happening. I know Mr. Muldowney has a couple points that he would like to add, also.

Legislator Muldowney: I just want to echo his sentiments and just say that we are a lakefront community and as Mr. Borrello had mentioned earlier, we're blessed with five lakes in Chautauqua County and this we feel is a real tourism market. I am opposed to any new windmills, especially in Lake Erie.

Chairman Wendel: Anyone to speak to the second privilege of the floor? Mr. Vejendla, I appreciate your diligence and waiting patiently.

Mr. Vejendla: Not a problem. Sorry for the misunderstanding earlier. So, my name is Nithin Vejendla. I went to Southwestern public schools for most of my public school career. I just graduated from the University of Michigan. I'm here to speak because the Prendergast Library in Jamestown, which for me, was a great way to encourage my level of learning and for me to (*inaudible*), has suffered some budget cuts because the City of Jamestown has its own financial difficulties. So, as the County of Chautauqua's the next largest tax paying entity, I would like to implore the legislators to include in their next budget additional funding to the Prendergast Library. Currently, Chautauqua County's funding is about 2% of the Prendergast budget. I'd implore an increase in that. I think that even though it's a City of Jamestown Library- myself, who is not a Jamestown resident has taken advantage of it. I think the education that comes out of the library's presence will help the local economy, help educate workers, it's a great place for kids to go to have a place to do their homework, to have a quiet place and they sponsor programs like ESL training, internet access- we live in a county where 30% of people don't have access to broadband internet and the internet is really important for job searches. So, I think that even though it's a City of Jamestown library, I think the County as a whole would benefit from it. It would bring in more tourism, more industry- I implore additional funding or ways to finding some of the \$27,000 in funding they lost from the State. Thank you.

Chairman Wendel: Thank you very much. Anyone else to speak?

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County Executive Borrello: Thank you, Mr. Chairman. I just wanted to take this time to thank Mr. Doug Bowen. He said tonight that he's been doing this since 2009 as the Chairman of our Planning Board. This is a thankless job that this man has executed really, really well. I would just like to ask the Legislature to give him a round of applause.

(Applause)

Chairman Wendel: Thank you. Anyone else to speak to the second privilege of the floor?
MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:36 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, July 24, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:36 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Vanstrom)
MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried
the minutes were approved. (06/26/19)

1st Privilege of the Floor

James Kurtz- 121 South Erie Street, Mayville. First of all, I want to apologize to anyone who anybody that's on the Planning & Development Committee. I'm going to give the same speech I gave five weeks ago. So, you can just nod off.

My name is James Kurtz. I'm a member of the Chautauqua Hometown Heroes Veteran's Memorial. I wish to thank you for this opportunity to come before the Legislature regarding the Hometown Heroes grant request. Any questions regarding the grant request, please feel free to ask. My personal philosophy is the best of all situations is a win-win. In this case, the grant will help Chautauqua Hometown Heroes Veterans Memorial with the finances to build the hometown heroes memorial to honor all veterans in Chautauqua County who served and sacrificed for our freedom. I'll skip some of the other boring stuff.

(Inaudible) raised money so far. We've got money from the Town of Chautauqua, we got money from the Village of Mayville, so we're kind of asking- seeing how it's for all veterans in Chautauqua County, that maybe the County would be willing to help. It would be a win for the county, in that the possibility that when it's completed it will attract the DAR, Daughters of the American Revolution, SAR's, VFW, American Legion, purple heart recipients, POW's, Genealogical Society members to have conventions in Chautauqua County. Thank you. Any questions?

Chairman Wendel: Thank you. Anyone to speak to the first privilege of the floor?

County Executive Borrello: Thank you. I'm George Borrello, County Executive- Irving, New York. I just wanted to briefly speak on the motion tonight to oppose wind turbines in Lake Erie. I have a lot of de ja vu right now because we went through this when I was first a county legislature and this horrible idea like a scene from a bad horror movie is rising from the dead again like a zombie and coming forward to destroy our economy, to destroy our environment and the ecology of our lake, and to promote a really bogus political agenda, which is all this is. The reality is that these wind turbines are not efficient, they're not effective, they're not going to do anything to reduce the greenhouse gas emissions and all the other things that those folks that are concerned about climate change want to achieve. This is nothing about that. This is all about profit. This is all about greed and political opportunism. So, I am really glad to see that this Legislature is going to stand up like we did nine years ago and oppose this. Thank you all for your support tonight, and I strongly encourage a unanimous vote to oppose this horrible idea that's risen from the dead again. Thank you.

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

REGULAR SESSIONS

Hello, my name is Mark Twitchell and I'm from Fredonia. I'm speaking for the concerned citizens of Cassadaga wind project. First, I would like to thank the Legislature for considering a motion in opposition to the construction of wind turbines on Lake Erie. However, I feel that it is necessary to comment on the portion of the proposed motion which states, "whereas, , there are unquestioned benefits to the development of wind farms, including the production of clean energy, creation of an electrical grid that is less reliable on non-renewable resources, and increases in energy sources that are entirely domestic." My comment is in response to our county's New York State representative, Andy Goodell, who stated for today's edition of the Observer that New York State energy policy is driven by politics and polls.

The truth of this statement can be found in the absence of science contained within the governors recently signed Climate, Leadership and Community Protection Act. The New York State Senate, in February, held a hearing in Albany to adopt a draft of this bill. My wife and I attended the hearing where I was called to testify on the impact of the new law on rural communities. I presented a petition signed by dozens of Chautauqua and Cattaraugus County citizens and six community and environmental groups from both counties. We were asking for language in the new law requiring scientific accountability for the actual amount of carbon dioxide emissions reduced by industrial renewable resources. There were forty witnesses called at the hearing and mine was the only voice of rural citizens directly in the path of wind or solar developments. Notably absent from the hearing were representatives from either New York Independent systems operators, which manages the power grid and Independent power producers of New York, which speaks for the companies that generate the baseload power which sustains the grid. Disclosures through the New York State Article 10 process have shown that due to the need for fossil fuel backup, a 100 megawatt wind facility is capable of reducing the state's power generating emissions by a whopping 0.05 percent. This means it would take roughly 19 facilities the size of our County's Arkwright project to reduce by 1% emissions of fossil fuel electricity generation. New York State Independent System Operator power trends 2019 document informs us that upstate power profile contains 87% zero emissions- 11% fossil and 2% renewables, while the situation downstate is almost the opposite. Downstate is almost the opposite. Downstate's power profile contains 70% fossil, 27% zero emissions and 2% renewables. Any consideration that Chautauqua County can contribute to the reduction of downstate's six (*inaudible*) higher emissions should be tempered by New York Independent System Operators finding that- I quote, "*inaudible*" the load in the upstate region is not projected to grow. The addition of new upstate renewable resources increasingly displaces other sources of clean generation instead of allowing more renewable resources to reach customers. New York State's energy policy is now driven by a law which does not provide citizens with the science of renewable energy emissions reductions, nor does the law provide for the transparency which would reveal that the power grid in Chautauqua County is heavily supplemented by a Pennsylvania coal generating plant that does not meet the clean air standard which was previously met by the now decommissioned NRG coal plant in Dunkirk. Thank you.

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

Karen Engstrom- 5189 West Lake Road, Mayville. Citizens concerned with industrial wind turbines in our region, and there are many of us, would like to thank this legislature for putting forward this motion in opposition to industrial wind turbines in Lake Erie. We see some

good journalism around us this week. We see the Post- Journal and the Observer commenting on how our rate went up to 43 cents a kilowatt hour during the brief heat wave, when our normal rate is 9 cents a kilowatt hour. So, from 9 to 43 cents is what happened. The Post-Journal and the Observer noted that this increase is a result of the State's energy policies. The Wall Street Journal also did the same thing yesterday in its main editorial calling Cuomo's energy policy "destructive." The Wall Street Journal predicts "rolling blackouts and controlled outages" due to the governors energy policy. The Wall Street Journal also states, "Wind, even with federal subsidies, is 2.5% more expensive than natural gas." Wind is not reliable. It does necessitate fossil fuels to back it up. Continuing, the journal says, "New Yorkers can look forward to paying more, while getting less." The Cassadaga wind project is the second project in our region in Chautauqua County. It has not broken ground yet, and it can be stopped. This is how; the U.S. Corps of Engineers, which is a federal agency, not related to Cuomo and the State government energy policy, gives the final permitting to all such large scale projects. So far, the Army Corps has not issued a permit for this project. The U.S. Army Corps of Engineers document states, "the decision to approve or deny the permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on public interest. The benefits, which reasonable may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments."

I've given you a letter and this document- the backside has these quotes on it. The Corp of Engineers- I'm quoting again "is soliciting comments from the public, the federal state and local agencies and officials (*inaudible*) to submit comments in order to consider and evaluate the impacts of this proposed activity.

The date on this says its expired, but it's not. We've been speaking with the chief in Buffalo and he says he welcomes more contributions to our concerns. We know that the board of health is going to do that based on the fact that the six county – western New York Public Health Alliance has done so already. We are seeing impacts from the Arkwright situation that we need to look at. Cassadaga land is in Charlotte, Cherry Creek, Arkwright and Stockton. We ask that you send comments to the Army Corp of Engineers regarding the negative health effects, the negative economic effects, and the negative environmental effects of industrial wind turbines to this region. The materials are on your desk. Thank you. I did put it in an email as well. Thank you for this effort to protect our industrial wind factories, which are not farms. These factories have no net benefits and have substantial net negatives. Wind energy is not clean, it is environmentally and health impact negative. By the way, all of our electrical energy sources have been domestic for many years, contrary to what your statement is. Thank you very much.

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

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 6/26/19

REGULAR SESSIONS

COMMENDATIONS:

FALCONER/CASSADAGA VALLEY
 1,600 METER RELAY TEAM
 STATE CHAMPIONSHIP
 By
 Chairman Paul M. Wendel, Jr.
 County Executive Borrello

RAYVEN SAMPLE
 FALCONER/CASSADAGA VALLEY
 TRACK & FIELD ATHLETE
 By
 Chairman Paul M. Wendel, Jr.
 County Executive Borrello

COMMUNICATIONS:

1. Letter – County Clerk Barmore - Re: Opposition to the “Green Light” bill signed by Governor Andrew Cuomo
2. Letter – Clerk Tampio – Re: Receipt of Financial Disclosures for 2019
3. Letter – Orrick, Harrington & Sutcliffe LLP – Re: Acknowledgement of Bond Documents
4. Letter - County Executive – Appointments to Chautauqua County Traffic Safety Board
5. Letter - County Executive – Appointments to Chautauqua County Community Services Board
6. Letter - County Executive – Appointments to Chautauqua County STOP DWI Advisory Board
7. Letter – District Attorney Swanson – Re: 2020 Budget Information
8. Letter – Chautauqua County Board of Health – Re: Amendment to Public Health Law 1370
9. Report – Fn. Director Crow – Investment Report – May 2019
10. Report – Chautauqua County Health & Human Services – 2018 Annual Report
11. Invitation – Western Regional Off-Track Betting Corporation – Annual Legislative Night Cocktail Party

RES. NO. 171-19

Confirm Appointment and Re-Appointments - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

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

JOURNAL OF PROCEEDINGS

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

James Quattrone
15 E. Chautauqua St.
Mayville, NY 14757
Term Expires: 7/31/22
New Appointment

Lisa Schmidfrerick-Miller
2373 Erickson Rd.
Ashville, NY 14710
Term Expires: 7/31/22
Reappointment

Chief David Ortolano
342 Central Ave.
Dunkirk, NY 14048
Term Expires: 7 /31 /22
Reappointment

Captain Eric Balon
3081 N. Main St.
Jamestown, NY 14701
Term Expires: 7/31/22
Reappointment

Patrick Flanders
10367 Main St.
Findley Lake, NY 14736
Term Expires: 7 /3 1 /22
Reappointment

Chief Harry Snellings
2 City View Ave.
Jamestown, NY 14701
Term Expires: 7 /31/22
Reappointment

Chief John Bentley II
20 W. Summit St.
Lakewood, NY 14750
Term Expires: 7/31/22
Reappointment

Michael Formanowicz
415 E. Main St.
Fredonia, NY 14063
Term Expires: 7/31/22
Reappointment

Ron Trippy
6755 South Poliage Road
Westfield, NY 14787
Term Expires: 7/31/22
Reappointment

Tim Card
5282 Washington Street
Ashville; NY 14 710
Term Expires: 7/31/22
Reappointment

K.H. Pete James
4329 W.Lake Rd.
Mayville, NY 14757
Term Expires: 7 /31 /22
Reappointment

Patrick Wheeler
10427 Bayshore Dr.
Dunkirk, NY 14048
Term Expires: 7/31/22
Reappointment

Fred Croscut
7804 Freeman Rd.
Sherman, NY 14781
Term Expires: 7/31/22
Reappointment

Chief Bradley Meyers
9-11 Church St.
Fredonia, NY 14063
Term Expires: 7 /31 /22
Reappointment

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

Unanimously Adopted – July 24, 2019

RES. NO. 172-19
Confirm Re-Appointments – STOP DWI Advisory Board

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

REGULAR SESSIONS

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 STOP-DWI Advisory Board:

Patrick Flanders
10367 Main St.
Findley Lake, NY 14736
Term Expires: 7/31/22

Kenneth James
4329 W. Lake Rd.
Mayville, NY 14757
Term Expires: 7/31/22

Ron Trippy
6755 S. Portage Rd.
Westfield, NY 14787
Term Expires: 7/31/22

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

Unanimously Adopted – July 24, 2019

RES. NO. 173-19

Confirm Re-Appointments - Chautauqua County Community Services Board

By Human 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 Community Service Board:

Kathleen Hentz
12 Chase St.
Westfield, NY 14787
Term Expires: 12/31/22
Reappointment

Ellen Maternowski
1662 Shadyside Rd.
Lakewood, NY 14750
Term Expires: 12/31/22
Reappointment

Signed: Wilfong, O'Connell, Pavlock, Whitford

Unanimously Adopted – July 24, 2019

RES. NO. 174-19

Authorization for County to Apply for Grants on Behalf of North Chautauqua Lake Sewer District and Portland Pomfret Dunkirk Sewer District for Inflow and Infiltration (I&I) Studies

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, North Chautauqua Lake Sewer District (NCLSD) and Portland, Pomfret, Dunkirk Sewer District (PPDSD) infrastructure was initially installed in the 1930's, 1970's and 1980's, and much of the Districts' collection system infrastructure has not been updated or repaired since that time; and

WHEREAS, old infrastructure is likely to have cracks and leaks, which can lead to infiltration and inflow (I & I) of storm and ground water into, and leakage of sewage out of, collection system pipes; and

WHEREAS, sewage leaking out of pipes can result in an improper discharge of sewage to the ground, which sewage can migrate to Chautauqua Lake or Lake Erie; and

WHEREAS, storm and ground water entering into collection system pipes is unnecessarily processed through a treatment plant; and

WHEREAS, New York State has available grant funds, which can be used to identify locations at which I & I problems have developed, and which provide an opportunity to significantly leverage local resources; and

WHEREAS, available 2019 grants include the New York State (NYS) Department of Environmental Conservation (DEC) / Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant (EPG) which provides reimbursement for up to 80% of the cost of a water quality improvement study with a maximum award of \$30,000.00, with applicants providing the remaining local match contribution of at least 20% of the total grant award; and

WHEREAS, the Chautauqua County Department of Planning and Community Development (CCPCD), the Chautauqua Lake and Watershed Management Alliance (Alliance), and the North Chautauqua Lake Sewer District (NCLSD) are partnering on a 2019 EPG funding assistance grant application to NYS for the Orchard Terrace I&I Study; and

WHEREAS, Chautauqua County, Barton & Loguidice Engineering firm, and Portland, Pomfret, Dunkirk Sewer District (PPDSD) are also partnering on a 2019 EPG funding assistance grant application to NYS for an I&I Study; and

WHEREAS, the estimated project budgets for each I & I study is \$36,000, for which \$30,000 will be sought in state grant funding, with Districts committing to a minimum per-project cash match of \$6,000; and

WHEREAS, it is in the best interest of the County and of District users to apply for State grant assistance when available, and when supported by the District Boards; therefore be it

REGULAR SESSIONS

RESOLVED, That the County Executive is authorized to submit applications for 2019-2021 NYS EPG grants on behalf of NCLSD and PPDS for funding assistance for District-Board-approved I & I studies, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That if a grant is successful, that the County Executive is authorized to execute and submit the necessary contracts and associated documents to secure grant funds, and to represent the County in all matters related to projects and state grant assistance.

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

Unanimously Adopted – July 24, 2019

RES. NO. 175-19
Amend Resolution 125-19

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

WHEREAS, the replacement of the Harrison Street Bridge over Chadakoin River, PIN 5759.84 (the Project) is eligible for funding under Title 23 U.S. Code, as amended; and

WHEREAS, the Chautauqua County Legislature approved this Project and approved Project funding in the amount of \$3,463,450 to be borne at the ratio of 80% Federal funds and 20% State funds via Resolutions 134-15, 200-16 and 125-19; and

WHEREAS, the total cost of the Project is now estimated to be \$3,783,450; and

WHEREAS, an additional \$256,000 of Funding has been made available, so that the new estimated cost allocation is \$3,026,760 Federal funds, \$692,690 State funds, and \$64,000 County funds; and

WHEREAS, the increased Project costs were approved by NYSDOT after previous Supplemental Agreement No. 2 and Project bids were opened; and

WHEREAS, the local share increase of \$64,000 can be covered with existing funding in account D.5112.390, and the \$256,000 Federal share increase must be accounted for in the Budget; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the Project, as amended; and be it further

JOURNAL OF PROCEEDINGS

RESOLVED, That the fifth Resolved clause of Resolution 125-19 be amended to authorize and direct the Director of Finance to make the following *additional* changes to the 2019 budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, County Bridge Programs (Funded)	\$320,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program	\$ 64,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002 Federal Aid – Surface Transp Program	\$256,000
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; and be it further

RESOLVED, That the remaining Resolved clauses in Resolution 125-19 be reaffirmed; and be it further

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

RESOLVED, That this Amendment shall take effect immediately.

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

Unanimously Adopted – July 24, 2019

RES. NO. 176-19

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

REGULAR SESSIONS

promoting the economic development of Chautauqua County, and lessening the burdens of government; and

WHEREAS, pursuant to Resolution No. 150-18, the County Legislature authorized CREDC to provide interim fixed based operator services at the Dunkirk Airport through June 30, 2019; 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. June 30, 2019 – December 31, 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 (*P.F. Carried with Legislator Scudder Voting "No"*)

Adopted – July 24, 2019 (*Legislator Scudder Voting "No"*)

RES. NO. 177-19

Acceptance of Funds from NYSDOT for the Rehabilitate Hangar C (NYSDOT/Aviation Grant Program) at the Chautauqua County/Jamestown Airport

(*See page 245 for amended version from August 28, 2019*)

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

JOURNAL OF PROCEEDINGS

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 84% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Jamestown Airport: Rehabilitate Hangar C (NYSDOT/Aviation Grant Program), Project No. 5903.56 (herein referred to as the "Project"); and

WHEREAS, pursuant to Resolution 11-19, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for NYSDOT grant funds for the Rehabilitate Hangar C (NYSDOT/Aviation Grant Program); and

WHEREAS, the NYSDOT has approved the Project for the Chautauqua County/Jamestown Airport consisting of the Refurbishment of Hangar C, which is more fully described in the Project agreement; and

WHEREAS, the NYSDOT is offering a grant for 84% of the of the eligible costs; and

WHEREAS, funding shares for the Project are as follows:

State	\$ 902,240
Local	\$ <u>171,960</u>
Total Project Costs	\$ 1,074,200

; and

WHEREAS, some of the local share contribution can be in the form of in-kind services ; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is necessary to sustain aircraft basing at the Chautauqua County/Jamestown Airport; therefore be it

RESOLVED, That Chautauqua County enter into agreements with the NYSDOT for financial assistance for the Project at the Chautauqua County/Jamestown Airport described above; 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 the A Fund Balance is appropriated as follows:

REGULAR SESSIONS

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance, Reserve for Capital	\$ 171,960
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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 ACCOUNT:

A.9950.----.9	Interfund Transfer—Interfund Transfers	\$ 171,960
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25164.4	Contractual—Hangar C – JHW (2019)	\$1,074,200
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.5610.25164.R503.1000	Interfund Transfer – Interfund Transfer	\$ 171,960
H.5610.25164.R359.7001	NYS Aid – Airport Capital Grants	\$ 902,240
	Total	\$1,074,200

Signed: Hemmer, Wilfong, Gould (*P.F. Carried with Legislators Nazzaro and Scudder Voting “No”*)(*A.C. Defeated with Legislators Chagnon, Nazzaro, Muldowney, and Niebel Voting “No”*)

MOVED by Legislator Nazzaro, SECONDED by Legislator Chagnon to table.

Unanimously Carried

Tabled – July 24, 2019

RES. NO. 178-19

Acceptance of Funds from the FAA and NYSDOT for the Rehabilitation of Runway 07-25
(Design) 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 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: Rehabilitation of Runway 07-25 (Design), FAA AIP Project No. 3-36-0048-xxxx-2019 (herein called the “Project”); and

JOURNAL OF PROCEEDINGS

WHEREAS, the FAA has approved the Project for the Chautauqua County/Jamestown Airport consisting of a rehabilitation of Runway 07-25, 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 FAA grant for 50% of the non-Federal share of the eligible costs; and

WHEREAS, pursuant to Resolution 11-19, 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 Rehabilitate Runway 07-25 (Design) under ACIP, and funding shares for the Project are as follows:

Federal:	\$363,600
State:	\$ 20,200
<u>Local:</u>	<u>\$ 20,200</u>
Total Project Costs:	\$404,000

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the safe and sustained operation of the Chautauqua County/Jamestown Airport; now therefore be it

RESOLVED, That Chautauqua County enter into agreements with the FAA and NYSDOT for financial assistance for the Project at the Chautauqua County/Jamestown Airport described above; 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 New York Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance, Reserve for Capital	\$ 20,200
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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:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfer—Interfund Transfers	\$ 20,200
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25019.4	Contractual—RW 7-25 Rehab Design – JHW (2019)	\$404,000
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.5610.25019.R503.1000	Interfund Transfer – Interfund Transfer	\$ 20,200
H.5610.25019.R359.7001	NYS Aid – Airport Capital Grants	\$ 20,200
H.5610.25019.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$363,600</u>
	Total	\$404,000

Signed: Hemmer, Nazzaro, Wilfong, Chagnon, Muldowney, Niebel (*P.F. Carried with Legislators Gould and Scudder Voting “No”*) (*A.C. Carried with Legislator Gould Voting “No”*)

Adopted – July 24, 2019 (*Legislators Gould and Scudder Voting “No”*)

RES. NO. 179-19

Acceptance of Funds from the FAA and NYSDOT for the Primary Wind Cone (Design) 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 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: Primary Wind Cone (Design), FAA AIP Project No. 3-36-0048-xxxx-2019 (herein called the “Project”); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Jamestown Airport consisting of a primary wind cone design, 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 FAA grant for 50% of the non-Federal share of the eligible costs; and

WHEREAS, pursuant to Resolution 11-19, 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 Primary Wind Cone (Design) under ACIP, and funding shares for the Project are as follows:

JOURNAL OF PROCEEDINGS

Federal:	\$25,000
State:	\$ 1,389
<u>Local:</u>	<u>\$ 1,389</u>
Total Project Costs:	\$27,778

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the safe and secure operation of the Chautauqua County/Jamestown Airport; now therefore be it

RESOLVED, That Chautauqua County enter into agreements with the FAA and NYSDOT for financial assistance for the Project at the Chautauqua County Jamestown Airport described above; 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 New York Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance, Reserve for Capital	\$ 1,389
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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 ACCOUNT:

A.9950.----.9	Interfund Transfer—Interfund Transfers	\$ 1,389
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25021.4	Contractual—Wind Cone Design – JHW (2019)	\$27,778
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.5610.25021.R503.1000	Interfund Transfer – Interfund Transfer	\$ 1,389
H.5610.25021.R359.7001	NYS Aid – Airport Capital Grants	\$ 1,389
H.5610.25021.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$25,000</u>
	Total	\$27,778

REGULAR SESSIONS

Signed: Hemmer, Nazzaro, Wilfong, Chagnon, Muldowney, Niebel (*P.F. Carried with Legislators Gould and Scudder Voting "No"*) (*A.C. Carried Legislator Gould Voting "No"*)

Adopted – July 24, 2019 (*Legislators Gould and Scudder Voting "No"*)

RES. NO. 180-19

Acceptance of Funds from the FAA and NYSDOT for the Rehabilitate Perimeter Fence (Design) 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 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: Rehabilitation of Perimeter Fence (Design), FAA AIP Project No. 3-36-0048-xxxx-2019 (herein called the "Project"); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Jamestown Airport consisting of the rehabilitation of a perimeter fence design, 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 FAA grant for 50% of the non-Federal share of the eligible costs; and

WHEREAS, pursuant to Resolution 11-19, 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 Rehabilitate Perimeter Fence (Design) under ACIP, and funding shares for the Project are as follows:

Federal:	\$165,150
State:	\$ 9,175
Local:	\$ 9,175
Total Project Costs:	\$183,500

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the safe and secure operation of the Chautauqua County/Jamestown Airport; now therefore be it

RESOLVED, That Chautauqua County enter into agreements with the FAA and NYSDOT for financial assistance for the Project at the Chautauqua County/Jamestown Airport described above; and be it further

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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 Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance, Reserve for Capital	\$ 9,175
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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 ACCOUNT:

A.9950.----.9	Interfund Transfer—Interfund Transfers	\$ 9,175
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25020.4	Contractual—Fence Rehab Design – JHW (2019)	\$183,500
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

H.5610.25020.R503.1000	Interfund Transfer – Interfund Transfer	\$ 9,175
H.5610.25020.R359.7001	NYS Aid – Airport Capital Grants	\$ 9,175
H.5610.25020.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$165,150</u>
	Total	\$183,500

Signed: Hemmer, Nazzaro, Wilfong, Chagnon, Muldowney, Niebel (*P.F. Carried with Legislators Gould and Scudder Voting “No”*) (A.C. Carried with Legislator Gould Voting “No”)

Adopted – July 24, 2019 (*Legislators Gould and Scudder Voting “No”*)

RES. NO. 181-19

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project
PIN 5761.83

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

WHEREAS, the project for the Replacement of County Bridge 1080, Hopkins Avenue over Chadakoin River, BIN 2258430, in the City of Jamestown, Chautauqua County, PIN

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5761.83 (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 \$380,000 to be borne at the ratio of 80% Federal funds, 15% State Funds and 5% County funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; 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 5761.83; and

WHEREAS, State Funds are not quantified in the current agreement covering the Project, but are expected to be 15% of the total costs; 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 nonfederal share costs of the Project exceed 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 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 the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance--Reserve for Capital	\$ 76,000
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; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2019 Budget:

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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$ 76,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R503.1000 Interfund Transfers – Interfund Transfer \$ 76,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program \$380,000

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002 Federal Aid – Surface Transp Program \$304,000

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

Unanimously Adopted – July 24, 2019

RES. NO. 182-19

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 2019 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Village of Mayville for the period of June 27, 2019 through September 4, 2019 for an estimated cost not to exceed \$10,000.00 based on an hourly rate of at least \$40.38 and a holiday hourly rate of at least \$50.81; 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: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – July 24, 2019

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RES. NO. 183-19

Authorize Execution of New York State Office of Homeland Security Funding Grant—
Operation Stone Garden FY18

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

WHEREAS, the County Sheriff's Office 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 the further implementation Operation Stone Garden; and

WHEREAS, the State of New York will provide funding for a FY18 grant in the amount of \$94,394.00, with no local funds, for a contract period of September 1, 2018 through August 31, 2021; 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 New York State Office of Homeland Security.
Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – July 24, 2019

RES. NO. 184-19

Authorize Acceptance of 2019-2022 Grant from NYS Office of Victim Services to District
Attorney's Victim Assistance Center

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

WHEREAS, the Chautauqua County Office of the District Attorney was awarded a grant in the amount of \$583,114.44 from the New York State Office of Victim Services to be used for the following periods and amounts in each grant fiscal year: October 1, 2019, through September 30, 2020, in the amount of \$187,393.33; October 1, 2020, through September 30, 2021, in the amount of \$194,467.01; and October 1, 2021, through September 30, 2022, in the amount of \$201,254.10; and

WHEREAS, to satisfy the local match requirement, third party and in-kind services valued at 20% of the grant award will be provided during each period of the grant; and

WHEREAS, such funds will enable the District Attorney's Office to provide assistance to all victims of crime in Chautauqua County through the one Director/Coordinator currently

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employed as a civil service Grade 21 and two Case Managers/Crime Victims currently employed as a civil service Grade 12; and

WHEREAS, pursuant to the federal Victims of Crime Act (VOCA) regulations, such funds must be spent on direct service to crime victims, and training and travel to provide those direct services, up to 20% for non-personal service costs, and up to 15% in administrative costs; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Office of Victim Services to accept a Crime Victim Assistance grant; and be it further

RESOLVED, That it is the intent of the County Legislature that the employee positions created and funded pursuant to this grant will be discontinued should the grant not be refunded.

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

Unanimously Adopted – July 24, 2019

RES. NO. 185-19

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for funds for 2019-2020

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 \$193,463.00 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 \$72,221.00 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 (\$83,306.00), the Office of the Chautauqua County Sheriff (\$27,436.00), and the Office of Probation (\$10,500.00) will share the balance of such funds; and

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WHEREAS, the Offices of the District Attorney, Sheriff, and Probation have included a portion of these grant funds in the 2019 Budget with the balance to be included in the 2020 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 \$121,242.00 for the term of July 1, 2019 to June 30, 2020.

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

Unanimously Adopted – July 24, 2019

RES. NO. 186-19

To Accept New York State SFY 2018-19 Senate Initiative for Cancer Services

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 Cancer Services activities for the period 11/1/18- 3/31/19 in the amount of \$50,000; and

WHEREAS, the 2019 Budget must be adjusted to include these awarded funds and related expenditures; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the 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; 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—Unassigned Fund Balance \$ 1,133

; and be it further

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

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INCREASE REVENUE ACCOUNT:

A.4010.NURS.R340.1BSE New York State Aid–Publ Hlth: Breast Screen \$50,000

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4 Contractual – Public Health Admin,Nursing \$48,867

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

Unanimously Adopted – July 24, 2019

RES. NO. 187-19

To Accept New York State Department of Health 2019-20 Overdose Data to Action (OD2A)
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 funds to the Chautauqua County Department of Health and Human Services in the amount of \$72,000, to support opioid prevention and response activities for the period 9/1/19- 8/31/20; and

WHEREAS, the 2019 Chautauqua County Adopted Budget must be adjusted to include awarded funds of \$24,000 applicable to the 2019 budget year; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the 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; 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—Unassigned Fund Balance \$12,000

; 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.4010.----.R430.5009 Federal Revenue–CDC- Opioid Grant \$24,000

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INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual – Public Health Admin \$12,000

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

Unanimously Adopted – July 24, 2019

RES. NO. 188-19

Authorize Use of Funds from the Chautauqua County Sewer Agency to Assess the Feasibility of Treating Wastewater Flows from the Town of Sherman, Town of Mina, and Town of French Creek 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, Findley Lake and the Peek’n Peak Resort 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, pursuant to Resolution No. 163-18, the Chautauqua County Legislature authorized \$9,000.00 from the 2018 2% Occupancy Tax for Lake & Waterways for the Chautauqua County Sewer Agency to fund the Village of Sherman’s expanded scope for 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; and

WHEREAS, the Village of Sherman’s engineering consultant has provided a proposal to further 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 Sherman (Route 430 Corridor), Town of Mina

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(Findley Lake), and the Town of French Creek (Peek'n Peak Resort) for a cost not to exceed \$10,000.00; and

WHEREAS, the Chautauqua County Sewer Agency receives an annual allocation of \$10,000.00 from the Chautauqua County 2% Occupancy Tax for Lake & Waterways to evaluate wastewater projects; and

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 \$10,000.00 from the 2019 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 to implement the actions set forth in this resolution.

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

Unanimously Adopted – July 24, 2019

RES. NO. 189-19

Environmental Assessment of Projects for 2020 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. 139-19 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 2020 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 7 on the Waterways Panel list provided below be classified as a Type II Action under 7 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law and does not require any additional environmental review; and

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WHEREAS, the CCDPD recommends that the projects that are ranked as numbers 1 through 6 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
Mid Knight Holsteins	1	\$40,000	\$40,000
Chedwell	2	\$21,732	\$21,732
Summer Haven	3	\$15,800	\$15,800
Ellicott (Town)	4	\$39,700	\$39,700
Mission Meadows	5	\$34,000	\$34,000
Chautauqua (Town)	6	\$33,250	\$33,250
Boat Stewards	7	\$39,972	\$39,972
TOTALS		\$224,454	\$224,454

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

MOVED by Legislator Chagnon, SECONDED by Legislator Nazzaro to table

Unanimously Carried

Tabled – July 24, 2019

RES. NO. 190-19

Commitment of Funding Assistance for New York State Department of Environmental Conservation Water Quality Improvement Program Grant for the Bemus Creek Sediment Trap Project

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 Chautauqua County Division of Planning and Community Development (CCPCD), the Chautauqua County Soil & Water Conservation District (CCSWCD), the Chautauqua Lake and Watershed Management Alliance (Alliance), and the Town of Ellery (Town) are partnering to provide grant writing, local match commitment, grant administration services, project management, construction services, and technical services to procure funding to deliver a sediment trap addition to Bemus Creek that will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, 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 with identified ineligible expenses; and

WHEREAS, the 2019 CFAs include New York State Department of Environmental Conservation Water Quality Improvement Program (WQIP) grants for water quality projects; and

WHEREAS, the CCPCD, CCSWCD, Alliance, and Town identified the Bemus Creek Sediment Trap project for application to the WQIP grant program, which provides reimbursement for 75% of the total eligible project costs for water quality improvement projects with applicants providing the remaining local match contribution of at least 25% of the total eligible project costs; and

WHEREAS, the total eligible project costs have been identified at \$125,716 resulting in WQIP requested funding of \$94,287, and local match needs of \$31,429, as well as \$3,000 to cover grant administration (an ineligible expense as defined by WQIP grant parameters), for a grand total of \$128,716; and

WHEREAS, the Town has resolved to provide \$15,696 toward the local grant match in the form of in-kind services, leaving \$18,733 in needed additional local funding; and

WHEREAS, pursuant to Resolution 131-15, the County reallocated capital project program dollars from the Chautauqua Lake Management Commission (CLMC) to the Alliance specifically to provide matching funding for grants to undertake Alliance member capital

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projects to help Chautauqua Lake and its watershed, and \$34,252 of the original \$225,000 designation is still available; therefore, be it

RESOLVED, That the County shall commit \$18,733 in local funding towards the New York State Department of Environmental Conservation WQIP grant program for the Bemus Creek Sediment Trap project from the reallocated Alliance capital projects program funds established under Resolution 131-15.

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

Unanimously Adopted – July 24, 2019

RES. NO. 191-19

Authorize Chautauqua County State Grant Application and Commitment of Matching Funds for County Complex Green Infrastructure Retrofit Project

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 2019 CFAs include the New York State Environmental Facilities Corporation (NYS EFC) Green Innovation Grant Program (GIGP), which offer state grant funding for innovative water quality related projects and which requires a local match; and

WHEREAS, the Chautauqua County Division of Planning and Community Development (CCDPD), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Mayville, and the Town of Chautauqua have successfully partnered to procure previous state funding pursuant to Resolution No. 194-17, which produced an engineering study identifying stormwater projects located within the Village of Mayville and Town of Chautauqua that can now be pursued for implementation funding and will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, CCDPD, in partnership with the Alliance, has identified the County Complex Green Infrastructure Retrofit Project from the Mayville-Chautauqua Stormwater Engineering Study for application to the 2019 GIGP grant program, which provides reimbursement for up to 90% of total project costs, as shown in the following table; and

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Project Title	Total Project Costs	NYS CFA Funding Requested	Commitment of County Cash Matching Funds*
County Complex Green Infrastructure Retrofit Project	\$904,254	\$813,828	\$90,426*

*County Cash Match source from already approved DPF *Mayville Parking Lot Reconstruct* Account

WHEREAS, based on improvements already needed for county complex infrastructure, it is in the best interest of the County to apply for such financial assistance when available; therefore be it

RESOLVED, That the County Executive is authorized to apply for a New York State Environmental Facilities GIGP grant for funding assistance for the County Complex Green Infrastructure Retrofit Project; and be it further

RESOLVED, That the County shall commit a cash match of \$90,426 in local funding toward the County Complex Green Infrastructure Retrofit Project.

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

Unanimously Adopted – July 24, 2019

RES. NO. 192-19

Authorize Use of 3% Occupancy Tax Undesignated Off-Cycle Project Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial

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

WHEREAS, Chautauqua County's historic sites, memorials, and other assets are invaluable resources in Chautauqua County that preserve historic artifacts and possessions, provide educational and tourism opportunities, and enhance the quality of life; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization is dedicated to showing appreciation for all veterans in Chautauqua County, including those that sacrificed their lives while serving; and

WHEREAS, there are many past and present members of the military who earned honors and awards, including POWs/MIAs, those who sacrificed their lives while serving, and others who died while not in action; and

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WHEREAS, many of these brave soldiers lack a local memorial in their honor and the Chautauqua Hometown Heroes Veterans Memorial will honor these individuals; and

WHEREAS, the Mayville Cemetery will be the future home of the Chautauqua Hometown Heroes Veterans Memorial, which will attract people from throughout the region and further afield to honor our brave soldiers; and

WHEREAS, the centerpiece of the Chautauqua Hometown Heroes Veterans Memorial will be an octagon building constructed with commemorative bricks along with educational kiosks telling the stories of past wars and sacrifice, which will cater to and attract visitors from within and outside of the region to pay tribute to our courageous veterans; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization secured donations from the Town of Chautauqua (\$5,000.00), the Village of Mayville (\$8,800.00), and the Chautauqua Region Community Foundation (\$10,000.00), along with funding being provided by a number of private donors; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization seeks \$8,100.00 (10%) of the \$81,000.00 total project cost from the County to assist in constructing seven (7) educational kiosks that cater to visitors and tourists, which are key tourism-attraction components to this memorial honoring all veterans in Chautauqua County, including those who sacrificed their lives while serving; and

WHEREAS, the balance in the 3% Occupancy Tax Off-Cycle Project budget is \$20,689.00; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the use of \$8,100.00 from the 3% Occupancy Tax Off-Cycle Project Fund to assist the Chautauqua Hometown Heroes Veterans Memorial organization in constructing seven (7) educational kiosks for use at the Chautauqua Hometown Heroes Veterans Memorial; and be it further

RESOLVED, That the County Executive is authorized to establish accounts and enter into any contracts necessary to implement the terms of this resolution.

Signed: Odell, Chagnon, O'Connell, Starks, Proctor (*A.C. Defeated with Chagnon, Nazzaro, Muldowney, Niebel and Gould Voting "No"*)

MOVED by Legislator Muldowney, SECONDED by Legislator Gould to table.

Unanimously Carried

Tabled – July 24, 2019

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RES. NO. 193-19

Amend Resolution 137-19 - Authorize Use of 3% Occupancy Tax Monies to Support the Chautauqua Lake Pops by the Shore Series in Mayville

(Original Resolution No. 137-19 on page 145)

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

WHEREAS, Chautauqua County's natural assets, especially its lakes, are invaluable settings for hosting events that provide opportunities to enhance the quality of life for Chautauqua County residents while attracting people to the County to spend money; and

WHEREAS, the Bemus Bay Pops series was a very successful event that attracted thousands of people to a waterfront location in Bemus Point to enjoy a series of primarily music-related shows for many years; and

WHEREAS, due to the sale of the Italian Fisherman in February 2018, which owned and leased an adjacent parcel to host the Bemus Bay Pops series, and a decision by the new owners to discontinue the series, the Bemus Bay Pops was discontinued at the Bemus Point location; and

WHEREAS, the Village of Mayville and the original organizers of the Bemus Bay Pops series, Bemus Pops Inc., desire to revive the event, which runs from June through August, in Mayville at a location directly in front of the old rail station building on Village-owned property; and

WHEREAS, the Village of Mayville and Bemus Bay Pops Inc., d/b/a Chautauqua Lake Pops, are currently in urgent need of funding to assist with the up-front costs associated with planning and administering this event; otherwise, it is unlikely that the event will occur at the level planned; and

WHEREAS, Mayville is the County seat, and a gateway for activities to occur on Chautauqua Lake; and

WHEREAS, the economic impact of the Bemus Bay Pops was estimated at over \$10 million a year in the region, as determined by an independent consultant in 2010; and

WHEREAS, the total annual budget for the event is \$450,000, of which approximately \$150,000 has been raised from sponsors to date, with the intent of garnering more financial support through sponsorships and ticket sales; and

WHEREAS, pursuant to Resolution 139-17, the County Legislature authorized the use of \$10,000 from the 3% Occupancy Tax Reserve for Undesignated Off-Cycle Projects to assist the Chautauqua Lake Pops in holding the Chautauqua Lake Pops by the Shore series of events from June through August 2019 and included the use of the fund balance; and

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WHEREAS, use of the fund balance is not necessary when appropriating a portion of the budget for 3% Occupancy Tax Undesignated Off-Cycle Projects; and

WHEREAS, amendments must be made to the ninth WHEREAS clause and the RESOLVED clauses of Resolution 137-19; therefore, be it

RESOLVED, That the Chautauqua County Legislature amends the ninth WHEREAS clause and the RESOLVED clauses of Resolution 137-19 as follows:

WHEREAS, the fund balance in the 3% Occupancy Tax Reserve for Undesignated Off-Cycle Projects ~~budget~~ ~~Tourism Promotion Fund~~ is \$30,689; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of \$10,000 from the 3% Occupancy Tax Reserve for Undesignated Off-Cycle Projects ~~budget~~ to assist the Chautauqua Lake Pops in holding the Chautauqua Lake Pops by the Shore series of events from June through August 2019; and be it further

RESOLVED, That the County Executive is authorized to establish accounts and enter into contracts necessary to implement the terms of this resolution.; ~~and be it further~~

~~RESOLVED, That Fund Balance be appropriated as follows:~~

~~INCREASE THE USE OF FUND BALANCE:~~

~~A.883.0000 Fund Bal, Rsvd Fund Bal Reserve for Occupancy Tax \$10,000~~

~~;~~ and be it further

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

~~INCREASE APPROPRIATION ACCOUNT:~~

~~A.6420.TOUR.4 Contractual Promotion of Industry, Tourism \$10,000~~

Signed: Odell, Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Niebel (*A.C. Carried with Legislator Gould Voting "No"*)

Adopted – July 24, 2019 (*Legislators Bankoski, Gould, Niebel, Scudder, Whitford Voting "No"*)

RES. NO. 194-19

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:

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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 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;
2. All interest earned from the Matching Funds Program monies shall be expended for generic County advertising according to the New York State guidelines for the Program;
3. All discounts and refunds shall be maintained in the Matching Fund 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, 2019 through March 31, 2020.

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

Unanimously Adopted – July 24, 2019

REGULAR SESSIONS

RES. NO. 195-19

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 \$6.39 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 72 vacant lots and 88 residential structures to productive use, representing over \$ 4,720,973 in assessed value, has leveraged approximately \$4,800,000 in private investment related to renovation activities, and has worked with the municipalities to demolish more than 110 residential and mixed-use properties county-wide at a cost to the Land Bank of nearly \$3,100,000; and

WHEREAS, the County Legislature has transferred distressed tax foreclosure properties to CCLBC at no cost, but CCLBC expends between \$2,000 and \$10,000 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 required renovation work; and

WHEREAS, based on historical sales, CCLBC has sold properties for approximately \$12,000 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

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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-20-2018	City of Dunkirk		060300-79.14-3-41	125 Central Ave.	Row Building
PA-3-2019	City of Dunkirk		060300-79.11-4-38	9-11 Genet St	Single Family Residence
PA-77-2019	City of Jamestown		060800-370.19-4-69	1144 Prendergast Av	Single Family Residence
PA-165-2019	City of Jamestown		060800-387.17-3-2	239 Connecticut Ave	Single Family Residence
PA-166-2019	City of Jamestown		060800-387.17-7-25	53 Arden Pkwy	Single Family Residence
PA-179-2019	City of Jamestown		060800-387.26-1-47	94 Liberty St	Two Family Residence
PA-195-2019	City of Jamestown		060800-387.33-1-13	Prendergast Ave	Residential Vac Land
PA-196-2019	City of Jamestown		060800-387.33-1-14	617 Prendergast Ave	Apartment
PA-273-2019	Town of Dunkirk		063400-95.02-1-53	4732 W Lake Rd	Single Family Residence
PA-294-2019	Ellicott		063889-369.18-4-27	Leslie St	Residential Vac Land
PA-295-2019	Ellicott		063889-369.18-4-28	15 Leslie St	Single Family Residence
PA-296-2019	Ellicott		063889-369.18-4-29	Leslie St	Residential Vac Land
PA-301-2019	Ellicott		063889-386.07-6-53	Louisa Ave	Residential Vac Land
PA-302-2019	Ellicott		063889-386.07-6-54	Louisa Ave	Residential Vac Land
PA-332-2019	Hanover	Silver Creek	064603-32.18-2-16	26 Buffalo St	Single Family Residence
PA-337-2019	Hanover		064689-100.09-2-9	13 Pearl St	Single Family Residence
PA-356-2019	Kiantone		065000-404.12-1-49	1797 Foote Ave Ext	One Story Small Structure
PA-379-2019	Pomfret		065889-112.00-1-19	Van Buren Rd	Residential Vac Land
PA-380-2019	Pomfret		065889-112.00-1-20	5041 Van Buren Rd	Single Family Residence
PA-385-2019	Pomfret		065889-131.13-1-21	9562 Route 60	Single Family Residence
PA-391-2019	Portland	Brocton	066001-144.20-2-38	Smith St	Residential Vac Land
PA-392-2019	Portland	Brocton	066001-144.20-2-39	24 Smith St	Single Family Residence
PA-395-2019	Portland	Brocton	066001-145.17-2-33	60 E Main St	Apartment
PA-398-2019	Portland		066089-161.10-2-42	8666 First St	Single Family Residence
PA-110-2019	City of Jamestown		060800-387.06-7-6	Spring St	Residential Vac Land
PA-111-2019	City of Jamestown		060800-387.06-7-7	869 Spring St	Apartment
PA-112-2019	City of Jamestown		060800-387.06-7-8	867 Spring St	Three Family Residence
PA-113-2019	City of Jamestown		060800-387.06-7-9	Spring St	Residential Vac Land

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – July 24, 2019

RES. NO. 196-19
Quit Claim Deeds

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

REGULAR SESSIONS

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-10-2019	City of Dunkirk	060300-79.14-1-27	Homayoun Ghaderi	\$7,000.00	\$2,285.64
PA-16-2019	City of Dunkirk	060300-79.16-1-20	Terrance Buchanan Jr	\$8,500.00	\$5,998.06
PA-25-2019	City of Dunkirk	060300-79.19-1-33	Homayoun Ghaderi	\$5,000.00	\$10,419.06
PA-36-2019	City of Dunkirk	060300-79.19-6-88	Kelly Cambria	\$16,150.00	\$6,551.48
PA-37-2019	City of Dunkirk	060300-79.19-6-89	Kelly Cambria	\$2,850.00	\$1,066.96
PA-47-2019	City of Dunkirk	060300-96.06-3-11	MLB Land Holdings LLC	\$10,500.00	\$718.38
PA-48-2019	City of Dunkirk	060300-96.06-3-14	MLB Land Holdings LLC	\$33,000.00	\$3,210.59
PA-54-2019	City of Dunkirk	060300-96.17-1-17	Veronice Jones	\$300.00	\$221.35
PA-55-2019	City of Jamestown	060800-370.03-1-39	Barbara Johnson	\$600.00	\$916.93
PA-57-2019	City of Jamestown	060800-370.15-4-16	James Albert Bensink	\$300.00	\$539.02
PA-58-2019	City of Jamestown	060800-370.16-5-30	Marcia M Rupp	\$10.00	\$3,905.01
PA-60-2019	City of Jamestown	060800-370.16-7-37	Harold W Whitford	\$10.00	\$367.36
PA-76-2019	City of Jamestown	060800-370.19-3-69	Manuel Rodriguez	\$5,000.00	\$10,267.93
PA-84-2019	City of Jamestown	060800-386.08-5-1	Richard Peterson	\$200.00	\$1,302.60
PA-92-2019	City of Jamestown	060800-387.05-5-32	Robert L Holland	\$2,500.00	\$3,499.39
PA-104-2019	City of Jamestown	060800-387.06-6-60	SIDI Properties Inc	\$7,500.00	\$20,532.66
PA-88-2018	City of Jamestown	060800-387.08-2-18	Kevin Lamar	\$200.00	\$4,129.34
PA-116-2019	City of Jamestown	060800-387.08-2-46	Larry Barmore	\$800.00	\$4,191.93
PA-117-2019	City of Jamestown	060800-387.08-3-30	Don Anderson	\$750.00	\$2,447.83
PA-118-2019	City of Jamestown	060800-387.08-4-47	MFN Enterprises LLC Company	\$5.00	\$550.10
PA-124-2019	City of Jamestown	060800-387.08-7-16	Shalon Corbett	\$3,000.00	\$4,166.12
PA-125-2019	City of Jamestown	060800-387.08-7-41	Cassco Holdings Corp	\$7,920.00	\$4,265.48
PA-126-2019	City of Jamestown	060800-387.08-7-57	Aces Full Properties LLC	\$11,000.00	\$16,391.94
PA-127-2019	City of Jamestown	060800-387.08-7-71	Cassco Holdings Corp	\$630.00	\$634.51

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PA-128-2019	City of Jamestown	060800-387.08-7-72	Cassco Holdings Corp	\$450.00	\$481.73
PA-131-2019	City of Jamestown	060800-387.08-9-27	David Troutman	\$350.00	\$2,078.84
PA-65-2016	City of Jamestown	060800-387.08-9-5	Jennifer Lang	\$110.00	\$7,611.14
PA-134-2019	City of Jamestown	060800-387.08-9-72	Leah Morse	\$3.00	\$271.87
PA-135-2019	City of Jamestown	060800-387.08-9-73	Leah Morse	\$1.00	\$214.53
PA-136-2019	City of Jamestown	060800-387.08-9-74	Leah Morse	\$1.00	\$195.51
PA-67-2016	City of Jamestown	060800-387.08-9-77	Leah Morse	\$10.00	\$1,015.37
PA-141-2019	City of Jamestown	060800-387.12-2-17	Cassco Holdings Corp	\$3,000.00	\$11,971.48
PA-142-2019	City of Jamestown	060800-387.12-2-26	Jason Skinner	\$2,250.00	\$5,777.40
PA-145-2019	City of Jamestown	060800-387.12-3-63	Cassco Holdings Corp	\$1,000.00	\$6,673.51
PA-136-2014	City of Jamestown	060800-387.12-3-68	Sheryl L White	\$1,100.00	\$9,071.77
PA-148-2019	City of Jamestown	060800-387.14-3-55	Dominique R Rammelt	\$5,500.00	\$4,357.10
PA-151-2019	City of Jamestown	060800-387.14-4-9	Cmtl Construction Tomkinson	\$2,500.00	\$27,503.50
PA-152-2019	City of Jamestown	060800-387.14-5-11	Andrew Rayford Blakey	\$275.00	\$749.18
PA-118-2018	City of Jamestown	060800-387.14-6-84	Barbara Johnson	\$1,250.00	\$12,975.45
PA-72-2015	City of Jamestown	060800-387.15-3-1	Barbara Johnson	\$10.00	\$4,399.91
PA-164-2019	City of Jamestown	060800-387.16-4-5	Mindy Moore	\$500.00	\$1,665.32
PA-170-2019	City of Jamestown	060800-387.19-5-24	Andrew Rayford Blakey	\$4,000.00	\$9,129.24
PA-172-2019	City of Jamestown	060800-387.25-2-2	Cassco Holdings Corp	\$3,600.00	\$11,776.74
PA-120-2017	City of Jamestown	060800-387.25-3-30	Harrison Davis	\$70.00	\$7,494.18
PA-174-2019	City of Jamestown	060800-387.25-4-49	Dawn Thompson	\$10.00	\$443.47
PA-199-2019	City of Jamestown	060800-387.39-2-46	Charles Lee Meacham	\$4,750.00	\$1,413.42
PA-201-2019	City of Jamestown	060800-387.41-3-27	Duncan Oleshak	\$10.00	\$1,515.57
PA-208-2019	City of Jamestown	060800-388.05-1-25	Thomas Flagella	\$109.00	\$252.74
PA-209-2019	City of Jamestown	060800-388.05-1-26	Thomas Flagella	\$108.00	\$252.74
PA-210-2019	City of Jamestown	060800-388.05-1-27	Thomas Flagella	\$108.00	\$252.74
PA-211-2019	City of Jamestown	060800-388.05-1-39	Thomas Flagella	\$20.00	\$252.74
PA-212-2019	City of Jamestown	060800-388.05-1-5	Thomas Flagella	\$100.00	\$252.74
PA-213-2019	City of Jamestown	060800-388.05-1-6	Thomas Flagella	\$100.00	\$252.74
PA-214-2019	City of Jamestown	060800-388.05-1-7	Thomas Flagella	\$100.00	\$252.74
PA-215-2019	City of Jamestown	060800-388.05-1-8	Thomas Flagella	\$100.00	\$252.74
PA-216-2019	City of Jamestown	060800-388.05-1-9	Thomas Flagella	\$100.00	\$240.50
PA-226-2019	City of Jamestown	060800-404.07-6-69	Chaze Allen Johnson	\$15,000.00	\$9,578.55
PA-227-2019	City of Jamestown	060800-404.08-6-8	Shalon Corbett	\$10.00	\$1,741.72
PA-233-2019	Village of Lakewood	062201-385.12-3-16	Gregory Mcchesney	\$350.00	\$1,248.36
PA-234-2019	Village of Lakewood	062201-385.12-3-46	Thomas V Windoft	\$650.00	\$2,570.00
PA-242-2019	Busti	062289-385.05-4-53	Barbeau Properties LLC Parker	\$10.00	\$169.85
PA-249-2019	Carroll	062400-457.04-1-7	Albert Martin Eckman Jr	\$8,000.00	\$7,168.37
PA-251-2019	Charlotte	062689-217.00-2-37	Otis Lake Inc	\$12,000.00	\$2,622.37
PA-255-2019	Village of Mayville	062801-262.07-4-66	David Treadway	\$9,000.00	\$12,048.40
PA-263-2019	Cherry Creek	063000-237.11-1-10	Germitus Saint Hilaire	\$600.00	\$15,913.65
PA-264-2019	Cherry Creek	063000-237.11-1-11	Germitus Saint Hilaire	\$900.00	\$31,875.99
PA-269-2019	Cherry Creek	063000-237.12-2-8	Paul A Giambrone	\$200.00	\$2,811.19
PA-270-2019	Clymer	063200-429.00-2-47	Roy Burkholder	\$5,000.00	\$4,958.99

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PA-275-2019	Town of Dunkirk	063400-96.02-2-1	Rom Real Estate Holdings LLC	\$57,500.00	\$26,062.52
PA-279-2019	Ellery	063689-298.00-1-32	Patrick Lucariello	\$4,000.00	\$4,247.28
PA-282-2019	Village of Celoron	063801-369.14-1-70	Phillip Shinsky	\$2,000.00	\$2,870.99
PA-283-2019	Village of Celoron	063801-369.18-3-3	June Lee	\$4,500.00	\$2,545.19
PA-289-2019	Village of Celoron	063801-369.19-6-15	Richard Peterson	\$300.00	\$348.97
PA-304-2019	Ellicott	063889-386.15-2-4	David Lloyd Munsee	\$1,350.00	\$1,219.66
PA-315-2019	Ellington	064000-288.00-1-37	Ricky Cannon	\$8,500.00	\$6,901.56
PA-251-2018	Gerry	064401-251.03-2-25	Vicki Horan	\$1,100.00	\$1,341.12
PA-327-2019	Gerry	064489-302.13-1-17	Otis Lake Inc	\$6,500.00	\$6,200.08
PA-328-2019	Gerry	064489-319.00-3-12	Ernest Laemmerhirt Jr.	\$28,000.00	\$7,883.88
PA-335-2019	Hanover	064603-+49.05-5-24	TNT Houses 2 Homes LLC	\$8,910.00	\$9,677.97
PA-336-2019	Hanover	064603-49.05-5-25	TNT Houses 2 Homes LLC	\$2,090.00	\$2,501.88
PA-340-2019	Hanover	064689-32.00-1-8	Kevin Czarnecki	\$100.00	\$349.09
PA-342-2019	Hanover	064689-33.00-4-4	Jason Syracuse	\$1,500.00	\$554.08
PA-348-2019	Village of Panama	064801-381.04-1-8	Debbie Ann Woodworth	\$13,860.00	\$19,064.06
PA-349-2019	Village of Panama	064801-381.04-1-9	Debbie Ann Woodworth	\$4,140.00	\$17,664.63
PA-362-2019	Mina	065200-358.00-1-20.1	Thomas Polanski	\$18,000.00	\$3,287.79
PA-366-2019	North Harmony	065400-349.16-1-40	Gary & Diane Startr	\$1,000.00	\$647.43
PA-367-2019	North Harmony	065400-384.11-1-86	Tammy Ormond	\$5,500.00	\$2,124.47
PA-376-2019	Pomfret	065889-111.08-3-9	A D Schwert-Walden	\$10.00	\$422.64
PA-289-2018	Pomfret	065889-114.09-1-21	Carl Grisanti	\$10.00	\$209.60
PA-383-2019	Pomfret	065889-129.00-1-48	Modeline S Saint Hilaire	\$1,230.00	\$6,520.83
PA-384-2019	Pomfret	065889-129.00-1-49	Modeline Saint Hilaire	\$270.00	\$1,358.88
PA-389-2019	Pomfret	065889-182.00-1-10	Dustin D Schauman	\$21,340.00	\$9,444.06
PA-390-2019	Pomfret	065889-182.00-1-9	Dustin D Schauman	\$660.00	\$462.21
PA-394-2019	Village of Brocton	066001-145.13-1-10	Leah Morse	\$10.00	\$315.66
PA-399-2019	Portland	066089-162.00-1-1	Jose Gonzalez Ramos	\$400.00	\$573.23
PA-402-2019	Ripley	066200-240.12-1-16	Joshua Charles Gabriel	\$1,600.00	\$3,615.21
PA-407-2019	Ripley	066200-258.00-1-7	Ryan T Hawkins	\$1,500.00	\$687.90
PA-408-2019	Ripley	066200-275.00-1-28	Jeffrey Pifer	\$2,000.00	\$2,057.07
PA-411-2019	Village of Sherman	066601-328.11-2-11	Jeremy Spinler	\$5,000.00	\$3,894.78
PA-419-2019	Stockton	066889-250.00-1-9	David Anderson	\$650.00	\$380.53
PA-421-2019	Villanova	067000-152.00-1-29	Nathan Daniel Barnes	\$12,000.00	\$12,138.22
PA-432-2019	City of Jamestown	060800-387.12-1-53	Cassco Holdings Corp	\$4,000.00	\$6,447.17
			TOTAL	\$426,570.00	\$496,356.40
QC-1-2019	City of Dunkirk	060300-79.11-2-29	Robert Brewer	\$9,470.83	\$9,470.83
QC-5-2019	City of Dunkirk	060300-79.11-6-52	Eddie L Marshall	\$2,514.68	\$2,514.68
QC-7-2019	City of Dunkirk	060300-79.11-7-6	Aurea Silva	\$1,146.13	\$1,146.13
QC-8-2019	City of Dunkirk	060300-79.12-2-46	Sun Wong	\$8,146.28	\$8,146.28
QC-9-2019	City of Dunkirk	060300-79.12-5-45	Ruben D Gonzalez	\$5,849.41	\$5,849.41
QC-12-2019	City of Dunkirk	060300-79.14-5-56	Ronald McWillson	\$1,825.17	\$1,825.17
QC-13-2019	City of Dunkirk	060300-79.14-7-15	James J Farrell	\$6,137.86	\$6,137.86
QC-15-2019	City of Dunkirk	060300-79.15-3-66	Ali Razak	\$5,046.43	\$5,046.43
QC-17-2019	City of Dunkirk	060300-79.16-1-44	Fredonia Properties NY LLC	\$16,755.94	\$16,755.94
QC-19-2019	City of Dunkirk	060300-79.16-2-65	Kevin R Killion	\$5,754.58	\$5,754.58

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QC-21-2019	City of Dunkirk	060300-79.18-4-11	Kai W Wong	\$12,004.39	\$12,004.39
QC-26-2019	City of Dunkirk	060300-79.19-1-4	Sheut C Wong	\$12,719.74	\$12,719.74
QC-27-2019	City of Dunkirk	060300-79.19-2-19	Ali Razak	\$8,570.73	\$8,570.73
QC-28-2019	City of Dunkirk	060300-79.19-2-7	Ali Razak	\$8,400.61	\$8,400.61
QC-31-2019	City of Dunkirk	060300-79.19-5-64	Lin Nianqin	\$10,608.41	\$10,608.41
QC-32-2019	City of Dunkirk	060300-79.19-6-11	Fredonia Properties LLC	\$4,383.76	\$4,383.76
QC-35-2019	City of Dunkirk	060300-79.19-6-77	Fredonia Properties NY LLC	\$8,841.65	\$8,841.65
QC-40-2019	City of Dunkirk	060300-79.20-5-81	Kevin Killion	\$4,335.09	\$4,335.09
QC-42-2019	City of Dunkirk	060300-79.57-1-6	Wong Properties Water St	\$4,804.89	\$4,804.89
QC-49-2019	City of Dunkirk	060300-96.07-1-39	Sun Wong	\$4,606.56	\$4,606.56
QC-51-2019	City of Dunkirk	060300-96.07-2-47	Ricardo Vazquez	\$3,253.69	\$3,253.69
QC-65-2019	City of Jamestown	060800-370.18-3-1	Sulu LLC	\$6,647.67	\$6,647.67
QC-66-2019	City of Jamestown	060800-370.18-3-2	Sulu LLC	\$6,074.80	\$6,074.80
QC-67-2019	City of Jamestown	060800-370.18-3-29	Clevon L Wofford	\$5,120.52	\$5,120.52
QC-68-2019	City of Jamestown	060800-370.18-3-36	Charles D Gibson	\$6,296.55	\$6,296.55
QC-71-2019	City of Jamestown	060800-370.18-4-52	Shawn D Price	\$661.58	\$661.58
QC-72-2019	City of Jamestown	060800-370.18-4-70	Truman Leeper	\$5,693.23	\$5,693.23
QC-73-2019	City of Jamestown	060800-370.19-11-26	Thomas Stahlman	\$2,216.21	\$2,216.21
QC-78-2019	City of Jamestown	060800-370.19-8-3	Scott Wiedrich	\$3,975.06	\$3,975.06
QC-82-2019	City of Jamestown	060800-370.20-7-46	Amanda J Skinner	\$3,211.74	\$3,211.74
QC-97-2019	City of Jamestown	060800-387.06-2-5	Clevon L Wofford	\$4,738.71	\$4,738.71
QC-98-2019	City of Jamestown	060800-387.06-3-21	Mercedes Carrasquillo	\$3,020.65	\$3,020.65
QC-99-2019	City of Jamestown	060800-387.06-4-30	Clevon L Wofford	\$5,502.27	\$5,502.27
QC-101-2019	City of Jamestown	060800-387.06-5-16	Delores Hoar	\$2,033.01	\$2,033.01
QC-138-2019	City of Jamestown	060800-387.09-7-35	Scott Wiedrich	\$539.02	\$539.02
QC-163-2019	City of Jamestown	060800-387.16-2-50	Whitney Harrington	\$2,540.60	\$2,540.60
QC-194-2019	City of Jamestown	060800-387.32-3-17	Estate of Loretta Ruiz	\$3,638.69	\$3,638.69
QC-197-2019	City of Jamestown	060800-387.33-1-25	Mahendra Basedo	\$7,793.08	\$7,793.08
QC-219-2019	City of Jamestown	060800-388.05-3-39	Kathleen A Hotchkiss	\$252.74	\$252.74
QC-232-2019	Village of Lakewood	062201-385.11-1-74	Leroy Svensson	\$13,691.52	\$13,691.52
QC-239-2019	Busti	062289-367.20-1-42	Stephen Anderson	\$1,657.98	\$1,657.98
QC-240-2019	Busti	062289-367.20-4-30	Ralph Cusimano	\$5,378.56	\$5,378.56
QC-243-2019	Busti	062289-401.00-2-47	Wesley G Devine	\$1,474.78	\$1,474.78
QC-247-2019	Carroll	062400-423.10-1-52	S & L Property Development	\$6,407.87	\$6,407.87
QC-252-2019	Charlotte	062689-235.00-1-31	Jeffrey A Craft	\$5,923.15	\$5,923.15
QC-256-2019	Chautauqua	062889-228.00-2-7	Joshua J Lucas	\$3,102.99	\$3,102.99
QC-258-2019	Chautauqua	062889-279.12-1-38	Glenn Seymour Jr	\$6,534.16	\$6,534.16
QC-271-2019	Clymer	063200-429.00-3-20	Wassink Land Company LLC	\$1,601.35	\$1,601.35
QC-272-2019	Clymer	063200-429.00-3-21.2.1	Wassink Holdings LLC	\$506.70	\$506.70
QC-280-2019	Ellery	063689-368.12-2-27	Michael Carcione	\$2,292.51	\$2,292.51
QC-281-2019	Ellery	063689-368.12-2-5	Michael Carcione	\$2,024.73	\$2,024.73
QC-285-2019	Village of Celoron	063801-369.19-3-30	Lisa Calkins	\$4,749.16	\$4,749.16
QC-286-2019	Village of Celoron	063801-369.19-5-27	Leisa Gates	\$15,966.67	\$15,966.67

REGULAR SESSIONS

QC-292-2019	Ellicott	063889-353.00-1-51.1	Rowley Development	\$7,905.89	\$7,905.89
QC-293-2019	Ellicott	063889-369.10-4-28	John Schild	\$18,300.53	\$18,300.53
QC-299-2019	Ellicott	063889-386.06-2-47	Stephen W Eaton	\$2,446.83	\$2,446.83
QC-300-2019	Ellicott	063889-386.06-2-48	Stephen Eaton	\$240.71	\$240.71
QC-303-2019	Ellicott	063889-386.11-1-41	Jo Anne Maitland	\$3,406.86	\$3,406.86
QC-305-2019	Ellicott	063889-388.06-1-40	Crystal A Becker	\$252.22	\$252.22
QC-306-2019	Ellicott	063889-388.06-1-41	Crystal A Becker	\$258.34	\$258.34
QC-313-2019	Ellicott	063889-388.06-1-49	Crystal A Becker	\$344.76	\$344.76
QC-316-2019	Ellington	064000-306.00-2-22	Estate of Alicia A Slater	\$8,395.69	\$8,395.69
QC-317-2019	French Creek	064200-393.00-1-13	Wassink Land Co LLC	\$5,981.37	\$5,981.37
QC-324-2019	French Creek	064200-428.00-1-5	Wassink Land Co LLC	\$6,471.61	\$6,471.61
QC-325-2019	French Creek	064200-446.00-1-4	Wassink Land Co LLC	\$3,547.55	\$3,547.55
QC-326-2019	French Creek	064200-446.00-1-5	Wassink Land Co LLC	\$4,778.57	\$4,778.57
QC-329-2019	Gerry	064489-319.00-3-13	Estate of Bruce A Parker	\$1,940.27	\$1,940.27
QC-330-2019	Gerry	064489-319.00-3-14	Estate of Bruce A Parker	\$573.22	\$573.22
QC-331-2019	Village of Silver Creek	064603-32.14-3-17	Estate of Mark A. Parisio Sr.	\$845.16	\$845.16
QC-334-2019	Village of Silver Creek	064603-49.05-3-11	Luis Alcivar	\$23,991.26	\$23,991.26
QC-339-2019	Hanover	064689-101.00-1-18	Jeffrey A Waterhouse	\$5,315.75	\$5,315.75
QC-347-2019	Hanover	064689-83.00-3-42	Estate of John C Franklin	\$2,414.57	\$2,414.57
QC-350-2019	Harmony	064889-417.00-1-2.3	Richard S Fiorenzo	\$2,215.73	\$2,215.73
QC-351-2019	Harmony	064889-417.00-1-3.2	Richard S Fiorenzo	\$1,147.18	\$1,147.18
QC-353-2019	Harmony	064889-433.04-1-21	Dale Edwards	\$3,891.48	\$3,891.48
QC-354-2019	Harmony	064889-434.00-1-18	Bryon E Johnson Jr.	\$3,138.17	\$3,138.17
QC-357-2019	Kiantone	065000-422.00-2-35	Alan L Mackie	\$1,330.47	\$1,330.47
QC-358-2019	Kiantone	065000-422.00-2-37	Alan Mackie	\$3,188.53	\$3,188.53
QC-359-2019	Kiantone	065000-422.00-2-42	Alverna E Holmlund	\$592.66	\$592.66
QC-360-2019	Mina	065200-307.00-1-16	Richard L Leamer Jr.	\$3,372.58	\$3,372.58
QC-363-2019	Mina	065200-359.15-2-29	Jeffrey R Mroz	\$13,348.18	\$13,348.18
QC-365-2019	North Harmony	065400-314.00-2-11	Marya Johnson	\$8,074.99	\$8,074.99
QC-368-2019	Poland	065600-339.11-1-34	Erik Lindquist	\$1,845.94	\$1,845.94
QC-370-2019	Village of Fredonia	065801-113.15-3-58	Sara M Edwards	\$14,838.00	\$14,838.00
QC-371-2019	Village of Fredonia	065801-113.18-3-45	Tracy S Panek	\$10,479.85	\$10,479.85
QC-396-2019	Village of Brocton	066001-145.17-3-51	Edward H Wood	\$1,245.73	\$1,245.73
QC-400-2019	Portland	066089-211.00-3-34	Richard A Gilbert Jr.	\$1,544.32	\$1,544.32
QC-401-2019	Ripley	066200-225.00-1-42.1	Bentley-Ripley Farms Inc	\$7,090.18	\$7,090.18
QC-405-2019	Ripley	066200-241.09-1-28	David Gard	\$7,970.90	\$7,970.90
QC-410-2019	Sheridan	066400-116.00-1-27	James L Gee Jr	\$2,537.36	\$2,537.36
QC-415-2019	Stockton	066889-199.00-1-31	Michael Cusimano	\$4,821.91	\$4,821.91
QC-416-2019	Stockton	066889-199.00-1-32	Michael Cusimano	\$460.69	\$460.69
QC-420-2019	Villanova	067000-151.00-2-13	Jeffrey M Peate	\$11,600.87	\$11,600.87
QC-430-2019	Westfield	067289-260.00-2-36	Joseph A Semanovich	\$12,109.35	\$12,109.35
QC-431-2019	Westfield	067289-260.00-2-46	Angel Rivera	\$8,459.29	\$8,459.29
TOTAL				\$509,160.61	\$509,160.61

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould (*A.S. Passed to A.C. Without Recommendation*)

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – July 24, 2019

MOTIONS: (On file w/ Legislature Data)

7-19 In Opposition to Construction of Wind Turbine Farms on Lake Erie – Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent

8-19 In Opposition of the NYS Driver's License Access and Privacy Act - Unanimously Adopted - R/C Vote: 18 Yes; 1 Absent

Legislator Chagnon: Thank you, Mr. Chairman. I would make a motion to amend the local law with the print 2 that has been laid on our desks this evening.

Chairman Wendel: Thank you. Do I have a second?

Legislator Nazzaro: I will second that.

Chairman Wendel: Thank you. Now we will vote on the amendment to the local law. All those in favor signify by the usual sign.

Unanimously Carried

County Executive Borrello: Thank you, Mr. Chairman. I would like to read a message of necessity requesting that this be voted on this evening regarding local law introductory number 4-19 print 2. I hereby certify that immediate passage of local law introductory number 4-19 print 2 is necessary in order to have a new procedure in place to fill a potential vacancy in the office of County Executive that may occur in November of 2019, signed by me.

Chairman Wendel: Thank you.

Legislator Chagnon: Mr. Chairman, I move that print 2 of local law introductory 4-19 be debated and acted upon for immediate passage.

Legislator Nazzaro: Second.

Chairman Wendel: At this time we will have a vote on local law 4-19. All those in favor signify by the usual signs.

Unanimously Carried

REGULAR SESSIONS

Chairman Wendel: At this time is there any debate or discussion on local law 4-19 as amended?

Legislator Niebel: I think it's important that we have involvement by the respective committees, the democrat and republican committees to fill a vacancy in the position of County Executive, just as they are involved in filling of vacancies for the County Legislature. So, as the resolution is amended, I'm in favor of it.

Chairman Wendel: Thank you. Anyone else to speak to the local law?

LOCAL LAW
INTRODUCTORY NUMBER 4-19 (Print 2)
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
RE: VACANCY IN THE OFFICE OF COUNTY EXECUTIVE
BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York,
as follows:

Section I. Amendments to County Charter.

Sections 3.04 and 3.05 of the Chautauqua County Charter are hereby amended as follows:

Section 3.04 Acting County Executive

The County Executive shall designate, within thirty (30) days of assuming office, subject to confirmation by the County Legislature, an appointive officer of the Executive Branch to be known as the Acting County Executive to perform the duties of such Executive during the Executive's absence from the county or the Executive's inability to act for any reason. Such designation shall be made in writing and filed with the Clerk of the County Legislature, and may be changed by the County Executive at any time by a new designation, confirmed by the County Legislature and filed with said Clerk. In the event that no Acting County

Executive has been so designated or that the Acting County Executive is unable to serve during an absence or disability of the County Executive, the County Legislature shall designate such Acting Executive. In the event of a vacancy in the office of County Executive, the Acting County Executive shall perform the duties of the County Executive pending the designation of a County Executive by the County Legislature as prescribed in Section 3.05.

Section 3.05 Vacancy in the Office

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If a vacancy occurs in the office of County Executive, the County Executive's successor shall be chosen at the next general election scheduled not less than sixty (60) days after such vacancy occurs. it shall be filled by the County Legislature. The appointee shall serve until the commencement of the political year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, and the vacancy shall be filled at such election for the unexpired term. Any person appointed to fill a vacancy shall be a qualified elector

of the County and a member of the same political party as the person who vacated the office, and shall be nominated by the county committee of said party, provided, however, that in the event the vacancy is not filled by the County Legislature within forty-five (45) days of the time when such vacancy occurred, the person appointed to fill the vacancy shall not be required to be nominated by the county committee of said party. In the event the person vacating the office was elected with no party affiliation, the County Legislature may appoint any qualified elector of the County.

Notwithstanding the foregoing, if a vacancy in the office of County Executive occurs in in the final year of a County Executive's term, the County Legislature's power set forth above to fill the vacancy shall only be effective on or before August 1 of that year. After August 1 in the final year of a County Executive's term, the Acting County Executive shall perform the duties of the County Executive for the remainder of the unexpired term in the event of: (1) a vacancy in the office of County Executive occurring on or before August 1 that remains unfilled by the County Legislature after August 1; or (2) a vacancy in the office of County Executive that occurs after August 1.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after final enactment, 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.

Sponsor: Chairman Paul M. Wendel

Emailed: 8/16/19

Adopted by Legislature: 8/28/19

Public Hearing by County Executive: 9/6/19

Adopted As Local Law 5-19

(60 Day Permissive Referendum)

R/C Vote: 16 Yes; 3 Absent

Date State Filed: 11/13/19

2nd Privilege of the Floor

Hello, I'm Thomas Jordan and I'm the treasurer for Chautauqua Hometown Heroes Veterans Memorial. I sat here tonight, and even though there were six "no's" to not table our motion for the \$8,100, it has been tabled. My request to all of you is that I hope you follow this through. We have four people right here that are veterans and every one of you stand up and say you support the veterans, but when it comes right down to it, we end up not getting the money. Not only help us get this money, but help us find other ways so this memorial is built. When it comes to kiosks, our wish for this project is to have two electronic kiosks, so that we can keep things moving and not just stands that will sit there and rust away. Kiosks money (*inaudible*) but we've got to get the project built. So, I hope you'll listen to us, and not only listen, but take action.

Chairman Wendel: Anyone else to speak to the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:35 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, August 28, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:36 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Muldowney, Pavlock, Rankin)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (07/24/19)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 07/24/19

COMMENDATIONS:

JOHN SWABIK
CLYMER/SHERMAN/PANAMA
TRACK & FIELD ATHLETE
Silver Medal Decathlete
NYSPHSA Pentathlon Champion
By
Legislator Martin Proctor

COMMUNICATIONS:

1. Letter – County Executive – Appointments to Chautauqua Opportunities Inc. Board of Directors
2. Letter – County Executive – Director of Real Property Tax Services III – Re-Appointment
3. Letters (2) – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2019 State Equalization Rates
4. Letter – Department of Public Service – Public Statement Hearings – Re: NYSEG Proposed Increases to Electric and Gas Rates

REGULAR SESSIONS

5. Letter – NYS Department of State – Re: Ack. Receipt of LL 4-19 (Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (re: Assigned Counsel Administrator))
6. Letter – Board of Election Commissioners – Re: SHOEBOX Grant Reimbursement Process
7. Report – Finance Director Crow – Investment Report – June 2019
8. Notice – NYS Department of Public Service – Cassadaga Wind Project’s Pre-Construction Notice

MOTIONS: (On File w/ Legislature Data)

- 9-19 Declaring September 20, 2019 as National POW/MIA Recognition Day – *Unanimously Adopted*
- 10-19 Proclaiming September 2019 as Childhood Cancer Awareness Month in Chautauqua County – *Unanimously Adopted*

TABLED RES. NO.177-19 - Acceptance of Funds from NYSDOT for the Rehabilitate Hangar C (NYSDOT/Aviation Grant Program) at the Chautauqua County/Jamestown Airport

(See original resolution on page 209)

MOVED by Legislator Nazzaro, SECONDED by Legislator Chagnon to move Tabled resolution 177-19 to the floor.

Unanimously Carried

MOVED by Legislator Nazzaro, SECONDED by Legislator Chagnon to amend by substitution.

Unanimously Carried to Amend by Substitution (New Version Shown Below)

TABLED RES. NO.177-19

Acceptance of Funds from NYSDOT for the Rehabilitate Hangar C (NYSDOT/Aviation Grant Program) at the Chautauqua County/Jamestown Airport **Project**

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 84% of the allowable costs incurred in accomplishing the following project at the Chautauqua

JOURNAL OF PROCEEDINGS

County/Jamestown Airport: Rehabilitate Hangar C (NYSDOT/Aviation Grant Program), Project No. 5903.56 (herein referred to as the "Project"); and

WHEREAS, pursuant to Resolution 11-19, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for NYSDOT grant funds for the Rehabilitate Hangar C (NYSDOT/Aviation Grant Program); and

WHEREAS, the NYSDOT has approved the Project for the Chautauqua County/Jamestown Airport consisting of the Refurbishment of Hangar C, which is more fully described in the Project agreement; and

WHEREAS, the NYSDOT is offering a grant for 84% of the of the eligible costs; and

WHEREAS, funding shares for the Project are as follows:

State	\$ 902,240
Local	\$ 50,000
In-kind labor services performed in 2020	\$ 48,000
Revenue from Timber Sales on Airport Property	\$ 65,000
Salvage Value of Hangar	\$ 1,000
Sale of Surplus Airport Property	\$ 7,960
Total Project Costs	\$ 1,074,200

; and

WHEREAS, the local share contribution will be supplemented with \$48,000 for in-kind labor services provided by Department of Public Facilities (DPF) employees; revenue of \$65,000 from sale of timber on airport property; revenue of \$1,000 from the salvage of materials from the existing hangar; and revenue of at least \$7,960 from the sale of surplus airport property, including an airport vehicle to be replaced by an electric vehicle; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is necessary to sustain aircraft basing at the Chautauqua County/Jamestown Airport; therefore be it

RESOLVED, That Chautauqua County enter into agreements with the NYSDOT for financial assistance for the Project at the Chautauqua County/Jamestown Airport described above; 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

REGULAR SESSIONS

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 the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance, Reserve for Capital	<u>\$ 98,000</u>
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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 ACCOUNT:

<u>A.9950.----.9</u>	<u>Interfund Transfer—Interfund Transfers</u>	<u>\$ 98,000</u>
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ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25164.4	Contractual—Hangar C – JHW (2019)	\$1,074,200
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

<u>H.5610.25164.R503.1000</u>	<u>Interfund Transfer – Interfund Transfer</u>	<u>\$ 98,000</u>
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<u>H.5610.25164.R265.2000</u>	<u>Sale of Property/Compensa—</u>	
<u>Sale of Forest Products</u>	<u>\$ 65,000</u>	

<u>H.5610.25164.R266.5000</u>	<u>Sale of Property/Compensa--Sale of Equipment</u>	<u>\$ 8,960</u>
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H.5610.25164.R359.7001	NYS Aid – Airport Capital Grants	\$ 902,240
	Total	\$1,074,200

; and be it further

RESOLVED, That the Department of Public Facilities proposed 2020 budget will include a transfer to the reserve for capital in the amount of \$48,000.

Signed: Hemmer, Wilfong, Gould

(P.F. Carried with Legislators Nazzaro and Scudder Voting “No”)(A.C. Defeated with Legislators Chagnon, Nazzaro, Muldowney, and Niebel Voting “No”)

7/24/19 Leg. Tabled

8/28/19: Leg. amended by additional text which is underlined and bold

TABLED RES. NO. 177-19 as amended - ADOPTED w/ Legislators Scudder and Gould voting “no” – August 28, 2019

TABLED RES. NO. 189-19 - Environmental Assessment of Projects for 2020 2% Occupancy Tax Projects

JOURNAL OF PROCEEDINGS

MOVED by Legislator Chagnon, SECONDED by Legislator Nazzaro to move Tabled Resolution No. 189-19 to the floor

Unanimously Carried

MOVED by Legislator Chagnon, SECONDED by Legislator Nazzaro to amend by removing the fourth ranked project for the Town of Ellicott in the ranked list of projects.

Unanimously Carried

TABLED RES. NO. 189-19 as amended - Unanimously Adopted – August 28, 2019

TABLED RES. NO. 192-19 – Authorize Use of 3% Occupancy Tax Undesignated Off-Cycle Project Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial
(See page 228 for Original Resolution with Full Text)

Chairman Wendel: Seeing that we have no motions to remove, the resolution will remain tabled.

RES. NO. 197-19

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 appointments and re-appointments for action by the Chautauqua County Legislature; therefore be it

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

Appointments:

Rebecca Brumagin
10606 Route 430
Findley Lake, NY 14736
Term Expires: 6/30/20

Marie Carrubba
19 Widrig Ave.
Jamestown, NY 14701
Term Expires: 6/30/20

Re-Appointments:

Benjamin Spitzer
5841 Snug Harbor Drive
Mayville, NY 14757
Term Expires: 6/30/20

George Borrello
1014 South Shore Dr.
Irving, NY 14081
Term Expires: 6/30/20

REGULAR SESSIONS

Kevin O'Connell
 1148 Moran Rd.
 Silver Creek, NY 14136
 Term Expires: 6/30/20
 Signed: Wilfong, Pavlock, O'Connell, Whitford

Unanimously Adopted – August 28, 2019

RES. NO. 198-19
 Confirm Appointment - Chautauqua County Coroner

By Human Services Committee:
 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, three of the six offices of Coroner in Chautauqua County are vacant as of July 19, 2019; and

WHEREAS, County Executive George M. Borrello has submitted the following proposed appointment for action by the County Legislature; and

WHEREAS, the County Charter has vested in the County Legislature the power to approve the appointment of Coroners; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the appointment of the following person as Chautauqua County Coroner to serve at the pleasure of the supervising authority.

Douglas Sanderson
 15 Camelot Drive
 Westfield, NY 14787

Signed: Wilfong, O'Connell, Pavlock, Whitford

Unanimously Adopted – August 28, 2019

RES. NO. 199-19
 Authorize Acceptance of ESD Grant for North Chautauqua County Water District

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

JOURNAL OF PROCEEDINGS

WHEREAS, pursuant to Resolutions 260-15, 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

WHEREAS, the District has undertaken capital improvement projects to create a regional water system for the North County, and the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”) has approved a \$1,000,000 grant to assist the District in funding the projects; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the acceptance of a \$1,000,000 grant from ESD to assist the District’s capital projects, and the County Executive and District Chair are authorized and empowered to execute all agreements and documents necessary to secure such funds.

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

Unanimously Adopted – August 28, 2019

RES. NO. 200-19

Confirming User Charges: North County Industrial Water District No. 1

By Public Facilities and Audit & Control Committees:
At the Request of Chairman Paul M. Wendel Jr.:

WHEREAS, current user charges for the North County Industrial Water District No. 1 (District) are set forth in Resolution 53-07 and appeals procedures are set forth in Resolution 53-13; and

WHEREAS, pursuant to § 266 of New York State County Law, the Board of Directors of the District held a public hearing on June 29, 2019 on a proposed new rate schedule of water charges for the annual amortization, operation and maintenance and other costs of the District; and

WHEREAS, notice of said public hearing was duly published not fewer than ten (10) nor more than twenty (20) days in advance in the Dunkirk Observer in accordance with Resolution 53-13; and

WHEREAS, following said public hearing, the Board of Directors of the District recommended that the rate schedule of water charges for the annual amortization, operation, and maintenance and other costs be amended from an annual per acre land assessment charge of \$136.14 (\$34.035 per quarter) and a water assessment charge of \$0.002489 per gallon, to:

an acreage charge of \$34.035 per acre per quarter;
a rate of \$13.00 per thousand gallons of water up through the first 5,000 gallons per quarter, with a minimum gallon-based charge of \$65.00; and
a rate of \$9.259 per thousand gallons of water after the first 5,000 gallons per quarter, including all water charged to the District and attributable to such user; and

WHEREAS, the above rates include the cost of water to be provided to District customers; and

WHEREAS, the Chautauqua County Legislature has determined that such rate change is in the public interest; now therefore be it

RESOLVED, That *Charges by the North County Industrial Water District No. 1*, signed by the Chairman of the Board of Directors of the North County Industrial Water District No. 1, such Board being the Administrative Body of such Water District, and filed with the Clerk of the County Legislature, is hereby confirmed as follows:

CHARGES BY NORTH COUNTY INDUSTRIAL WATER DISTRICT NO. 1

SECTION I – Purpose

Pursuant to Section 266 of the County Law there is hereby established and imposed a rate schedule for water sold to customers of the North County Industrial Water District No. 1, to pay the annual amortization, operation, maintenance and other costs of the District.

SECTION II - Definitions

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

“District” means the North County Industrial Water District No. 1, a County water district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law.

“Administrative Head” means the Administrative Head or body of the North County Industrial Water District No. 1 as established by the Chautauqua County Legislature Under Article 5-A of the County Law of the State of New York.

“User” means the owner of a parcel of property within the District benefited by the project.

SECTION III – Charge Area

Real property within the District shall be classified as all property located within the bounds of the District which was established by Chautauqua County Legislative Resolution Nos. 303-76 and 387-75, all of which is served by District water infrastructure.

SECTION IV – Scale of Charges and Billing

The following water charges are established for the annual amortization, operation, maintenance and other costs of the District, being the sum of subparagraphs 1, 2 and 3 hereunder:

1. an acreage charge of \$34.035 per acre per quarter;
2. a rate of \$13.00 per thousand gallons of water up through the first 5,000 gallons per quarter, with a minimum gallon-based charge of \$65.00; and
3. a rate of \$9.259 per thousand gallons of water after the first 5,000 gallons per quarter, including all water charged to the District and attributable to such User.

The Administrative Head shall quarterly fix the amount to be charged to each User in the District by adding the applicable acreage charge to the previous quarters' consumption charges attributable to each User's parcel of property, and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the fifteenth day of January, April, July, and October, which bill shall be due within thirty (30) days of the date when it was mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty-one (31) days after the date on which the bill was mailed.

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 V – Appeals

The following procedure is established for taking appeals from the rate fixing determinations of the Board of Directors of the District for water sold to Users within the District.

A. All such appeals shall be in writing, mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken, and signed by the property owner appealing from the rate fixing determination, and shall be addressed to the District, c/o the Chautauqua County Law Department, 3 North Erie Street, Mayville, N.Y. 14757 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 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 mail, 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 applicable 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 re-submittal 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 District, c/o the Chautauqua County Law Department, 3 North Erie Street, Mayville, N.Y. 14757 or the property owner at the address stated in the appeal.

SECTION VI – Severability

If any clause, sentence, paragraph, word, subdivision, section, or other part of this resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined to 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 VII – Effective Date

This Resolution shall be effective October 1, 2019.

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

Unanimously Adopted – August 28, 2019

RES. NO. 201-19
Adjust D.5112 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 contributes to economic development, job creation and quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and it has appropriated additional funds under the Extreme Weather Recovery (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 a New York State contract and other documents necessary for the County’s receipt of such funds; and be it further

RESOLVED, That D Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

D.---.---.915.0000 Unassigned Fund Balance—	Assigned/Unappropriated Fund Balance
	\$547,296

; and be it further

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

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

D.5112.----.R350.EWR New York State Aid--Extreme Weather Recovery \$547,296

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

Unanimously Adopted – August 28, 2019

RES. NO. 202-19

Amend Capital Project Accounts due to Fleet Management Services

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County approved an appropriation of \$2.5 million for Capital Project H.5130.626 (DPF Large Equipment (Annual)) in the 2019 Capital Budget; and

WHEREAS, a portion of this appropriation was intended for the purchase of light duty vehicles and/or trucks; and

WHEREAS, the County recently entered into an agreement for fleet management services whereby it is financially advantageous to lease light duty vehicles and trucks instead of purchasing them; and

WHEREAS, lease expense is an operating expense instead of a capital expense; now therefore be it

RESOLVED, That the Reserve for Capital and the DM Fund Balance be adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Fund Balance – Reserve for Capital \$300,000

INCREASE THE USE OF FUND BALANCE:

DM.----.----.915.0000 Fund Balance—Assigned/Unappropriated Fund Balance \$ 20,000

; and be it further

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

DECREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$300,000

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INCREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual—Road Machinery	\$ 20,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000	Interfund Transfer – Interfund Transfer	\$300,000
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R266.5000	Sale of Property/Compensa—Sale of Equipment	\$ 50,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual—Road Machinery, DPF Large Equipment (Annual)	\$250,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – August 28, 2019

RES. NO. 203-19

Amend Resolution 99-19 - (Authorize Director of Finance to Increase Appropriations for PIN 5762.12 County Bridge 998 Replacement)

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

WHEREAS, the replacement of County Bridge 998, PIN 5762.12 (the Project) is eligible for funding under Title 23 U.S. Code, as amended; and

WHEREAS, the Chautauqua County Legislature approved this Project and approved Project funding in the amount of \$2,002,000 to be borne at the ratio of 95% Federal funds and 5% County funds via Resolutions 134-17 and 99-19; and

WHEREAS, the total cost of the Project is now estimated to be \$2,000,000, of which \$1,900,000 is to be paid by Federal funds and \$100,000 is to be paid by County funds; and

WHEREAS, the decreased Project costs were approved by NYSDOT after execution of previous Supplemental Agreement No. 2 and after Project bids were opened; and

WHEREAS, the State has adjusted the time for Project commencement and completion; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the Project, as amended; and be it further

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RESOLVED, That the third Resolved clause of Resolution 99-19 be amended to state that Chautauqua County agrees that construction of the Project shall begin no later than eighteen (18) months after award, and that the construction phase of the Project shall be completed within thirty-six (36) months; and be it further

RESOLVED, That Resolution 99-19 be amended to authorize and direct the Director of Finance to make the following *additional* changes to the 2019 budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, County Bridge Programs (Funded)	\$2,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program	\$ 100
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DECREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002 Federal Aid – Surface Transp Program	\$1,900
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; and be it further

RESOLVED, That the remaining Resolved clauses in Resolution 99-19 be reaffirmed; and be it further

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

RESOLVED, That this Amendment shall take effect immediately.

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

Unanimously Adopted – August 28, 2019

RES. NO. 204-19
Amend 2019 Budget for Liability Insurance Accounts

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

WHEREAS, some Insurance Department expenses have exceeded initial budgetary estimates; now therefore be it

RESOLVED, That CS Fund Balance is appropriated as follows:

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INCREASE THE USE OF FUND BALANCE:

CS.-----863.0000 Fund Balance, Reserved Fund Balance - Insurance Reserve \$95,000;

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

CS.1930.----.4 Contractual – Judgements and Claims \$95,000

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Niebel, Gould, Nazzaro

Unanimously Adopted – August 28, 2019

RES. NO. 205-19

Amend 2019 Budget for Organizational Changes for Purchasing and Insurance

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the purchasing function of Public Facilities is being transferred to the authority of the Finance Department; and

WHEREAS, the responsibility of obtaining all vendor certificates of insurance will be centralized to the Finance-Insurance office; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1310.----.1	Personal Services - Department of Finance	\$22,216
A.1310.----.8	Employee Benefits - Department of Finance	\$15,920
A.1710.----.1	Personal Services - Insurance Administration	\$ 9,728
A.1710.----.8	Employee Benefits - Insurance Administration	\$ 7,131
CS.1710.----.4	Contractual - Insurance Administration	<u>\$16,859</u>
	Total	\$71,854

DECREASE APPROPRIATION ACCOUNTS:

A.1620.----.1	Personal Services - Buildings & Grounds	\$ 1,111
A.5610.5610.1	Personal Services - Chautauqua County Airport, Jamestown Airport	\$ 1,111
A.5630.5625.1	Personal Services - Bus Operations, CARTS	\$ 444
D.5010.----.1	Personal Services - Public Facilities Admin	\$17,328

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EL.8160.1000.1	Personal Services – Environment, Landfill	\$ 2,222
A.1620.----.8	Employee Benefits - Buildings & Grounds	\$ 796
A.5610.5610.8	Employee Benefits - Chautauqua County Airport, Jamestown Airport	\$ 796
A.5630.5625.8	Employee Benefits - Bus Operations, CARTS	\$ 318
D.5010.----.8	Employee Benefits - Public Facilities Admin	\$12,418
EL.8160.1000.8	Employee Benefits – Environment, Landfill	<u>\$ 1,592</u>
	Total	\$38,136

INCREASE REVENUE ACCOUNTS:

A.1710.----.R221.0CAS	Shared Services- Shared Services Casualty Adm	\$16,859
CS.1710.----.R270.9000	Miscellaneous-Participant Assessments	<u>\$16,859</u>
	Total	\$33,718

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 206-19

Authorizing Contract for 2020 Administration of Chautauqua County Self-Insurance Plan

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 2020; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred ~~Eight Six Thousand One Hundred and Thirty Four Dollars (\$186,134)~~ Seventy Four Thousand Eight Hundred Thirty Four Dollars (\$174,834) for the 2020 year, and to include 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, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould (Amended in Leg. by strikethrough and new text underlined)

Unanimously Adopted – August 28, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 207-19

Authorizing 2020 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 2020 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 2020.

		<u>Towns</u>	
Arkwright	\$36,398.62	Harmony	\$55,854.73
Busti	\$44,094.22	Kiantone	\$13,146.37
Carroll	\$20,321.36	Mina	\$30,391.82
Charlotte	\$15,265.69	N Harmony	\$71,679.35
Chautauqua	\$134,797.78	Poland	\$53,020.65
Cherry Creek	\$12,313.59	Pomfret	\$72,230.32
Clymer	\$10,651.75	Portland	\$56,538.20
Dunkirk	\$23,904.54	Ripley	\$27,292.72
Ellery	\$73,479.52	Sheridan	\$64,219.80
Ellicott	\$156,168.24	Sherman	\$9,998.73
Ellington	\$13,594.66	Stockton	\$12,352.07
French Creek	\$16,954.60	Villanova	\$18,743.98
Gerry	\$19,207.26	Westfield	\$31,733.43
Hanover	\$62,733.04		
Subtotal Towns			\$1,157,087.04
		<u>Villages / Cities</u>	
Bemus Point	\$10,420.34	Panama	\$2,157.80
Brocton	\$25,798.33	Sherman	\$2,668.95
Cassadaga	\$5,144.69	Silver Creek	\$31,523.39
Celoron	\$5,572.94	Sinclairville	\$2,525.75
Falconer	\$14,607.29	Westfield	\$87,856.58

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Fredonia	\$207,699.13		
Lakewood	\$35,417.59	Dunkirk (City)	\$332,847.75
Mayville	\$16,560.20	Jamestown (City)	\$805,695.85
Subtotal Villages / Cities			\$1,586,496.58
Chautauqua County			\$2,336,416.38
Grand Total			\$5,080,000.00

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 208-19

Authorize Electronic Poll Books Capital Grant Award from the New York State Board of Elections

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

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the Electronic Poll Books Capital Grant Project; and

WHEREAS, the State of New York will provide funding for a grant in the amount of \$110,316.44 for Contract #C00405-1110000 for the performance period of April 12, 2019 through December 31, 2020; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections for the implementation of early voting in Chautauqua County; specifically, the Board of Elections shall purchase e-poll book systems and on-demand ballot printers, and provide training on these devices to their early voting and election day workers; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2019 Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$110,316.44 from the New York State Board of Elections Electronic Poll Books Capital Grant; and be it further

RESOLVED, That the County Executive is hereby authorized to execute Contract #C00405-111000 with New York State to obtain these funds; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

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A.1450.----.4	Contractual—Board of Elections	\$110,317
<u>INCREASE REVENUE ACCOUNT:</u>		
A.1450.R308.9007	NYS Aid—Other State Aid: Elections Grt	\$110,317

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 209-19

Authorize Lease Agreement with City of Jamestown for Office Space for the Chautauqua County Public Defender's Office

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

WHEREAS, the County leased approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building, 200 East Third Street, Jamestown, for use by the Chautauqua County Public Defender's Office; and

WHEREAS, the lease recently expired; and

WHEREAS, lease expenses were included in the 2019 Budget; and

WHEREAS, it would be advantageous for the County of Chautauqua to renew the lease with the City of Jamestown; and

WHEREAS, negotiations were undertaken to obtain a renewed lease agreement mutually beneficial to the County of Chautauqua and the City of Jamestown; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with the City of Jamestown upon the following terms and conditions:

Premises. Approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building.

Term. January 1, 2019, through December 31, 2022.

Rent. The rent shall be as follows:

\$325.00 per month commencing on January 1, 2019, through December 31, 2020.

\$350.00 per month commencing on January 1, 2021, through December 31, 2021.

\$375.00 per month commencing on January 1, 2022, through December 31, 2022.

Utilities. The City shall be responsible for all utilities, including heat.

The County shall be responsible for the cost of phone, computer,

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cable, and internet services, and installation fees.

Other. As negotiated by the County Executive.

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

Unanimously Adopted – August 28, 2019

RES. NO. 210-19

Authorize Agreement with Town of Charlotte 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 Charlotte has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the remainder of the 2019 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Charlotte for the period of June 1, 2019 through December 31, 2019 for an estimated cost not to exceed \$4,500.00 based on an hourly rate of at least \$40.38 and a holiday hourly rate of at least \$50.81; and

WHEREAS, execution of an agreement with the Town of Charlotte will not require use of local funds because revenues received from the agreement will cover additional expenditures incurred by the County; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Charlotte 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 – August 28, 2019

RES. NO. 211-19

Authorize Agreement with Frewsburg 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 Frewsburg Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of September 1, 2019 through August 31, 2020; and

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WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Frewsburg Central School District to provide a certified School Resource Officer for the 2019-2020 school year at a total cost of ~~\$87,321~~ \$77,556; and

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.	.1	Personal Services – Sheriff	\$19,338
A.3110.	.8	Employee Benefits – Sheriff	\$ 6,515
A.3110.	.4	Contractual – Sheriff	\$ 3,255
<u>Total</u>			<u>\$29,108</u>

INCREASE REVENUE ACCOUNT:

A.3110.	.R226.0000	Shared Services –	
Chrgs: Oth Gov-Pub Safety			\$29,108

INCREASE APPROPRIATION ACCOUNTS:

A.3110.	.1	Personal Services – Sheriff	\$19,338
A.3110.	.8	Employee Benefits – Sheriff	\$6,515
<u>Total</u>			<u>\$25,853</u>

INCREASE REVENUE ACCOUNT:

A.3110.	.R226.0000	Shared Services – Chrgs: Oth Gov-Pub Safety	
<u>\$25,853</u>			

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould
(Leg. Amended by strikethrough and new text indicated by underline)

Unanimously Adopted – August 28, 2019

RES. NO. 212-19
Authorize Agreements for Inmate Housing

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

REGULAR SESSIONS

WHEREAS the Chautauqua County Sheriff's Office historically has had agreements with other law enforcement agencies, federal and state, for the housing of prisoners, and

WHEREAS such agreements have included the housing of Chautauqua County inmates in other facilities or the housing of other jurisdiction's inmates in the Chautauqua County Jail, and

WHEREAS, such agreements follow a standard format wherein a per diem rate per prisoner and the obligations of the housing and originating agencies are clarified, and

WHEREAS, most such agreements are often budget neutral or have minimal financial impact on the county revenues or expenditures, and

WHEREAS, such reoccurring agreements are often already contemplated in annual budgeting, therefore be it

RESOLVED, That the County Legislature authorizes the County Executive to enter into inter-municipal or intergovernmental contracts for housing of prisoners as long as such operations were part of the adopted budget, without further action of the County Legislature, and further be it

RESOLVED, That the Sheriff's Department shall report the execution of any such agreement to the Public Safety Committee at or before their next scheduled meeting.
Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 213-19

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, 2019

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through July 31, 2020, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$37,051; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2019 budget and will be included in the 2020 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, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 214-19

Authorize Execution of United States Department of Justice Grant – Organized Crime Drug Enforcement Task Forces (OCDETF) FY19

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the United States Department of Justice has approved an agreement for compensation of State and Local Overtime directly related to specific Drug Task Force operations; and

WHEREAS, the United States Department of Justice will provide funding in the amount of \$10,000.00, with no local funds, for contract period from June 1, 2019 to September 30, 2019; and

WHEREAS, this grant is new to the Chautauqua County Office of the Sheriff and is not currently included in the 2019 Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the United States Department of Justice to secure the grant funding as set forth above, and also be it

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	\$ 6,757
A.3110.----.8	Employee Benefits – Sheriff	<u>\$ 3,243</u>
	Total:	\$10,000

INCREASE REVENUE ACCOUNT:

A.3110.----.R432.4000	Federal Aid--Drug Control Programs	\$10,000
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REGULAR SESSIONS

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

Unanimously Adopted – August 28, 2019

RES. NO. 215-19

Authorize Budget Amendments for Service Contract for Maintenance of Communication Systems

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

WHEREAS, the Chautauqua County Office of the Sheriff is the recipient of grant funding for State Interoperable Communications initiatives; and

WHEREAS, Chautauqua County and Motorola Solutions, Inc. are parties to service agreements which deliver emergency communications to the public and first responders; and

WHEREAS, this agreement is for a maintenance service agreement for the upkeep and maintenance of these vital public safety networks for the period June 1, 2019 to May 31, 2027; and

WHEREAS, this agreement, totaling \$2,856,640.19, will be fully reimbursed through State Interoperable Communications Grant funds with no additional cost to the County; and

WHEREAS, this is a new expense that is not included in the 2019 budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3020.PSCN.4	Contractual – Pub Sfty Communications Network	\$196,882
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INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9	Federal Aid--Other Public Safety Aid	\$196,882
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – August 28, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 216-19

Authorizing the Chautauqua County Executive to Accept Up to 6 Laptops (or 6 Tablets) on Behalf of Chautauqua County to Aid in the Battle Against the Opioid Epidemic

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

WHEREAS, Chautauqua County will continue to vigilantly fight the opioid epidemic to protect our residents' health and wellbeing; and

WHEREAS, one key in this fight is our County Coroners' ability to identify and track opioid-related and other violent deaths; and

WHEREAS, providing our County Coroners Program with tools such as tablets that they can take into the field will assist our County in the opioid fight as this will help County Coroners collect more accurate data; and

WHEREAS, Chautauqua County has been awarded up to 6 tablets or 6 laptops equipped with software through a New York State Department of Health program led in conjunction with the Centers for Disease Control and Prevention (CDC) at no cost to our County; and

WHEREAS, the software include in the tablets will ease the burden of required Coroner reports for programs such as the NYS Department of Motor Vehicles Fatal Accident Reporting System (FARS) and the NYSDOH National Violent Death Reporting System along with assisting in easily creating counts of specific types of deaths when requested; therefore be it

RESOLVED, That the County Executive is hereby authorized to accept these tablets/laptops for Chautauqua County and provide them to the County Coroners in order to assist their vital work, and to execute agreements and other documents, amendments and addenda as necessary to effectuate County's receipt of such tablets / laptops.

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

Unanimously Adopted – August 28, 2019

RES. NO. 217-19

Authorize Lease Agreement with Town of Chautauqua for Office Space for Chautauqua County Department of Mental Hygiene

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

REGULAR SESSIONS

WHEREAS, pursuant to Resolution 189-16, the County has been leasing office space from the Town of Chautauqua for the County Department of Mental Hygiene's SPOA, CCSI, SCM/ICM, and Tapestry programs; and

WHEREAS, upon expiration of the current lease at the end of July, it would be desirable for the County to enter into a new lease agreement with the Town of Chautauqua so the County may continue using this space; and

WHEREAS, it is appropriate for the County to lease such space from the Town of Chautauqua in order to continue enhanced mental health services in Chautauqua County with the Tapestry 2.0 program, and to centralize Tapestry 2.0 with existing services; and

WHEREAS, the Town of Chautauqua is willing to continue to lease to County the currently occupied space in the Municipal Building under the same terms and conditions as the current lease; therefore be it

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

1. Premises: Approximately 2,068 square feet (Room 200 - 946 sq. ft. and Room 202 - 1,122 sq. ft.) located at 2 Academy Street, Mayville, New York.
2. Term: One (1) Three (3) year term from August 1, 2019 – July 31, 2022, with the ability to terminate on at least thirty (30) days' notice.
3. Rent \$990.00 per month.
4. Utilities: \$100.00 per month.
5. Other: As negotiated by the County Executive.

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

Unanimously Adopted – August 28, 2019

RES. NO. 218-19

Amend 2019 Budget for Additional Capital Project – Regional Broadband Internet Infrastructure Expansion Project

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

WHEREAS, there is a demonstrated need and growing demand in Chautauqua County for enhanced broadband infrastructure, with several thousand people currently without adequate access to broadband internet; and

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WHEREAS, adequate broadband infrastructure is imperative for the region in order to attract new sources of job creating investment, ensure public safety, promote economic development, and enhance quality of life; and

WHEREAS, the Southern Tier West Regional Planning and Development Board applied for and was awarded a Partnership for Opportunity and Workforce and Economic Revitalization (POWER) Initiative grant from the Appalachian Regional Commission (ARC) in the amount of \$392,000 for a project that will enhance broadband service in Chautauqua, Cattaraugus, and Allegany counties (the "Project"); and

WHEREAS, this Project will provide broadband service to 4,195 residential addresses, 437 small business locations, 87 agricultural locations, and 18 tourism destinations within the three-county region; and

WHEREAS, as a result of this Project, DFT Communications will expand its broadband system to rural portions of Chautauqua County that are currently unserved or underserved by providing additional radios, towers, and fiber back-haul infrastructure; and

WHEREAS, the total Project cost is \$784,000 with the grant requiring a 50% or \$392,000 local match requirement, which will be broken down in the following amounts (based on the number of customers served):

DFT Communications:	\$ 80,000
Chautauqua County:	\$150,000
Cattaraugus County:	\$ 70,000
Allegany County Wireless Internet Service Providers:	\$ 92,000; and

WHEREAS, the balance in the 2019 Capital Reserve is currently \$1,524,494; now therefore be it

RESOLVED, That the County Legislature hereby allocates \$150,000 from the Capital Reserve for the aforementioned Project; and it is further

RESOLVED, That the A Fund Capital Reserve is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance—Reserve for Capital	\$150,000
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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 2019 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$150,000
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REGULAR SESSIONS

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.37007.4	Contractual—Broadband Internet (2019)	\$150,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6420.37007.R503.1000	Interfund Transfer – Interfund Transfer	\$150,000
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Signed: Odell, Chagnon, O’Connell, Muldowney, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 219-19

Amend 2019 Budget Appropriations and Revenues Based on Mid-Year Financial Results

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, some departmental expenses are expected to exceed initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, some departmental revenues are expected to exceed initial budgetary estimates, as well as some revenues will be less than budgeted; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1310.-----4	Contractual - Finance	\$50,000
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DECREASE APPROPRIATION ACCOUNTS:

A.1010.-----4	Contractual - Legislative Board	\$1,800
A.1170.-----4	Contractual - Public Defender	\$10,000
A.1230.-----8	Employee Benefits - County Executive	\$5,000
A.1320.-----4	Contractual - Internal Audit	\$35,000
A.1330.-----1	Personal Services - Real Property Tax	\$1,000
A.1362.-----4	Contractual - Tax Advertising & Expense	\$3,500
A.1364.-----4	Contractual - Exp: Prop Acquired - Tax	\$5,000
A.1420.-----1	Personal Services - County Attorney	\$7,300
A.1420.-----8	Employee Benefits - County Attorney	\$2,700
A.1430.-----4	Contractual - Human Resources	\$10,000
A.1610.-----1	Personal Services - Office Services	\$25,718
A.1610.-----8	Employee Benefits - Office Services	\$15,282
A.1670.-----1	Personal Services - Print Shop	\$8,551
A.1670.-----4	Contractual - Print Shop	\$55,000
A.1670.-----8	Employee Benefits - Print Shop	\$1,449

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A.1680.----.1	Personal Services - Information Technology	\$29,145
A.1680.----.4	Contractual - Information Technology	\$29,200
A.1680.----.8	Employee Benefits - Information Technology	\$14,355
A.2490.----.4	Contractual - Community College Tuition	\$150,000
A.3010.----.1	Personal Services - Emergency Services	\$26,426
A.3010.----.8	Employee Benefits - Emergency Services	\$6,181
A.3140.----.1	Personal Services - Probation	\$21,986
A.3140.----.4	Contractual - Probation	\$10,000
A.3140.----.8	Employee Benefits - Probation	\$12,367
A.6772.----.1	Personal Services - Office for the Aging	\$4,844
A.6772.----.4	Contractual - Office for the Aging	\$10,000
A.6772.----.8	Employee Benefits - Office for the Aging	\$2,280
A.8020.----.1	Personal Services - Planning	\$9,643
A.8020.----.8	Employee Benefits - Planning	<u>\$1,000</u>
	Total	\$514,727
<u>INCREASE REVENUE ACCOUNTS:</u>		
A.1165.----.R158.9000	Departmental Income-Other Public Safety Income	\$27,000
A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$300,000
A.3150.----.R226.0MHS	Shared Services-Chrgs: Oth Gov-Marsh Hous	\$500,000
A.6772.----.R197.2000	Departmental Income-Chrgs: Office for Aging	\$7,250
A.8020.----.R237.2000	Shared Services-Chrgs: Planning	<u>\$5,000</u>
	Total	\$839,250
<u>DECREASE REVENUE ACCOUNTS:</u>		
	New York State Aid-	
A.1310.9999.R301.4000	State Aid VLT/Tribal Compacy Money	\$725,000
A.3315.----.R261.5000	Fines & Forfeitures-Fines: Sheriff STOP DWI	\$75,000
A.6010.----.R461.0000	Federal Aid-Social Services Admin	\$498,977
A.6510.----.R178.9000	Departmental Income-Veterans' Van	<u>\$5,000</u>
	Total	\$1,303,977

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – August 28, 2019

RES. NO. 220-19

Amend 2019 Budget Appropriations Due to Allocation of Clerk, Legislative Board
Administrative Expenses for the North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:
At the Request of Chairman Paul M. Wendel:

WHEREAS, the Clerk of the Legislature performs administrative services for the North Chautauqua County Water District; and

REGULAR SESSIONS

WHEREAS, these expenses for administrative services were not included in the 2019 budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EWN.8310.----.1	Personal Services—Water District	\$1,363
EWN.8310.----.8	Employee Benefits—Water District	<u>\$ 872</u>
	Total	\$2,235

DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services—Clerk, Legislative Board	\$1,363
A.1040.----.8	Employee Benefits—Clerk, Legislative Board	<u>\$ 872</u>
	Total	\$2,235

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

Unanimously Adopted – August 28, 2019

RES. NO. 221-19

Authorize Retention of Property at 29 1/2 North Erie Street in Mayville, New York for County Purposes

By Administrative Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the property located at 29 1/2 North Erie Street in the Village of Mayville lies adjacent to the Mayville County government complex and was recently acquired by the County through the tax foreclosure process; and

WHEREAS, along with the adjoining parcel at 29 North Erie Street acquired by the County pursuant to Resolution 100-19, 29 1/2 North Erie Street could be utilized to provide additional parking and green-space for County purposes; now therefore be it

RESOLVED, That the County Legislature adopts the findings and conclusions in relation to the environmental impacts contained in the Short Environmental Assessment Form (SEAF) on file with the Clerk of the County Legislature, and adopts the State Environmental Quality Review Act (SEQRA) determination contained in the SEAF that the proposed retention by the County of the subject property will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Legislature hereby authorizes the County's retention of

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29 1/2 North Erie Street in the Village of Mayville, that is identified on the Chautauqua County tax map as SBL 245.19-1-19, for County municipal use.

Signed: Scudder, Muldowney, Starks, Proctor

Unanimously Adopted – August 28, 2019

RES. NO. 222-19

Approving Labor Contract with CSEA Unit 6322 (Part-Time Deputy Sheriffs)

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

WHEREAS, the County of Chautauqua and CSEA Unit 6322 have reached a tentative agreement for the period January 1, 2019, through December 31, 2021; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the tentative agreement between the County and CSEA Unit 6322 to include salary increases of two percent (2%) for 2019 retroactive to January 1, 2019; three percent (3%) for 2020; and two percent (2%) for 2021; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate the new labor agreement with CSEA Unit 6322.

Signed: Scudder, Muldowney, Starks, Proctor, Pavlock, Gould, Niebel, Vanstrom, Bankoski, Whitford, Chagnon, Nazzaro

Unanimously Adopted- R/C Vote – 16 Yes; 3 Absent – August 28, 2019

RES. NO. 223-19

Setting Salary for Special Patrol Officer

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

WHEREAS, the Sheriff has requested that salary be set for a new peace officer title to be used primarily to provide contracted security services in schools during the school calendar, and

REGULAR SESSIONS

WHEREAS, the Human Resources Department has classified the position as Special Patrol Officer and supports the request that the salary be set at \$27.00 per hour, therefore be it

RESOLVED, That the title of Special Patrol Officer be authorized at the hourly pay rate of \$27.00 per hour.

Signed: Scudder, Muldowney, Starks, Proctor, Vanstrom, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Gould

Unanimously Adopted - R/C Vote – 16 Yes; 3 Absent – August 28, 2019

RES. NO. 224-19
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-14-2019	City of Dunkirk	060300-79.14-9-51	Steven Keith Glasier	Jeanette Morgan	\$11,000.00	\$5,861.83
PA-18-2019	City of Dunkirk	060300-79.16-1-45	Terrance Buchanan	Lory Wedow	\$14,000.00	\$5,691.28
PA-20-2019	City of Dunkirk	060300-79.16-6-22	Carla & Jose Rodriguez	Fredonia Properties	\$21,000.00	\$40,298.76
PA-45-2019	City of Dunkirk	060300-79.57-2-36	Carla & Jose Rodriguez	Elizabeth Sedlmayer	\$23,000.00	\$7,240.50
PA-46-2019	City of Dunkirk	060300-96.06-2-40	Francisco Ramirez	David Lambe	\$18,000.00	\$24,220.40
PA-53-2019	City of Dunkirk	060300-96.10-1-20	David Korzeniewski	Nancy Wisniewski	\$25,000.00	\$5,101.33
PA-59-2019	City of Jamestown	060800-370.16-7-33	Glen Hurrell	Mark Cunningham	\$10,000.00	\$5,120.52

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PA-64-2019	City of Jamestown	060800-370.18-2-6	Enrique Melendez	Vivian Taylor	\$18,000.00	\$4,330.67
PA-74-2019	City of Jamestown	060800-370.19-2-35	Agusstin Laboy	John Noe	\$8,000.00	\$21,942.92
PA-75-2019	City of Jamestown	060800-370.19-3-64	Charlene Wilson	John Noe	\$4,500.00	\$10,741.21
PA-79-2019	City of Jamestown	060800-370.20-2-45	Harrison David	John Noe	\$5,000.00	\$10,288.72
PA-88-2019	City of Jamestown	060800-387.05-2-44	Fast Advance Enterprises LLC	John Noe	\$2,640.00	\$2,317.61
PA-89-2019	City of Jamestown	060800-387.05-2-46	Fast Advance Enterprises LLC	John Noe	\$30,360.00	\$28,991.39
PA-93-2019	City of Jamestown	060800-387.06-1-21	Donald Joslyn	Fawn Angerer	\$3,880.00	\$291.05
PA-94-2019	City of Jamestown	060800-387.06-1-28	Donald Joslyn	Fawn Angerer	\$120.00	\$4,738.71
PA-109-2019	City of Jamestown	060800-387.06-7-34	Nelson Family	Scott Wiedrich	\$11,000.00	\$5,597.84
PA-129-2019	City of Jamestown	060800-387.08-8-34	RMK Properties of Chautauqua LLC	John Noe	\$3,500.00	\$5,049.36
PA-130-2019	City of Jamestown	060800-387.08-9-11	MFN Enterprises LLC Company	Juan Pacheco Jr	\$12,000.00	\$5,927.31
PA-140-2019	City of Jamestown	060800-387.12-1-4	Tyrone Hall	Shawn Price	\$3,500.00	\$57,425.60
PA-156-2019	City of Jamestown	060800-387.14-7-70	Harold Whitford	John Noe	\$3,500.00	\$7,253.96
PA-177-2019	City of Jamestown	060800-387.26-1-13	Jayson Hogg	Laverne Johnson	\$5,500.00	\$4,357.10
PA-178-2019	City of Jamestown	060800-387.26-1-21	Enrique Melendez	Genevieve Payne	\$7,000.00	\$7,664.89
PA-122-2017	City of Jamestown	060800-387.26-3-32	Leonard Carroll	Enrique Torres-Baez	\$30.00	\$576.63
PA-184-2019	City of Jamestown	060800-387.26-4-2	Harold Whitford & Brenda Strasser	Mary Autumn Yernberg	\$5,500.00	\$3,221.05
PA-186-2019	City of Jamestown	060800-387.31-2-30	Royal Housing LLC	John Noe	\$4,000.00	\$11,666.29
PA-189-2019	City of Jamestown	060800-387.32-1-48	Fast Advance Enterprises LLC	John Noe	\$10,000.00	\$16,840.79
PA-190-2019	City of Jamestown	060800-387.32-1-5	Barbara Johnson	John Noe	\$145.00	\$321.50
PA-191-2019	City of Jamestown	060800-387.32-1-6	Barbara Johnson	John Noe	\$6,525.00	\$8,621.99
PA-192-2019	City of Jamestown	060800-387.32-1-7	Barbara Johnson	John Noe	\$508.00	\$809.53
PA-193-2019	City of Jamestown	060800-387.32-1-8	Barbara Johnson	John Noe	\$72.00	\$321.26
PA-200-2019	City of Jamestown	060800-387.41-3-13	Barbeau Properties LLC	Savitri Washington	\$3,800.00	\$8,747.44
PA-205-2019	City of Jamestown	060800-387.42-3-3	Barbeau Properties LLC	Daniel Card	\$1,500.00	\$3,425.37
PA-220-2019	City of Jamestown	060800-388.09-1-4	Megan Knisley & Wesley Boyer	John Noe	\$2,750.00	\$9,174.31
PA-229-2019	Busti	062201-368.20-2-72	Barbeau Properties LLC	Savitri Washington	\$4,200.00	\$2,687.19
PA-230-2019	Busti	062201-368.20-2-73	Barbeau Properties LLC	Savitri Washington	\$1,800.00	\$648.35
PA-231-2019	Busti	062201-385.07-4-74	Duncan & Laurieann Oleshak	John Noe	\$10,000.00	\$11,183.46
PA-244-2019	Busti	062289-403.08-2-55	Barbeau Properties LLC	Christal Whitmore	\$55,000.00	\$32,262.16
PA-248-2019	Carroll	062400-441.00-1-68	Kevin Delong	Cora Cooper	\$8,500.00	\$1,455.81
PA-250-2019	Charlotte	062689-200.00-1-29	Barbeau Properties LLC	Julie Adam	\$9,000.00	\$7,814.52
PA-261-2019	Cherry Creek	063000-237.08-1-29	Barbeau Properties LLC	William Bishop	\$9,500.00	\$2,251.70
PA-262-2019	Cherry Creek	063000-237.08-1-49	Johnathan Scinta	Marissa Ann White	\$3,500.00	\$11,438.08
PA-265-2019	Cherry Creek	063000-237.11-1-53	Neil Simon Burns	Todd Strang	\$5,000.00	\$4,564.05
PA-266-2019	Cherry Creek	063000-237.11-1-9	Tyrone Hall	John Noe	\$2,500.00	\$39,938.15
PA-276-2019	Town of Dunkirk	063400-97.05-1-29	Ortiz Properties LLC	Phylip Green	\$650.00	\$423.84
PA-277-2019	Town of Dunkirk	063400-97.05-1-30	Ortiz Properties LLC	Phylip Green	\$12,350.00	\$5,598.23
PA-318-2019	French Creek	064200-426.00-1-16	Richard Sommers	Carl Pommer	\$39,000.00	\$6,733.84
PA-319-2019	French Creek	064200-426.00-1-5	Richard Sommers	Carl Pommer	\$36,000.00	\$6,142.20
PA-320-2019	French Creek	064200-427.00-1-5	S&G Properties LLC	Carl Pommer	\$600.00	\$297.28
PA-321-2019	French Creek	064200-427.00-1-6	S&G Properties LLC	Carl Pommer	\$3,000.00	\$1,091.20
PA-322-2019	French Creek	064200-427.00-1-7	S&G Properties LLC	Carl Pommer	\$25,200.00	\$7,442.07
PA-323-2019	French Creek	064200-427.00-1-8	S&G Properties LLC	Carl Pommer	\$31,200.00	\$1,963.66
PA-364-2019	North Harmony	065400-313.00-3-1	Candance Brown	Elizabeth Nelson	\$12,000.00	\$5,059.98

REGULAR SESSIONS

PA-369-2019	Poland	065600-339.15-2-33	Aaron Quinn Destro	Gregory Johnson	\$7,000.00	\$10,927.92
PA-386-2019	Pomfret	065889-164.00-1-48	Chad Clement	Bernard Guffner	\$21,000.00	\$6,879.39
PA-397-2019	Portland	066001-161.08-2-21	James Rizzo	Esther Smith	\$15,000.00	\$5,388.84
PA-404-2019	Ripley	066200-240.15-2-6	Jason Fisher	William McGraw	\$2,000.00	\$7,135.19
PA-412-2019	Sherman	066601-328.11-2-21	Adam Chambers	Arthur Martin	\$7,500.00	\$5,423.44
PA-417-2019	Stockton	066889-214.12-1-8	Scott Meekins	James Carr	\$15,000.00	\$3,043.21
PA-423-2019	Villanova	067000-153.00-1-63	Tyrone Hall	Lance Brittain	\$15,840.00	\$26,063.34
PA-424-2019	Villanova	067000-153.00-1-64	Tyrone Hall	Lance Brittain	\$160.00	\$200.58
PA-429-2019	Westfield	067201-210.05-1-66	Brandi Russo	Kenneth Kreutz	\$32,000.00	\$5,245.77
				Total	\$659,830.00	\$553,482.57

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted - R/C Vote – 16 Yes; 3 Absent – August 28, 2019

RES. NO. 225-19
Cleanup and Sale of Tax Foreclosure Property

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

WHEREAS, the County of Chautauqua, pursuant to Article 11 of the Real Property Tax Law, maintains an annual foreclosure process of delinquent tax debts; and

WHEREAS, tax parcel 111.08-3-10, located at 5310 Route 5 in the Town of Pomfret, was included in the 2018 in rem proceeding; and

WHEREAS, the County subsequently discovered after the 2018 auction that there were underground petroleum storage tanks on the property, and placed the auction sale of the parcel on hold in order to assess the environmental status and potential financial liability attached to parcel 111.08-3-10; and

WHEREAS, the County and the New York Environmental Protection and Spill Compensation Fund have negotiated a proposed disposition of the property, wherein the State will remove the underground petroleum storage tanks and any contaminated soil, and the County will be relieved of any liability for the cleanup, after which the property will be sold and the proceeds of the sale divided equally between the County and the Spill Fund; and

WHEREAS, the winning bidders for the property at the 2018 auction have indicated a continued willingness to purchase the premises after the cleanup occurs at their original bid price; therefore be it

RESOLVED, That the County Executive is authorized to enter into an agreement with the New York Environmental Protection and Spill Compensation Fund to assure the cleanup of parcel 111.08-3-10 with no continuing liability for the County, and to share equally the proceeds of the sale with the Spill Fund; and be it further

RESOLVED, That after the environmental cleanup is complete, the County Executive is authorized to sell the subject parcel after the cleanup to Ann Soch Hudgins and Amanda Schwert-Walden for the bid price of \$14,500 with the buyer responsible for all transfer and recording fees.

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted- R/C Vote – 16 Yes; 3 Absent – August 28, 2019

2nd Privilege of the Floor

Chairman Wendel: Anyone else to speak to the second privilege of the floor?

Ms. Reynolds: I'm Emily Reynolds with Cornell Cooperative Extension. I just wanted to invite you all to our visit the farm day event. It will be September 14th at Frontier Brook Farm on Route 83 in Conewango. It's from 10:30 to 2:30, so if you've ever wanted to get on a farm and see what it's all about, we'd be happy to take everyone for tours that day. Thank you.

Chairman Wendel: Anyone else to speak to the second privilege of the floor.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:16 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, September 25, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:32 p.m.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (08/28/19)

1st Privilege of the Floor

Hello everyone, thank you for allowing me to address the Legislative Body here tonight. My name is Brian Ellis, I am the Vice President of Yeti Vape. We have 7 stores throughout NY, PA, and OH. Specifically, we have 2 stores here in Chautauqua County One located at 607 West Third St in Jamestown and the other at 6 West Main St in Fredonia. Yes, I have a stake in this industry and it probably goes without saying, we are against the NYS Flavor ban.

I am here to address some misconceptions that are being perpetuated by our state government, our health department and even local officials.

There are 2 separate issues here that are being conjoined together under the guise of vaping. Recently there have been illnesses and unfortunately a number of people have died using illegal THC cartridges. Dr. Zucker, NYS Health Commissioner has stated in a press conference on September 9th that these illnesses and deaths can be attributed to inhalation of Vitamin E Acetate, a substance that is used to fill these illegal THC cartridges. This is not a product Yeti Vape has currently or ever sold. Governor Cuomo has taken this opportunity to combine the illegal THC Cartridges with nicotine based e-liquid to propagate fear in the public and legislate from the executive branch. The legislature has consistently not passed a flavor ban based on the voices of their constituents. Andrew Cuomo has usurped the legislative branch by declaring this emergency and acting by executive order.

Understand, we realize that we are part of an adult-oriented industry. Our products are not intended for use by children or anyone under legal age, here in our county that is now 21 years of age. We do not allow persons under the age of 21 to enter our stores.

With as many stores that are in our company, I have 7 store managers that are my direct reports. When faced with a problem or an issue, I tell them to not point out the obvious problem but bring to me viable solutions to correct the issue. I am here to practice what I preach.

While there are a number of youth that are using vapor product, this is not a flavor problem. The problem we are seeing is a distribution problem. Let me repeat that, the issue is not a flavor problem, it is a distribution problem.

The FDA regularly conducts compliance checks on tobacco and vapor outlets. Information obtained from www.fda.gov shows that during the period of January 1st 2019 thru September 24th 2019, the FDA nationally has published 4,209 violations in the United States of sales to underage customers. Of those 4,209 violations 281 were issued to dedicated Vapor Shops which represents 6.7% of all violations nationally. The other 93.3% of violations were

committed by Convenience Stores, Gas Stations, Department Stores, Discount stores and other retail outlets.

Yeti Vape currently uses electronic age verification. We have a policy that all members of a group must provide ID. The ID presented must not be expired and except for a passport any ID presented must be scannable by our ID scanner. The scanner we use not only identifies underage customers, but also identifies these.....Fake ID's. Here in my hand I have 6 examples of Identification that was presented in our stores that were either fake or presented by a person other than whom it was issued to. We confiscate fake ID's to help take them off the street. This is one of the reasons that dedicated vapor stores are only responsible for 6.7% of underage violations.

Of the 4209 violations reported by the FDA the three most reported products that were purchased in the stings were as follows:

Juul – 1,440 purchases equaling 34% of violations.

Vuse – 1,407 purchases equaling 33% of violations

Blu – 747 purchases equaling 18% of violations.

What do these products have in common? These are examples of devices that youth are using. They are all closed-end systems with anywhere from 30-60mg of nicotine. Nicotine at these levels is dangerous. Yeti Vape has discontinued the sale of these devices due to this fact. Most people who have turned to vaping to consume nicotine as a less harmful option to smoking, start at a nicotine level between 18 and 24 mg. Less than half of some of the products currently on the market.

For the same time period cited, the FDA published 54 violations specific to New York. Of those 54 violations only 3 were from dedicated Vapor Stores. Also 44 of the 54 sales in violation were for a JUUL device.

So, now that you have the facts and figures, how do we eliminate youth use of vapor products?

Eliminate child friendly distribution points. Vapor products should be only available in dedicated vapor shops, similar to how liquor is sold in NY. This will reduce youth access by over 90%.

Eliminate the child appealing devices such as JUUL, VUSE, BLU and similar. Limit the maximum amount of nicotine these products can contain in Chautauqua County. Children are vaping for the high concentrations of nicotine not the flavors.

Mandate the use of electronic age verification. Every store that sells vapor product should be required to invest in this technology that has proven it is successful and works.

I am extending an invitation to any member of this legislative body, if you are serious about solving the youth vaping problem let's sit down together and craft sensible legislation to actually prevent youth use. Let's not penalize the adult nicotine consumer who has made a successful transition from cigarettes to vaping. A flavor ban is not the answer. It would be just the beginning of a black market where people would get product with no quality control that may cause illness.

Let us take this opportunity to be on the right side of this issue, lets exhibit to the rest of the state that this county in far Western NY has not only the foresight to protect our children, but also businesses that serve the public good. Thank you

REGULAR SESSIONS

Chairman Wendel: Is there anyone else to speak to the first privilege of the floor?

My name is Anthony Toda and I live in Jamestown, New York. I just want to comment- I know you're having the budget negotiations and passing of the legislation. I want to make a comment about what I've seen in the Post-Journal concerning the fly cars. Apparently, you're going to put in the budget for another fly car. One of the comments that was made in the paper was that the City of Falconer has over 1,400 fly car calls in a period of a year. Well, it was my understanding that the original intent of this law was to get to areas that were not close to municipalities (*inaudible*) the legislators spoke of the law as an outreach type program for people who had a long wait time or were out in the middle of the rural community could not get an emergency vehicle in time and that was the purpose of the fly car. Now, the Falconer issue with the fly car seems to be covering municipalities- which under Andrew Cuomo, I believe this legislature is being forced to consolidate because of the terrible, terrible policies he's had. The fly cars in Falconer (*inaudible*) 1,400 calls a year. That reflects a problem with the EMS system in the City of Jamestown that everybody knows- I believe the people know about, it's been in the paper that there's a fight over wages and what needs to be done here is we have to get someone in the city government besides the democrat tax happy Mayor Teresi who has destroyed the city and caused this responsibility to be burdened onto the taxpayers at the county level. This is where the problem lays- in the big cities-

Chairman Wendel: Mr. Toda, excuse me, we need to address the budget or the fly car. This isn't going to be a rant against Mayor Teresi.

Mr. Toda: Well, I have three minutes and that's what I'm talking about is the fly cars.

Chairman Wendel: The fly cars have nothing to do with Mayor Teresi.

Mr. Toda: Well, the (*inaudible*) system does because there is going to be more taxable revenues that have to be collected as a result of the way the emergency system is going in the City of Jamestown- the Mayor and UPMC, which is a multibillion dollar corporation (*inaudible*) and that burden belongs to the City of Jamestown. That should not be covered by the Chautauqua County Legislature in any way, whether it's by fly cars or by any other means. We have an irresponsible mayor and that's on target with the fly cars and now we have a situation where UPMC is not cooperating. Mr. Borrello has gone to the local (*inaudible*) and this time maybe get a meeting together with UPMC (*inaudible*) and see if you can make something out of this emergency system because it's only going to get worse in Jamestown and it's going to cause a real- people die because of this and the fly car system is going to become more of a burden.

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

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 08/28/19

COMMENDATION:

CAMERON BARMORE
CLYMER/SHERMAN/PANAMA
TRACK & FIELD
HIGH JUMP STATE CHAMPION
By
Legislator Frank "Jay" Gould

PRESENTATION:

2020 CHAUTAUQUA COUNTY
TENTATIVE BUDGET
by
COUNTY EXECUTIVE GEORGE M. BORRELLO

County Executive Borrello: Thank you Mr. Chairman, members of the Legislature, my fellow county employees and everyone here tonight. It's my pleasure to be here to outline my tentative budget for 2020.

I'd like to start off by thanking everyone involved in developing this budget including all department heads and managers. I'd like to especially thank Finance Director Kitty Crow and Budget Director Kathleen Dennison and their team in the Finance Department for their efforts and diligence. Also, many thanks to my assistant Dan Heitzenrater for helping me to distill this down into this budget presentation.

This year we faced a new reality here in the Empire State . . . Sorry I have the wrong Empire. This year we faced a new reality here in the Empire State. A shift in the State legislature has led to dramatic increases in new unfunded mandates, new regulations and new burdens on local government and taxpayers. This new reality, along with other hurdles including unmet obligations by the State, created a challenging scenario for our 2020 Tentative Budget.

Let me highlight just a few of the challenges we faced going into this budget process. New York State's tenuous agreement with the Seneca Nation of Indians to share revenues under the Tribal Compact is a strained situation. Payments to the State are in litigation right now and money owed to the municipalities, including Chautauqua County, have not been paid since 2016. Even though the dispute is ongoing, those payments are the State's obligation to municipalities and should not be effected by negotiations between the State and the Seneca Nation.

To date, the State is in arrears to Chautauqua County to the tune of about \$2.2 million. That will increase to about \$3 million next year. So, after three years of delays and broken promises, we have chosen not to budget for this funding in the coming year.

New, and largely unfunded, election reforms have created a large gap in our Board of Elections budget for 2020. While we are hopeful that early voting may increase voter participation, it will come at a high cost to local government. Increases in the State's minimum wage along with a dramatic increase in Election Inspector work hours for the 10 days of voting will result in a local share increase of about \$115,000 just to meet the minimum requirements set by the State.

Adding in the costs of new electronic poll books, the net increase in local share for the Board of Elections in 2020 is estimated to be a total \$205,000, which equates to a nearly 22 percent increase in the Board of Elections local share costs.

So-called criminal justice reforms will have a major impact on counties across the State in 2020. Not only will the State's cashless bail plan force the release of criminals onto our streets - with nothing but an appearance ticket - it will create an unnecessary burden on county government. When those accused don't show up for their court dates, our county law enforcement officials are responsible for bringing them in for trial. Sheriff Jim Quattrone has stated that he will need a "warrant squad" to accomplish that requirement. That will heavily burden law enforcement and the taxpayers.

In addition to cashless bail, the new unrealistic rules for discovery - which is information that must be turned over in court cases - will strain our District Attorney's Office, Sheriff's Office and Probation Department. According to our DA, Patrick Swanson, currently only 20 percent of cases require full discovery and it is typically completed over the course of months. Now, with these new mandates, 100 percent of cases will require discovery and it must be turned over within 15 days. This will mean hundreds of hours of additional work that must be completed in a compressed timeframe and - you guessed it - without any financial support from the State.

Both our District Attorney and Sheriff have outlined the challenges facing county government with these new unfunded mandates in the coming year. But the State's lack of guidance, training and funding for this new reality will create unpredictable situations and outcomes. Therefore, we must be prepared for the inevitable fallout from both a public safety standpoint and a budgetary standpoint.

When the NRG plant in Dunkirk was generating power, not only was it a key economic driver, NRG was also the single largest taxpaying entity in the county. The transition aid we receive from the State was designed to bridge the tax revenue gap while the plant converted from coal to natural gas. But now, with that re-powering being taken off the table, the dwindling financial support is creating a growing deficit. You can see from this chart how that support dwindles.

That's a summary of just some of the challenges we face and how it impacts our budget. Those are the stark realities. So what does all this add up to for us? It added up to us starting this budget process with a \$6.8 million shortfall.

So if we had stayed with the status quo, it would have resulted in one of the following three scenarios:

To keep our tax rate flat at \$8.37 per thousand would have required using \$2.1 million out of the undesignated fund balance. That would result in the fund balance dipping 4.2 percent, which is well below the 5 percent level that is called for in our county financial management policy.

The next option would be to increase the tax rate by nine cents to \$8.46 per thousand. That is the maximum increase allowed while still staying below the tax cap, but still using \$1.4 million from the undesignated fund balance to do so. This would leave the fund balance at 4.6 percent with a tax rate increase and a fund balance below the 5 percent level.

The third option to keep the fund balance above 5 percent was a tax rate increase of 26 cents per thousand.

Again, these were the options we had before we went back to work on the tentative budget.

So how did we address this? We started off with a realistic assessment of our revenues and expenses. For example, we did not budget for the estimated \$750,000 in tribal compact revenue, which I previously mentioned.

On a more positive revenue note, the landfill's revenue from 2018 was exceptionally good. So those proceeds are reflected in the 2020 budget, which is where that accrued revenue is supposed to be allocated.

Many positions throughout county government are currently vacant at any given time. Most of them are just temporarily vacant while the hiring process continues. Typically many of those positions are budgeted for at a full year's expense even though they may go months without being filled. We have analyzed those vacancies and applied those estimated savings in this budget. This gives us a more realistic estimate for payroll expenses in the 2020 budget.

Keeping our county roads safe to travel on during the winter requires a tremendous amount of road salt. Each year, we estimate how much is needed and budget accordingly. This season, the cost of road salt is estimated to increase from \$68 per ton to \$76 per ton, which is a 12 percent increase. That will have a significant impact on next year's budget for road salt, especially. So we have estimated as realistically lean as we can in this budget.

As I mentioned before, the impact of the new discovery rules and other mandates is going to have a significant impact on our District Attorney's Office. We have added a nominal increase in the DA's budget to assist, but not as much as was originally requested.

We started out 2019 with a very lean adopted budget as part of our Bushel Full of Pennies Budget. Then, as the year progressed, revenue shortfalls appeared and we made further modifications and operating cuts to the 2019 budget. As a result, we went into the 2020 budget with no surplus funds to carry over to start us off.

So with all of that said, let's take a look at a little history of our county tax rates. If we go back to 2006, you'll see that we had a property tax rate of \$9.49 per thousand. Also, our sales tax rate was higher than it is now at 8.25 percent. Also, in 2006 we did not have sales tax exemptions for clothing or home fuel like we do currently. Yet despite all of that, our tax rate today is about a \$1.12 per thousand lower than it was 13 years ago.

If you look at the scenarios I presented earlier, the tax rates would have to increase to \$8.46 -to the tax cap limit- while still using fund balance, or even higher to \$8.63-beyond the tax cap- to close the gap without using fund balance.

If you look at the tax rate back in 2006 and adjust for inflation, which is how the tax cap is calculated, that \$9.49 rate from 2006 is the equivalent of a \$12.18 rate in today's dollars. Today the county property tax rate is just \$8.37 per thousand. A difference of \$3.80 per thousand.

That means we are delivering services here in Chautauqua County with an inflation-adjusted tax rate that is more than 31 percent less than it was in 2006, and with a lower sales tax rate. I am proud to say that we run lean and effective government here in this county.

In this 2020 tentative budget process, we asked each department to try to achieve a budget with no increase in local share. After they submitted their budgets, we asked them to go back and make cuts again.

Finally, my budget team and I analyzed and scrubbed each department's budget and made further cuts as well. Part of bringing this budget together included looking at further opportunities for savings and revenues. In my state of the county address this year, I outlined initiatives we were pursuing to save money and grow our revenues. One of the initiatives we have advanced is moving to a centralized purchasing system. We anticipate future savings from the economies of scale of centralized purchasing.

Also, we announced earlier this year that we are pursuing the transition of our landfill methane gas from generating electricity, at a net loss, to selling the methane gas itself for conversion into Renewable Natural Gas at a net profit to the county. This reversal from a loss to a gain is figured into the budget and is helping to close the budget gap.

Our countywide Fly Car EMS system has saved lives across the county by responding to thousands of emergency calls since it came on-line in late 2017. This year we moved that service to 24 hours a day, 7 days week and took the necessary steps that allow us to bill for those services. Going into 2020, we will further expand the service and billing, which I will detail later in this presentation.

So all of this due diligence has resulted in a 2020 tentative budget that is a very lean proposal and has taken into account as many opportunities for savings and increases in revenue as possible.

As I mentioned earlier, the State's nonpayment of tribal compact money has created a hole in our budget again this year. Every dollar of revenue counts in the lean operating budget we have here in Chautauqua County. So, to cover that loss, we are using about \$1 million from the undesignated fund balance in the 2020 budget. Even though the use of funds from that fund balance is minimal in this large budget, and fund balance will still be above the minimum required by the county's financial management policy, it would not have been needed if the State had simply met its obligation and paid the money owed to us, like it has with other municipalities including the City of Niagara Falls.

When looking at Full-Time Equivalents, or FTEs, we asked departments for reductions in new positions. As part of the final budget scrub, we reduced new positions even further for the final tentative budget. If you look at this chart, you'll see that we have a net increase of about 20 FTEs. However, 18 ³/₄ of them are fully funded by other sources and do not increase local share. Therefore, despite all of the new unfunded mandates and added responsibilities, we have held the local share FTE increase to just under 1 ¹/₂ full-time equivalents.

I'd like to take a moment to highlight the undesignated fund balance, which is our rainy-day savings account. Having a reasonable amount of money in reserve is not just good budgeting, it also affects things like our bond rating. The better our county bond rating is the less we must pay in interest on the capital projects that we bond for, which saves us money. So having a healthy fund balance is important in a number of ways.

We have had a fund balance that has been in a healthy range for several years now, even though we have lowered the property tax rate five years in a row. I am happy to say that despite beginning the 2020 budget process with a \$6.8 million gap, we have reduced the amount of undesignated fund balance needed to close the gap to only \$1 million. But as you look at this chart, holding the line on taxes going into future years will start to shrink the fund balance, as a percentage of the operating budget, and it starts to dip below the recommended level of 5 percent.

So going into future budgets, this will need to be addressed to keep our fund balance above the minimum percentage and stay within the financial management policy guidelines. This will best be accomplished by growing our economic pie, which I will talk about later.

So that now brings us to the county property taxes for next year. After all that I have outlined, and the challenges we faced, my proposed budget holds the line on the tax rate at \$8.37 per thousand for 2020. As you can also see from this chart, the tax levy will grow by 2.72 percent. The levy is based on the total increases in property valuation countywide. It stems from factors like property value appreciation and new construction. It's this modest but significant growth in property valuation, along with lean budgeting, that allows us to hold the county property tax rate down. Growing the levy is about growing the total pot of money without increasing the tax rate.

As we look toward the future, we want to explore new possibilities for our county and look for new opportunities. As far as future revenue possibilities, I do believe that the state will eventually fulfill its obligation through the tribal compact. The poorly drafted agreement that led to this dispute between Albany and the Seneca Nation should not impact the municipalities that the State agreed to pay.

Also, Chautauqua County is part of a class action lawsuit against the opioid manufacturers. Settlements are currently in the works and that will hopefully lead to new revenue that will help offset the significant costs we have incurred locally in battling the opioid epidemic.

As we take further steps to create a more efficient county government, we are looking at all aspects and all possibilities. Recently we hired the Center for Governmental Research to conduct an analysis of county site locations, including our many offices in the county, to see if there are opportunities to streamline our operations. While the study results were not expected for this tentative budget, I am hopeful that the results could reveal opportunities that would have a positive impact on operational expenses in the coming year.

Talking about the future, we are again this year investing in our infrastructure and making improvements to the quality of life here in Chautauqua County. This effort is essential to maintaining our momentum and growing our economy.

In our 2019 budget, we invested a record amount of money into supporting the Complete Streets program in our county. Improving our roadways to make them more pedestrian-friendly and more useful for biking, walking and other activities is not only good for our economy but it's also good for overall health. I am proud to continue making this a priority for county government.

Ever since my days as a county legislator and IDA board member, I have championed the need for more high-speed internet access throughout our county, especially in our more rural areas. We started that expansion a little over two years ago with an effort that was dubbed the "Fiber to the Farm" project. This state-funded partnership with DFT Communications is bringing critically needed high-speed service to previously unserved areas. Now in 2020 we plan to move ahead with further expansion, on a much broader scale. We are doing this in collaboration with our neighbors in Cattaraugus and Allegany Counties, through the Southern Tier West board. As a member of that board, along with Legislator Jay Gould and Director Don McCord, we have pursued a grant through the Federal Appalachian Regional Commission that will bring broadband access to 4,195 residences, 437 small business locations, 87 farms and 18 tourist destinations throughout the region. This big step forward will not only improve critical

internet access for existing homes, farms and businesses, it will also improve property values and expand opportunities especially for those looking to relocate their families and their businesses to our region.

Here in Mayville, we are also making needed improvements. The most notable, as I am sure you have noticed, is the expansion of the parking lot. This is something that has been talked about for years. Thanks to the work of DPF Director Brad Bentley and his team, and with the support of this legislature, we are moving forward with the first phase this year and further phases will be completed in 2020. This is not only good for the morale and safety of our fellow employees but also for the hundreds of others who visit this campus each day.

Our quality-of-life improvements will continue in 2020 with investments in transportation and emergency services. With our new partner, Boutique Airlines, and the support of a broad spectrum of local business, community organizations, and this legislature, we have resubmitted our joint application to the U.S. Department of Transportation for the return of commercial air service to the Chautauqua County Jamestown Airport. This improved plan will offer daily service to both Pittsburgh and Baltimore Washington airports and will include the convenience of early morning flights and evening returns allowing for easy connections to literally hundreds of destinations in the U.S. and around the world.

In 2019, we started the improvement of our CARTS bus service. We successfully tested Saturday service this summer, which we are now continuing and making it permanent going into 2020. This expansion will assist residents who rely on CARTS and also allow tourists, shoppers and others to use the convenience of scheduled bus service on the weekends.

Of course one of the biggest quality-of-life concerns for residents and visitors is critical care, especially in an emergency. As I mentioned previously, we expanded our county EMS Fly-Car system this year and we began billing for those services. Now, we are going to take that opportunity for more billable services and add a fourth fly-car to the system in 2020. This move will allow county EMS to further support other local emergency response agencies with life-saving assistance around the county without a negative impact on the budget.

In 2020, the proposed capital projects will see improvements in a number of areas, from replacing bathrooms at the beautiful Luensman Overlook Park to critical safety and security projects for Jamestown Community College and the county's technology infrastructure. We will continue investments in equipment and in county facilities to ensure that we can deliver services effectively and efficiently.

Also part of capital projects investments for 2020 includes the next phase of our Brownfield Development Strategy. This effort is focused on taking former contaminated industrial sites and marketing them for development with the assistance of State and Federal tax credits. Brownfield redevelopment is being done successfully now in our county, most recently with the Sonwil Frozen Storage project that is nearly complete in Dunkirk. Having sites that are assessed and ready to go will give Chautauqua County a key strategic advantage in pursuing future development opportunities. My thanks to Deputy County Executive Mark Geise for leading this worthwhile economic development effort.

In 2020 our county occupancy tax is projected to continue to increase thanks to our growing tourism and hospitality industry. In the coming year, we will continue to invest those proceeds in tourism and the protection and enhancement of our precious lakes and waterways.

The amazing collaboration momentum we started this year with the Chautauqua Lake Consensus Strategy and Memorandum of Agreement will continue in 2020 with further

expansion of our support and investment in the improvement of Chautauqua Lake. In this tentative budget, we are allocating \$150,000 to in-lake maintenance along with the continued leadership and resources that has resulted in the great progress we have made together.

Chautauqua County is home to a beautiful grape belt region. The heritage of our grape industry and the expansion of wineries and other agri-businesses in the region is highlighted and supported by the Grape Discovery Center. The Center is located in the heart of the Lake Erie Wine Country and is a catalyst for the region's continued growth. This year we will assist the Grape Discovery Center in its mission to promote our wineries and other attractions, and also preserve the rich heritage of grape-growing in Chautauqua County by investing in its future success.

Speaking of heritage, we will also continue our investment in historical preservation and increase the support for local historical organizations. Our county's rich history is an important element of our tourism economy and is a source of community pride. I believe it's our duty to make sure that it's protected and preserved.

Also in this tentative budget, we have included financial support of Countywide Partnership for Economic Growth (CPEG). This is a new initiative that will foster unprecedented collaboration for economic and community development. Tourism and hospitality is the fastest growing industry in Chautauqua County and is a primary driver for both sales and bed tax. So the support for the CPEG will help us to continue to grow this important part of the economy. Part of looking to the future is having a path forward to continue to "grow the pie" of our tax base. Improving revenues means growing our economy and making that base of revenue larger so each person and business' contribution is a smaller part. Growing our tax base is essential to providing services without increasing the tax burden on our businesses and residents.

In 2020, we will be supporting projects and initiatives that help us grow the economic pie like the Countywide Partnership for Economic Growth that I just mentioned.

Also, this legislature chose to support the Project Grow Chautauqua hops and grains initiative this year. That has now transformed into Empire State Brands, a game-changing agri-business initiative that will move forward in the coming year.

Another key component of growing our economy is ensuring that our businesses are able to successfully recruit and retain people. Local businesses shared their recruiting challenges with us and we responded with a new recruiting effort that highlights the wonderful place that Chautauqua County is to live, work, raise a family, and own a business. We recently released this new recruiting brochure and that effort will expand next year into a comprehensive campaign. I'd like to once again thank Mark Geise and Don McCord, along with their small but dedicated team, for this amazing effort and great results.

The most unique and important natural assets in Chautauqua County are our beautiful lakes and waterways. We are truly blessed to have them and they are a major economic driver. Protecting, promoting and improving our lakes and waterways are critical to our economy, our quality of life and our future.

Developing this tentative budget proposal started with many challenges. I am proud of the hard work put forth by so many people, in challenging the status quo, looking for new opportunities and never taking our eye off of the goal of developing a responsible budget that delivers those needed services without an increased burden on the taxpayers. We have good government here in Chautauqua County. We set aside party politics and do what's in the best

REGULAR SESSIONS

interest of the people. We are an example of what can be accomplished when we all work together. I am proud to work with each of you and I look forward to an even brighter future in the coming year. Thank you all very much.

COMMUNICATIONS:

1. Letter – County Executive – Appointment to the Chautauqua County Board of Health
 2. Letter – County Executive – Appointments to the Chautauqua County Traffic Safety Board
 3. Letter – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2019 State Equalization Rates
 4. Report – NYS Small Business Development Center - Chautauqua County Quarterly Report
 5. Report – NYS Small Business Development Center – Business Permit Center - Quarterly Report
 6. Report – Finance Director Crow – Investment Report – July 2019
 7. Letter – Chautauqua County Board of Health – Prohibition of Sale and Distribution of Flavored E-Liquid for use in E-Cigarettes
-

RES. NO. 226-19

Confirm Appointment - Chautauqua County Health Board

By Human Services Committee:

At the Request of County Executive George M. Borrello:

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

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

Appointment

Elizabeth Kidder, MD, PhD, MPH

3656 Route 394

Ashville, NY 14710

Term Expires: 9/30/25

Signed: Wilfong, Pavlock, Whitford, O'Connell

Unanimously Adopted – September 25, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 227-19

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Chairman Paul M. Wendel:

At the Request of Chairman Paul M. Wendel:

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

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

Appointment

Will Ortman
3660 Watson Road
PO Box 126
Stow, NY 14785

Signed: Wendel

Unanimously Adopted – September 25, 2019

RES. NO. 228-19

Confirm Appointments - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

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

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

New Appointments

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

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

Signed: Niebel, Bankoski, Pavlock, Whitford

Unanimously Adopted – September 25, 2019

REGULAR SESSIONS

RES. NO. 229-19

Authorize Acceptance of Aid to Prosecution Funds 2019-2020

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

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

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

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

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

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

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

Unanimously Adopted – September 25, 2019

RES. NO. 230-19

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

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

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

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

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

JOURNAL OF PROCEEDINGS

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services – Sheriff	\$19,338
A.3110.----.8	Employee Benefits – Sheriff	<u>\$ 6,515</u>
	Total	\$25,853

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services – Chrgs: Oth Gov-Pub Safety	\$25,853
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Signed: Niebel, Bankoski, Pavlock, Whitford, Chagnon, Muldowney, Gould

Unanimously Adopted – September 25, 2019

RES. NO. 231-19
State Homeland Security Program for Fiscal Year 2019

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

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

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

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

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

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

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

Unanimously Adopted – September 25, 2019

RES. NO. 232-19

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

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

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

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

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

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

INCREASE REVENUE ACCOUNT:

A.3140 R331.0RTA	New York State Aid – Probation-Raise the Age	\$112,463
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Signed: Niebel, Gould, Bankoski, Pavlock, Whitford, Chagnon, Muldowney

Unanimously Adopted – September 25, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 233-19

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

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

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

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

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

INCREASE APPROPRIATION ACCOUNT:

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

A.6123.RTA.R362.3000	New York State Aid – Juvenile Delinquent	\$ 1,500,000
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Signed: Wilfong, Pavlock, Whitford, O’Connell, Chagnon, Muldowney, Niebel, Gould

Unanimously Adopted – September 25, 2019

RES. NO. 234-19

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

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

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

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

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

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

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.1185.----.4	Contractual-Med Examiners & Coroners	\$130,000
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DECREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual-Safety Net	\$183,100
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DECREASE REVENUE ACCOUNTS:

A.6140.R364.----.0000	NYS Aid – Safety Net	\$ 51,268
A.6140.R464.----.0000	Federal Aid – Safety Net	<u>\$ 1,832</u>
	Total	\$ 53,100

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

Unanimously Adopted – September 25, 2019

RES. NO. 235-19

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

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

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

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

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

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

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

Unanimously Adopted – September 25, 2019

RES. NO. 236-19

Continuation of Interim Funding for North Chautauqua County Water District

By Audit & Control Committee:

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

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

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

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

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

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

Signed: Chagnon, Muldowney, Niebel, Gould

Unanimously Adopted – September 25, 2019

RES. NO. 237-19

Amend 2019 Budget for Operating Efficiency Study

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

REGULAR SESSIONS

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

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

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

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

INCREASE THE USE OF FUND BALANCE:

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

;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

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

Signed: Chagnon, Muldowney, Gould, Niebel

Unanimously Adopted – September 25, 2019

RES. NO. 238-19

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

By Audit & Control Committee:

At the Request of Chairman Paul M. Wendel:

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

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

JOURNAL OF PROCEEDINGS

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

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

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

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

Signed: Chagnon, Muldowney, Niebel, Gould

Unanimously Adopted – September 25, 2019

MOTIONS: (On file w/Legislature Data)

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

R/C Vote: 10 Yes; 8 No; 1 Absent (Legislators Niebel, Odell, Pavlock, Proctor, Rankin, Scudder, Vanstrom, Wilfong voting “no” - Failed)

11A-19 Proclaiming September 2019 as Hunger Action Month in Chautauqua County I
Unanimously Adopted

2nd Privilege of the Floor

Mr. Green: Norman Green- Board of Elections. I just want to make it clear to everybody that while the County Executive talked about next year and early voting being an unfunded mandate, this year it has been funded. So, we aren't sure yet whether next year will be funded. That won't be decided until the legislature comes back in session. So, early voting this year isn't costing the taxpayers any extra money and we're not causing any of the budgetary troubles that we're now in. Thank you.

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

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:27 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, October 23, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:35 p.m.

Clerk Tampio called the roll and announced a quorum present.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (9/25/19)

1st Privilege of the Floor

Hello Mr. Chairman and members of the Legislature, my name is John Sedota. I'm a Chautauqua County resident, county employee of twenty-three and a half years with the Department of Health and Human Services and a councilman with the Town of Pomfret. I'm here tonight along with some of my fellow tax paying county employees to share our concerns over the tax increase being proposed by the County Legislature. As tax payers and county employees we do not agree with increasing the tax burden and believe that there is room for increased efficiency within county government. We concur with business leaders in the community such as the chamber of commerce and the manufacturers association of the southern tier who publically expressed their concern in today's Observer. It was mentioned in the article that approximately thirteen departmental budgets are increasing the cost beyond the rate of inflation and we find this trend concerning.

In addition to expressing our concerns we would also like to take this opportunity to express our willingness to offer suggestions and ideas to increase productivity and efficiency in county government to any elected or unelected officials willing to listen and explore cost savings opportunities. As county employees we see firsthand some of the inefficiencies that occur on a regular basis in county government and are willing to share our knowledge and experience. As county employees and tax payers we agree with business leaders in the community. The Legislature should take another look at the budget to seek further cost savings and continue the trend of lowering the Chautauqua County tax rate. Thank you.

Chairman Wendel: Is there anyone else to speak to the first privilege of the floor?

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 9/25/19

REGULAR SESSIONS

COMMENDATION:

FREDONIA HIGH SCHOOL
2019 NATIONAL BLUE RIBBON SCHOOL

By
Legislator Christine Starks,
Legislator Robert Scudder

PUBLIC HEARING:

2020 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS

Clerk Tampio: We will now move on to the 2020 tentative budget and sewer district assessment rolls. (6:44 p.m.)

Chairman Wendel: Anyone to speak to the public hearing? Is there anyone to speak to the public hearing? Seeing no one, we'll close the public hearing. (6:45 p.m.)

COMMUNICATIONS:

1. Proof of Publication – Public Hearings – 2020 Tentative & Sewer District Assessment Rolls
2. Letter – Chautauqua County Fire Advisory Board- Support for Fourth County ALS Vehicle
3. Letter – County Executive – Appointment – EMS Council
4. Letter – Department of Transportation – Bridge Replacement Project
5. Report – Finance Director Crow – Investment Report – August 2019
6. Drescher & Malecki LLP - County Audit Year Ending 12/31/18
7. Chautauqua County 2020 Tentative Budget
8. Letter – Mary Jantzi – Re: Support for Chautauqua County 4-H
9. Letter – Brian Jantzi – Re: Support for Chautauqua County 4-H
10. Letter – County Executive – Support the Use of Tax Stabilization Fund

Clerk Tampio: The Legislature office has received the nine communications that are listed on your agenda this evening. This afternoon we also received an additional communication from County Executive Borrello and I'll read the body. Dear County Legislators: Pursuant to Section 6-e of New York General Municipal Law, this letter will confirm my recommendation that the 2020 Tentative Budget be amended to utilize the \$100,060 balance remaining in the County's Contingency and Tax Stabilization Fund, in order to lessen any projected increase in excess of two and one-half percent in the amount of real property tax levy needed to finance the eligible portion of the annual budget for 2020.

Chairman Wendel: Thank you.

JOURNAL OF PROCEEDINGS

RES. NO. 239-19

Confirm Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, George M. Borrello, County Executive, 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 Emergency Medical Services Council.

David Thomas
6 Park Lane
Jamestown, NY 14701
Term Expires: 12/31/21
Replacing Phillip Wilson

Paul Miller
3875 Williams Street
Dunkirk, NY 14048
Term Expires 12/31/20
Replacing Matt Stafford

Priscilla Banes
31 Park Street
Jamestown, NY 14701
Term Expires: 12/31/19
Replacing Emilia Lindquist-Hartley

Sharoyrn Ruby
31 W. Summit Street
Lakewood, NY 14750
Term Expires: 12/31/19
Replacing Michael Volpe

Amy Romanik
12600A Alleghany Road
Silver Creek, NY 14136
Term Expires: 12/31/20
Brooks/TLC Rep.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

Unanimously Adopted – October 23, 2019

RES. NO. 240-19

Close Capital Projects and Amend 2019 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

REGULAR SESSIONS

WHEREAS, the work planned for capital project Phase 2 Capping (2010) (EL.8160.24685) will be completed as part of capital project Phase IV Construction (2007) (EL.8160.025), and no expenses have been incurred for project EL.8160.24685, so project EL.8160.24685 should be closed and its budget combined with the budget for project EL.8160.025; and

WHEREAS, the estimated overall cost of the two projects has changed; now therefore be it

RESOLVED, That the Director of Finance close capital project EL.8160.24685 Phase 2 Capping (2010); and be it further

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

INCREASE APPROPRIATION ACCOUNT:

EL.8160.025.4	Contractual—Environment-Phase IV Construction (2007)	\$2,201,076
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DECREASE APPROPRIATION ACCOUNT:

EL.8160.24685.4	Contractual—Environment-Phase 2 Capping (2010)	\$1,301,076
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Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon

Unanimously Adopted – October 23, 2019

RES. NO. 241-19
Adjust DPF Building and Grounds Accounts

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

WHEREAS, the DPF Building and Grounds Department is in need of a Pickup Truck Spreader for winter operations; and

WHEREAS, additional funds are needed to complete the equipment purchase; now therefore be it

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

DECREASE APPROPRIATIONS ACCOUNT:

A.1620.----.1	Personal Services--Buildings & Grounds	\$4,200
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JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.1620.----_2 Equipment--Buildings & Grounds	\$4,200
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Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney

Unanimously Adopted – October 23, 2019

RES. NO. 242-19

Adjust D.5112 Capital Improvement Account-Funded Roads

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Cassadaga Windfarm LLC has been assessed a permit fee of \$2,407,000 by the Chautauqua County Department of Public Facilities (DPF) to utilize County roads in the Towns of Arkwright, Villenova, Charlotte and Cherry Creek for work within the road rights-of-way and for overweight and over-dimensional hauling; and

WHEREAS, the assessed permit fee is expected to be utilized to repair the County roads when Cassadaga Windfarm construction activities have been completed; now therefore be it

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

INCREASE APPROPRIATIONS ACCOUNT:

D.5112.393.4 Contractual---Capital Improvements-Funded Road Program	\$2,407,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

D.5112.393.R259.0025 Licenses & Permits—Permits-DPF	\$2,407,000
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Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney

Unanimously Adopted – October 23, 2019

RES. NO. 243-19

Amend 2019 Budget for Road Salt

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, annual expenditures for road salt are anticipated to exceed initial budgetary estimates because it is necessary to begin the winter season with a significant inventory of road salt, and expenditures for road salt are recorded at the time of purchase; now therefore be it

REGULAR SESSIONS

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance-Unassigned Fund Balance
\$500,000

; 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.9901.9000.9 Interfund Transfers – Interfund Transfers \$500,000

INCREASE APPROPRIATION ACCOUNT:

D.5142.----.4 Contractual—Snow Removal: Co Roads \$500,000

INCREASE REVENUE ACCOUNT:

D.9901.9000.R503.1000 Interfund Transfer – Interfund Transfer \$500,000

Signed: Wilfong, Nazzaro, Scudder, Chagnon, Muldowney, Gould (*PF: Carried with Legislator Gould voting “no”*)

Unanimously Adopted – October 23, 2019

RES. NO. 244-19

Amend 2019 Budget for Jury Room Renovations in the Chautauqua County Courthouse and Carpet Replacement in Part 1 Hearing Rooms 103, 104, & 105 in the Mayville Municipal Building

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

WHEREAS, the County currently has an agreement with the State of New York Unified Court System pertaining to courtroom and court staff office space on the second floors of the Gerace Office Building and the County Courthouse and the Family Court Space in the Mayville Municipal Building; and

WHEREAS, the State of New York Unified Court System Eighth Judicial Court District has made a tenant improvement request to renovate the Jury Room in the County Courthouse and to replace the carpeting in Part 1 Hearing Rooms 103, 104, and 105 of the Family Court in the Mayville Municipal Building; and

JOURNAL OF PROCEEDINGS

WHEREAS, the total projected cost to renovate the Jury Room is \$12,000 and the total projected cost to replace the carpet in the Part 1 Hearing Rooms is \$9,000; and

WHEREAS, under the current agreement the State of New York Unified Court System provides full reimbursement to the County for tenant improvement expenses; therefore be it

RESOLVED, That the County Finance Director is hereby authorized to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1135.4 Contractual – Unified Court Costs – Supreme Court	\$12,000
A.1162.1140.4 Contractual – Unified Court Costs – Family Court	<u>\$ 9,000</u>
Total	\$21,000

INCREASE REVENUE ACCOUNT:

A.1162.9999.R302.1000 NYS Aid – State Aid Court Facilities	\$21,000
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Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney

Unanimously Adopted – October 23, 2019

RES. NO. 245-19

Authorize Early Voting Aid to Localities Grant Award from the New York State Board of Elections

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

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the Early Voting Aid to Localities Grant Project; and

WHEREAS, the State of New York will provide funding for a grant in the amount of \$85,012.25 for Contract #C004076-1110000 for the performance period of April 12, 2019 through December 31, 2020; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections for the implementation of Early Voting in Chautauqua County; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2019 Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$85,012.25 from the New York State Board of Elections Early Voting Aid to Localities Grant; and be it further

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized to execute Contract #C004076-111000 with New York State to obtain these funds; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual—Board of Elections	\$85,012
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INCREASE REVENUE ACCOUNT:

A.1450.R308.9007	NYS Aid—Other State Aid: Elections Grt	\$85,012
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Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 246-19

Authorize Acceptance of the 2020 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 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, 2020 to December 31, 2020; 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; and

WHEREAS, these funds are included in the proposed 2020 Budget so no budget amendments are necessary; 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.

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

Unanimously Adopted – October 23, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 247-19
HazMat Grant Program FY2018

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

WHEREAS, Chautauqua County, through the Office of Emergency Services, was awarded \$94,000 under the federal Hazardous Materials (“HazMat”) Grant Program; and

WHEREAS, the grant is intended to provide funds for local emergency response teams that provide HazMat services through equipment, training, exercise and planning projects; and

WHEREAS, the grant period runs from October 1, 2019 through August 31, 2021, and as may be extended; and

WHEREAS, upon acceptance of application and execution of the contract, funds will be allocated as necessary 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 23, 2019

RES. NO. 248-19
Fiscal Year 2019 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 2019 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

REGULAR SESSIONS

WHEREAS, the grant period runs from October 1, 2019 through September 30, 2020, and as may be extended; and

WHEREAS, upon acceptance of application and execution of the contract, funds will be allocated as necessary 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 23, 2019

RES. NO. 249-19

Mental Hygiene HEALing Communities Study

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

WHEREAS, the Chautauqua County Department of Mental Hygiene will be participating in the HEALing Communities Study which is funded by Columbia University from a Federal Grant it received; and

WHEREAS, beginning September 1, 2019 through March 31, 2023, the Department of Mental Hygiene will receive a minimum of \$191,300 annually for each of the four years with additional funding to be determined once study randomization occurs and the intervention is implemented; and

WHEREAS, the HEALing Communities Study will generate evidence about how tools for preventing and treating opioid addiction are most effective at the local level and will test the impact of an integrated set of evidence-based interventions; and

WHEREAS, the goal of the study is to prevent and treat opioid misuse and opioid use disorder (OUD) within 16 highly-affected counties in New York State and reduce opioid related deaths by 40 percent over three years; and

WHEREAS, these grant funds were not included in the 2019 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents with Columbia University for the acceptance of such funds, and is further authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, in furtherance of HEALing Communities Study activities; and be it further

JOURNAL OF PROCEEDINGS

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000	Federal Aid— Federal Aid-Ment Hlth	\$15,000
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene Programs	\$15,000
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Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 250-19

Mental Hygiene Health Resources and Services Administration (HRSA) RCORP-
Implementation Grant

By Human Services and Audit & Control Committees:
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) RCORP-Implementation Grant to implement a set of prevention, treatment, and recovery strategies over a three-year period; and

WHEREAS, the grant covers the period of September 01, 2019 through August 31, 2022, and the maximum amount of funding over the term of the grant is \$1,000,000; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will address access barriers to addiction services for those with an opioid or substance use disorder, will expand the availability of best practices in the addiction field, and will coordinate the work of community task forces to enhance their ability to collaborate, implement and sustain prevention, treatment and recovery services in our rural communities; and

WHEREAS, these grant funds were not included in the 2019 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents for the acceptance of such grant funds, and is further authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, in furtherance of grant activities; and be it further

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

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000	Federal Aid—Federal Aid-Ment Hlth	\$83,621
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene Programs	\$83,621
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Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 251-19

Mental Health SAMHSA Expansion Grant/Tapestry

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has been awarded a Substance Abuse and Mental Health Services Administration (SAMHSA) Child Mental Health Initiative (CMHI) grant to expand a System of Care for children ages 0 – 8 years, college aged students 18 – 21 years, and their families; and

WHEREAS, the grant covers the period of September 30, 2019 through September 29, 2023 and the maximum amount of funding over the term of the grant is \$4,000,000, distributed at \$1,000,000 each year of the grant; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will continue the transformation of the system of care serving children/adolescents and their families that was initiated in 2008 by expanding the quality and scope of available services, partnering with NYS SOC and NYS OMH, OASAS and OCFS to bring systems of care to scale statewide, and using evaluation data to drive community priorities and funding decisions; and

WHEREAS, these grant funds were not included in the 2019 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents for the acceptance of such grant funds, and is further authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, in furtherance of grant activities; 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.4320.----.R449.0001	Federal Aid—Mental Hygiene-SAMHSA	\$150,000
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JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene Programs	\$150,000
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Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 252-19

Acceptance of New York State OASAS Funds for Alcoholism and Substance Abuse Prevention and Treatment

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

WHEREAS, the State of New York Office of Alcoholism and Substance Abuse Services (OASAS) has awarded to the Chautauqua County Department of Mental Hygiene additional funds to be used for chemical dependency residential and treatment programs; and

WHEREAS, beginning on July 1, 2019, the Chautauqua County Department of Mental Hygiene will act as a pass-through to UPMC Chautauqua WCA for funds in the amount of \$462,000 for chemical dependency residential and treatment programs in Chautauqua County; and

WHEREAS, beginning January 1, 2020, the pass-through funding amount from the Chautauqua County Department of Mental Hygiene to UPMC Chautauqua WCA shall increase to \$700,000; and

WHEREAS, these funds are ongoing each year until such funding is unavailable; and

WHEREAS, these New York State OASAS funds were not included in the 2019 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement with New York State OASAS to obtain these funds for so long as funds are available to the County and are included in the County budget; and be it further

RESOLVED, That the County Executive is authorized to execute any and all agreements with UPMC Chautauqua WCA for use of these funds so long as funds are available to the County and are included in the County budget; and be it further

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

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000	New York State Aid—Mental Health	\$462,000
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene Programs	\$462,000
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Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 253-19

Accept Grant Funding from the New York State Department of Agriculture and Markets to
Update the Chautauqua County Agriculture and Farmland Protection Plan

By Planning & 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 1,228 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 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, an updated Chautauqua County Agriculture and Farmland Protection Plan will provide resources and strategies to protect agricultural lands and support economic viability of agriculture and related businesses; and

WHEREAS, pursuant to Resolution No. 244-18, the Chautauqua County Legislature authorized the County 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

WHEREAS, the Chautauqua County Division of Planning and Community Development applied for and was awarded a \$50,000 grant from the New York State Department of Agriculture and Markets to update the Chautauqua County Agriculture and Farmland Protection Plan; and

JOURNAL OF PROCEEDINGS

WHEREAS, the Chautauqua Region Community Foundation has pledged \$30,000 towards the required match for this project; and

WHEREAS, Chautauqua County's Cornell Cooperative Extension and the Chautauqua County Division of Planning and Community Development will provide the remaining local match of \$20,000 in staff time; and

WHEREAS, the County is required to officially accept the County Agriculture and Farmland Protection Planning Grant from the New York State Department of Agriculture and Markets; and

WHEREAS, a subsequent resolution to propose necessary amendments to revenue and expenditure budgets will be prepared when the County is ready to implement the grant; now therefore be it

RESOLVED, That the Chautauqua County Legislature officially accepts the County Agriculture and Farmland Protection Planning Grant from the New York State Department of Agriculture and Markets in the amount of \$50,000; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement said funding.

Signed: Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 254-19

Environmental Assessment of Projects for 2020 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. 235-19 that the Chautauqua County Department of Planning and Development ("CCDPD") conduct a New York State Environmental Quality Review ("SEQRA") for three projects approved by the Waterways Panel for funding in 2020 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 projects that are ranked as numbers 8, 9 and 10 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

REGULAR SESSIONS

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
Lighthouse Point	8	\$ 24,136	\$ 24,136
Morse	9	\$ 11,612	\$ 11,612
Park	10	\$ 10,760	\$ 10,760
TOTALS		\$ 46,508	\$ 46,508

Signed: Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 255-19

Authorize Advance of Funds to Chautauqua County Soil & Water for WQIP Projects -
Jamestown Riverwalk Restoration and Silver Creek Dam Removal

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

WHEREAS, Chautauqua County Soil & Water (Soil & Water) is the recipient of funding from the New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program (WQIP) in the amount of \$313,890 for the Jamestown Riverwalk Restoration project and \$217,000 for the Silver Creek Dam Removal project (hereinafter "Projects"); and

WHEREAS, Soil & Water has entered into a State Assistance Contracts (SAC) with the NYSDEC in which Soil & Water will contract with outside contractors to execute the scope of work for each Project as defined in its SAC; and

JOURNAL OF PROCEEDINGS

WHEREAS, work under the SAC for the Jamestown Riverwalk Restoration project will commence during Fall 2019 and the work for the Silver Creek Dam Removal project will commence during Summer 2020; and

WHEREAS, NYSDEC WQIP grants are for reimbursement of eligible grant-related costs; and

WHEREAS, Soil & Water has submitted requests to the NYSDEC to provide a 25% cash advance for each Project, which assists successful applicants with cash flow during the implementation of their projects; and

WHEREAS, Soil & Water anticipates additional cash flow needs during the implementation of the Projects not to exceed \$398,167.50; and

WHEREAS, pursuant to Section 223 of the County Law, Chautauqua County desires to advance Soil & Water up to \$398,167.50 over the next two years to fund these projects under the SAC, and Soil & Water shall reimburse the County such funds upon receiving reimbursement for eligible grant-related project costs; and

WHEREAS, these funds are not allocated in the 2019 Budget; now therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the County to advance Chautauqua County Soil & Water up to \$398,167.50 over the next two years to fund those projects under the State Assistance Contract with the New York State Department of Environmental Conservation, and Soil & Water shall reimburse the County such funds upon receiving its New York State Local Assistance Award; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any contracts with Chautauqua County Soil & Water to advance funds up to \$398,167.50 over the next two years for those projects under the State Assistance Contract; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual – Planning, Watershed Administration	\$398,168
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INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R238.9002	Shared Services--Oth Home & Community Svcs – Oth Govts	\$398,168
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Signed: Chagnon, O’Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

REGULAR SESSIONS

RES. NO. 256-19

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

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

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

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Cassadaga Valley Central School District to provide a certified School Resource Officer for the 2019-2020 school year at a total cost of \$64,630; and

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1 Personal Services – Sheriff	\$ 9,669
A.3110.----.8 Employee Benefits – Sheriff	<u>\$ 3,257</u>
Total	\$12,926

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000 Shared Services – Chrgs: Oth Gov-Pub Safety	\$12,926
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 23, 2019

RES. NO. 257-19
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

JOURNAL OF PROCEEDINGS

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	SCHEDULE 1		
			Purchaser	Offer Amount	Taxes Owning
PA-29-2019	City of Dunkirk	060300-79.19-4-5	Cheap Lands, Inc.	\$102.00	\$2,592.96
PA-83-2019	City of Jamestown	060800-371.09-4-68	MFN Enterprises	\$5,445.00	\$3,579.47
PA-65-2017	City of Jamestown	060800-371.09-4-69	MFN Enterprises	\$55.00	\$0.00
PA-119-2019	City of Jamestown	060800-387.08-4-52	William Soto	\$2,000.00	\$3,447.87
PA-144-2019	City of Jamestown	060800-387.12-3-61	Mark & Christina Phanco	\$2,000.00	\$13,134.08
PA-158-2019	City of Jamestown	060800-387.15-7-26	MFN Enterprises	\$1,500.00	\$3,740.95
PA-267-2019	Cherry Creek	063000-237.11-2-19	Cheap Lands, Inc.	\$102.00	\$8,849.46
*PA-293-2018	Pomfret	065889-131.09-1-9	MFN Enterprises	\$8,000.00	\$9,644.51
*PA-403-2019	Ripley	066200-240.12-3-25	Summerville Properties Inc.	\$500.00	\$6,789.80
PA-427-2019	Westfield	067201-193.13-1-19	Summerville Properties Inc.	\$250.00	\$6,442.94
			Total	\$19,954.00	\$58,222.04

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould

Unanimously Adopted – R/C Vote: 16 Yes - October 23, 2019

RES. NO. 258-19

Approving Labor Contract with Chautauqua County Sheriff Employees' Association (CCSEA)

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

REGULAR SESSIONS

WHEREAS, the County of Chautauqua and CCSEA have reached a tentative agreement for the period January 1, 2018, through December 31, 2023; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the tentative agreement between the County and CCSEA to include modifications to health plan options, modifications to retiree health insurance benefits, and a onetime payment of nine hundred dollars (\$900) for members of full time status during 2018, a onetime payment of four hundred and fifty dollars (\$450) for each part-time member active during 2018 and still employed, and a two percent (2%) wage increase for 2019 retroactive to January 1, 2019; a three percent (3%) wage increase for 2020; a three percent (3%) wage increase for 2021, a three percent (3%) wage increase for 2022, and a three percent (3%) wage increase for 2023; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate the new labor agreement with CCSEA

Signed: Whitford, Pavlock, Bankoski, Muldowney, Davis, Starks, Proctor, Vanstrom, Chagnon, Nazzaro, Gould (*AS: Carried with Legislator Scudder voting "no"*)(*PS: Carried with Legislator Niebel voting "no"*)

Unanimously Adopted – R/C Vote: 16 Yes - October 23, 2019

RES. NO. 259-19

Consider 2020 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, Nazzaro, Muldowney and Gould:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2020 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 2020 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

A.1320.----.4	Contractual - Internal Audit	\$48,000
A.1420.----.1	Personal Services - County Attorney	\$32,987
A.1420.----.8	Employee Benefits - County Attorney	\$7,629
A.1610.----.4	Contractual - Office Services	\$67,554
A.3150.----.1	Personal Services - Jail	\$510,001

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A.3989.----.4	Contractual - Emergency Medical Service-Fly Car Program	\$54,240
A.4320.----.2	Equipment - Mental Hygiene Programs	\$3,500
A.4320.----.4	Contractual - Mental Hygiene Programs	\$1,246,500
A.6010.----.1	Personal Services - Social Services Admin	\$75,000
A.8730.----.4	Contractual - Forestry	<u>\$4,100</u>
	Total	\$2,049,511
<u>DECREASE APPROPRIATION ACCOUNTS:</u>		
A.1310.----.1	Personal Services - Insurance Administration	\$500
A.1310.----.8	Employee Benefits - Insurance Administration	\$116
A.1620.----.1	Personal Services - Buildings & Grounds	\$69,945
A.1620.----.8	Employee Benefits - Buildings & Grounds	\$33,927
A.1670.----.4	Contractual - Print Shop	\$67,554
A.2960.ADMN.4	Contractual - Educ: Handicapped Children-Administration	\$400,000
A.3020.E911.1	Personal Services - Publ Safety Communication-E911 System	\$7,661
A.3020.E911.8	Employee Benefits - Publ Safety Communication-E911 System	\$598
A.3020.PSCN.4	Contractual - Publ Safety Communication-Pub Sfy Communication Network	\$20,000
A.3110.----.4	Contractual - Sheriff	\$22,600
A.3150.----.8	Employee Benefits - Jail	\$114,859
A.3989.EMS.1	Personal Services - Emergency Medical Service-Fly Car Program	\$149,672
A.3989.EMS.8	Employee Benefits - Emergency Medical Service-Fly Car Program	\$96,376
A.4010.NURS.1	Personal Services - Public Health Admin-Nursing	\$5,000
A.4010.NURS.4	Contractual - Public Health Admin-Nursing	\$60,758
A.4010.NURS.8	Employee Benefits - Public Health Admin-Nursing	\$1,233
A.4017.JAIL.1	Personal Services - Clinics-Jail	\$15,000
A.4017.JAIL.8	Employee Benefits - Clinics-Jail	\$3,702
A.6123.RTA.1	Personal Services - Juvenile Delinquent Care-Raise the Age	\$32,987
A.6123.RTA.8	Employee Benefits - Juvenile Delinquent Care-Raise the Age	\$7,632
A.6772.----.4	Contractual - Office for the Aging	<u>\$6,140</u>
	Total	\$1,116,260
<u>INCREASE REVENUE ACCOUNTS:</u>		
A.1310.9999.R105.1000	Oth R/Property Tax Items-Sales: Tax Acquired Prop	\$107,247
A.1310.9999.R109.0000	Oth R/Property Tax Items-Int & Pen: Real Prop Tax	\$68,629
A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$232,020
A.1310.9999.R111.0CTY	Non Property Tax Items-Sales Tax-County Share	\$131,478
A.1610.----.R221.0002	Shared Services-Shared Services Printing	\$60,000
A.4059.----.R460.1EIM	Federal Aid-Early Intervention Medicd	\$10,000
A.4059.----.R460.1HHM	Federal Aid-Health Homes Medicaid	\$11,000
A.4090.----.R160.1FIN	Departmental Income-Fees: Public Health Fines	\$5,000
A.4090.----.R160.1OTH	Departmental Income-Fees: Public Health Other	\$2,500
A.4320.----.R349.0000	New York State Aid-Mental Health	\$400,000
A.4320.----.R449.1000	Federal Aid-Mental Health-SAMHSA	<u>\$850,000</u>

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		Total	\$1,877,874
<u>DECREASE REVENUE ACCOUNTS:</u>			
A.1170.----.R302.5000	New York State Aid-State Aid Indigent Legal Services		\$24,183
A.1670.----.R221.0002	Shared Services-Shared Services Printing		\$60,000
A.2960.ADMN.R327.7000	New York State Aid-Ed Handicapped Children		\$327,250
A.3020.E911.R114.0000	Non Property Tax Items-Surchrg: Emerg Phone Sys		\$8,259
A.3989.EMS.R158.9100	Departmental Income-Other Public Safety Income Medicare Pymts		\$17,990
A.3989.EMS.R158.9101	Departmental Income-Other Public Safety Income Medicaid Pymts		\$22,665
A.3989.EMS.R158.9102	Departmental Income-Other Public Safety Income Private Insurance Pymts		\$6,887
A.3989.EMS.R158.9103	Departmental Income-Other Public Safety Income Private Pay		\$144,266
A.6123.RTA.R362.3000	New York State Aid-Juvenile Delinquent		<u>\$40,619</u>
		Total	\$652,119
<u>INCREASE THE USE OF FUND BALANCE:</u>			
A.----.----.880.0000	Reserved Fund Balance--Tax Stabilization		\$100,060
<u>DECREASE THE USE OF FUND BALANCE:</u>			
A.----.----.917.0000	Unassigned Fund Balance--Unassigned Fund Balance		\$1,026,396
DM.----.----.915.0000	Unassigned Fund Balance--Assigned/Unappropriated Fund Balance		<u>\$1,965</u>
		Total	\$1,028,361

;and be it further

RESOLVED, That exhibits and schedules presented in the 2020 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, That the 2020 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$64,228,957 and an estimated Full Value Rate of \$8.46.

Signed: Chagnon, Nazzaro, Gould, Muldowney (*AC: Amended by Substitution*)

Unanimously Adopted – R/C Vote: 16 Yes - October 23, 2019

MOTION: (On file w/Legislature Data)

11B-19 Proclaiming October 2019 as Domestic Violence Awareness Month in Chautauqua County – Unanimously Adopted

LOCAL LAW
INTRODUCTORY NUMBER 5-19
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. 4-18 of the County of Chautauqua pursuant to provisions of New York General Municipal Law, to establish an amended 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. EIC has launched a new product called Open C-PACE, which removes the County’s administrative and financial obligations in the implementation of PACE financing. Therefore, the purpose of this law is to amend Local Law No. 4-18 to make the County’s Sustainable Energy Loan Program in conformity with EIC’s new Open C-PACE program. This local law shall be known as the “Energize NY Open C-PACE Local Law”.

Section 2. Local Law No. 4-18 of the County of Chautauqua, entitled “A Local Law to Amend the Sustainable Energy Loan Program in the County of Chautauqua,” is hereby amended in its entirety to read as follows:

Legislative findings, intent and purpose, authority.

It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the

REGULAR SESSIONS

Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

Definitions

Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

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

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the

Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Chautauqua, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

Establishment of an Energize NY Open C-PACE Financing Program

An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange

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for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

Procedures for eligibility

Any property owner in the Municipality 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 Municipality's offices.

Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 0 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 0 of this local law.

Application criteria

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

The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

The amount financed under the 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;

Sufficient funds are available from Financing Parties to provide financing to the property owner; The property owner is current in payments on any existing mortgage on the Qualified Property;

The property owner is current in payments on any real property taxes on the Qualified Property; and

Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Energize NY Finance Agreement

A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").

Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC,

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on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

Levy of Annual Installment Amount and Creation of Annual Installment Lien

Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over

all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

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

Sponsor: Legislator Mark Odell

Emailed: 10/11/19

Adopted by Legislature: 10/23/19

Public Hearing by County Executive: 11/4/19

Adopted As Local Law 6-19

R/C Vote: 19 Yes

Date State Filed: 11/13/19

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2nd Privilege of the Floor

Karen Engstrom- Mayville – We're talking about a budget tonight and therefore we must be concerned about the value of the properties that we're taxing and that property value is going to be impacted by these large industrial wind turbine projects in our community. I have an announcement; there is a rally to oppose Lake Erie wind turbines. It's called defending Lake Erie from wind turbines. It's this Saturday at 11 a.m. at Cabana Sam's patio in Irving and I encourage everyone to come because I know there will be people from Buffalo coming who are going to advocate for supporting wind turbines in Lake Erie.

Our group, Concerned Citizens Against Wind Turbines has sent you an email and I hope you take a look at it. It does indicate that there's still a chance to stop the Cassadaga Wind Project because the U.S. Army Corp of Engineers does give a permit for that project and they have not done so. They're asking for comments from officials and from the public regarding that project. The deadline is November 1, although they extended last year's for an additional six months.

There are many new things that have occurred since the last time we asked for comments to the U.S. Army Corp of Engineers and the most recent one is not in your letter in your email. It is that (*inaudible*) in Cattaraugus County, the Town of Freedom New York won in State Supreme Court its suit against the town board. The Supreme Court ruled that the Freedom town board acted illegally in approving a wind law for 600 foot turbines, sighting corruption of that town board. This is similar situation that is occurring in our County. That's the most recent thing.

Another thing that you may not be aware of is that your resolution to ask the IDA to not issue payment in lieu of taxes to large industrial wind turbines has gone to four counties in Western New York now. So, Cattaraugus, Chautauqua, Oswego County and Jefferson Counties have all passed no pilot resolutions, which will help make these turbine companies become competitive within the communities and they are not now because they are subsidized at such a high rate.

There are five other items in the letter that we sent to you. I hope you'll take a look at it. We've had a number of victories. The listing of the damages being sought by the Arkwright people who have been, since September 8th of 2018, exposed to industrial wind turbines. A hundred people have filed suit to protect themselves and to gain some advantage over the suffering they've experienced both in terms of their property values diminishing and their health affects they've experienced. I hope you'll take a look at that letter that's in your email and the Army Corp is soliciting comments from officials and the public regarding the second of three large industrial wind turbines in our County. Thank you.

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

Mr. Heitzenrater: Thank you, Mr. Chairman. Dan Heitzenrater- 20 Harmon Avenue, Falconer. I just wanted to bring to the Legislature's attention that in addition to domestic violence awareness month and breast cancer awareness month, it is also pregnancy and infant loss awareness month. I'm a bereaved father of our son, Elliott Johnson Heitzenrater, and County Executive Borrello on October 15th had a nice event with the Western New York Perinatal Bereavement Network and UPMC Chautauqua to proclaim Pregnancy and Infant Loss Awareness and Remembrance Day. So, I appreciate very much your personal support and

condolences in the past and wanted to remind everybody to also raise awareness that one in four pregnancies unfortunately ends in a loss. Thank you.

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

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:19 p.m.)

REGULAR SESSIONS

Special Meeting
Chautauqua County Legislature
Thursday, November 7, 2019 7:00 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 7:00 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: O'Connell, Scudder)

1st Privilege of the Floor

No one chose to speak at this time.

DISCUSSION: Collective Negotiations

MOVED by Legislator Nazzaro, SECONDED by Legislator Whitford to enter executive session to discuss collective negotiations and pending litigation.

Unanimously Carried (7:05 p.m.)

MOVED by Legislator Gould, SECONDED by Legislator Wilfong to close executive session.

Unanimously Carried (8:42 p.m.)

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. (8:43 p.m.)

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

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Regular Meeting
Chautauqua County Legislature
Wednesday, November, 20, 2019 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:35 p.m.

Clerk Tampio called the roll and announced a quorum present.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (10/23/19 & 11/7/19)

1st Privilege of the Floor

No one chose to speak at this time

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 10/23/19

COMMENDATION:

County Executive George M. Borrello
By
Chairman Paul M. Wendel, Jr.

COMMUNICATIONS:

1. Letter – County Executive Borrello – Amendment to Administrative Code – Re: Section 3.02(b)
 2. Report – Finance Director Crow – Investment Report – September 2019
 3. Letter – Department of Public Service – Winter Outreach & Education Campaign
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RES. NO. 260-19

Authorize Continued Participation in the Lake Erie Watershed Protection Alliance

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

WHEREAS, Lake Erie provides a fresh water resource to New York State residents and visitors for drinking water, energy production, agriculture, industry, recreation and other uses that greatly affect the New York State economy and health of users; and

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WHEREAS, this resource is threatened by point and non-point source pollutants within the watershed and along the Lake Erie shoreline within New York State; and

WHEREAS, pursuant to Resolution 24-15 of the Chautauqua County Legislature, the County of Chautauqua, County of Erie, and County of Cattaraugus (the “Member Municipalities”) established the Lake Erie Watershed Protection Alliance as the means by which the counties work collaboratively to address the issues confronting Lake Erie; therefore be it

RESOLVED, That the County Executive is authorized to extend the inter-municipal agreement with the County of Erie and the County of Cattaraugus to continue the Lake Erie Watershed Protection Alliance, for an extension term to commence January 1, 2020 and terminating December 31, 2024.

Signed: Odell, Chagnon, Starks, Proctor

Unanimously Adopted – November 20, 2019

RES. NO. 261-19

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 Local Law 4-18, 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 County has adopted Local Law 6-19 to amend its Sustainable Energy Loan Program in conformance with EIC’s new “Open C-PACE” program; 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 6-19; 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, Starks, Proctor

Unanimously Adopted – November 20, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 262-19

Amend Resolution 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, in 2018 the Board of Directors of the Portland Pomfret Dunkirk Sewer District (“the District”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 21-18 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the District has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to address omitted charges and to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the District’s collection system; now therefore be it

RESOLVED, That the schedule of user charges of 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 previously confirmed by Resolution 21-18 of the Chautauqua County Legislature, is hereby amended to add new subsections C and D in Section VI, and is confirmed by this County Legislature 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

REGULAR SESSIONS

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:

- 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.

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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.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section VI A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the Administrative Head may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

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:

REGULAR SESSIONS

- 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 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.

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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, Wilfong, Gould, Chagnon, Niebel

Unanimously Adopted – November 20, 2019

RES. NO. 263-19
NCLSD Administrative Board – Membership Reduction

By Public Facilities Committee:
At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, pursuant to County Resolution 38-76 a County Sewer Board consisting of seven (7) members was appointed and established as the administrative body of the North Chautauqua Lake Sewer District in accordance with the provisions of §261 of New York State's County Law; and

WHEREAS, as a result of the resignation of one Board member and the passing of a second Board member, the Board currently consists of five (5) members; and

WHEREAS, the current Board members have found that a five member board is appropriate and suitable for the size and activities of the District, and have recommended to the Legislature that the number of Board members be officially reduced from seven (7) to five (5) to alleviate potential difficulties in securing a quorum; now therefore be it

RESOLVED, That the first Resolved clause of Resolution 38-76 setting the size of the District's administrative body is amended to provide that the Board of the North Chautauqua Lake Sewer District consist of five (5) members.

REGULAR SESSIONS

Signed: Hemmer, Nazzaro, Wilfong, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 264-19

Amend Resolution 125-18 – Confirming User Charges: North Chautauqua Lake Sewer District

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

WHEREAS, in 2018 the Board of Directors of the North Chautauqua Lake Sewer District (“the District”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 125-18 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the District has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to address omitted charges and to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the District’s collection system; now therefore be it

RESOLVED, That the schedule of user charges of 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 previously confirmed by Resolution 125-18 of the Chautauqua County Legislature, is hereby amended to add new subsections C and D in Section V, and is confirmed by this County Legislature as follows:

**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.

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.

REGULAR SESSIONS

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.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

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

REGULAR SESSIONS

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.

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

Unanimously Adopted – November 20, 2019

RES. NO. 265-19

Confirming User Charges: North County Industrial Sewer District No. 1

By Public Facilities and Audit & Control Committees:

At the Request of Legislative Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the North County Industrial Sewer District No. 1 (District), the Administrative Body of the 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 District; and

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

RESOLVED, That *Charges by the North County Industrial Sewer District No. 1* adopted on October 5, 2019 and amended on October 29, 2019 by the Board of Directors of the North County Industrial Sewer District No. 1 as the Administrative Body of such District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

CHARGES BY THE NORTH COUNTY INDUSTRIAL SEWER DISTRICT NO. 1

SECTION I - Purpose

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*: North County Industrial Sewer District No. 1, 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 County Industrial Sewer District No. 1 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 Area

Real property within the District shall be classified as all property located within the bounds of the District established by Chautauqua County Legislature Resolution Nos. 302-76 and 388-75, all of which is served by a sewer constructed by the District.

SECTION IV – Calculation of Water Use

A. Water use shall be calculated using the metered water volume figures established by the municipality providing water service to the District or its designee, rounded to the nearest

tenth. 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.

B. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for purposes of determining the per gallon charge. Such wastewater shall be measured 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. The 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, which charge shall be listed separately on a subsequent quarterly sewer charge bill.

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, B and C hereunder:

- A. Per acre charge of \$2.26 per acre of land owned within the District.
- B. Per gallon charge of \$0.00055 (\$.55 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined in accordance with Section IV herein.
- C. A sewage treatment charge equal to that part of the sewage treatment bill issued by the City of Dunkirk which is attributable to the User.

REGULAR SESSIONS

SECTION VI – Billing

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by sewers within the District under Section 266 of the County Law by adding the following items:

1. the number of acres attributable to each owner of property multiplied by the charge per acre set forth in Section V A hereof;
2. the actual or estimated water use of such parcel in gallons multiplied by \$0.00055 determined in accordance with Section V B hereof; and
3. that portion of the City of Dunkirk sewage treatment charge which is attributable to the User

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the fifteenth day of January, April, July or October 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 unpaid amount of the bill shall be added to any bill which remains wholly or partially 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.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section VI A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the Administrative Head may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VII - Appeals

Procedures for appeals shall be in accordance with Chautauqua County Legislature Resolution No. 53-13 as the same may be amended from time to time.

SECTION VIII – Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Resolution shall be adjudged 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

This law shall be effective January 1, 2020 and shall supersede all prior charge resolutions.

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

Unanimously Adopted – November 20, 2019

RES. NO. 266-19

Amend Resolution 45-15 – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts

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

WHEREAS, in 2015 the Board of Directors of the South and Center Chautauqua Lake Sewer Districts (“the Districts”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 45-15 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the Districts has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the Districts’ collection system; now therefore be it

RESOLVED, That the schedule of user charges of the South and Center Chautauqua Lake Sewer Districts adopted by the Board of Directors of the South and Center Chautauqua Lake Sewer Districts as the Administrative Body of such Sewer Districts, and previously confirmed by Resolution 45-15 of the Chautauqua County Legislature, is hereby amended to add a new subsection D in Section 5, and is confirmed by this County Legislature as follows:

**CHARGES BY THE
SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICTS**

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 South and Center Chautauqua Lake Sewer Districts, county sewer Districts 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 Districts as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

REGULAR SESSIONS

C. **User:** 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
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:

A. A single family dwelling which contains facilities which generate or are capable of generating wastewater associated with activities of a household, and defined as a structure that contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for a private or separate entrance and containing facilities to generate wastewater associated with activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, 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. Charges with respect to such site shall not commence until the initial occupancy of the site by a facility which generates sewage as long as the sewer line extended to the site is sealed to prevent the entry of any water.

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) 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 resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property 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; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

E. In the event any user's discharge to the sewer owned by District 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

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the facilities of the District, 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 Sewer Use Law including Chautauqua County Local Law 6-94, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

SECTION IV
SCALE OF CHARGES

Pursuant to Section 266 of the County Law, \$354 per Unit per year is established as the charge for collection, conveyance, treatment and disposal of sewage.

SECTION V
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 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 divided by four (4) 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.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VI
APPEALS

In accordance with Section 266 of the County Law and Resolution 222-97 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 South & Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 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

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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 Administrative Head 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 Administrative Head 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, County 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 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 Administrative Head 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 Administrative Head 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 either the South and Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 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 judgement, 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 judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

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SECTION VIII
EFFECTIVE DATE AND REPEALER

This law shall be effective with respect to periods beginning after April 30, 2015. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after April 30, 2015.

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

Unanimously Adopted – November 20, 2019

RES. NO. 267-19

Amend 2019 Budget for Public Facilities Maintenance of Roads and Capital Highway
Improvements

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

WHEREAS, some expenses in Public Facilities Maintenance of Roads and Capital Highway Improvements are anticipated to exceed initial budgetary estimates, as well as some appropriations in Capital Improvements County Bridge Program and Public Facilities Administration have a surplus; and

WHEREAS, the Public Facilities Maintenance of Roads 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 2019 Budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5110.----.4	Contractual - Maintenance of Roads	\$152,165
D.5112.391.4	Contractual-Capital Improvements, Highway Improvements	<u>\$150,000</u>
	Total	\$302,165

DECREASE APPROPRIATION ACCOUNTS:

D.5010.----.4	Contractual - Public Facilities Admin	\$10,000
D.5110.----.1	Personal Services - Maintenance of Roads	\$30,000
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	\$2,000
D.5112.390.4	Contractual - Capital Improvements, County Bridge Program	<u>\$250,000</u>
	Total	\$292,000

INCREASE REVENUE ACCOUNT:

D.5110.----.R270.1000	Miscellaneous-Refunds: Prior Yr Exp	\$10,165
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REGULAR SESSIONS

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

Unanimously Adopted – November 20, 2019

RES. NO. 268-19

Adjust 2019 Budget for Public Facilities Parks Division

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

WHEREAS, some expenses in Public Facilities Parks Division are anticipated to exceed initial budgetary estimates, as well as some appropriations in Engineers and Jamestown Airport 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 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.7110.----.4	Contractual—Parks	\$ 2,500
A.7110.----.8	Employee Benefits—Parks	<u>\$12,000</u>
	Total	\$14,500

DECREASE APPROPRIATION ACCOUNTS:

A.1440.----.4	Contractual—Engineers	\$10,000
A.5610.5610.4	Contractual—Chautauqua County Airport, Jamestown Airport	\$ 4,500
	Total	\$14,500

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

Unanimously Adopted – November 20, 2019

RES. NO. 269-19

Authorize Lease Agreement with Sam Kohler Enterprises, Inc. for Oil and Gas Production on Reforestation Property No. 9 in the Town of North Harmony

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

WHEREAS, Chautauqua County is the owner of Reforestation property in the Town of Harmony, County of Chautauqua, State of New York, identified as Reforestation Property No. 9, SBL 364.00-1-35; and

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WHEREAS, County is authorized by County Law § 219 to lease Reforestation property for the purpose of aiding in discovery and removing oil and/or gas from such reforested land; and

WHEREAS, this property was the subject of a previous, now expired oil and gas lease, and the previous operator's infrastructure is being sold to Sam Koehler Enterprises, Inc.; and

WHEREAS, the County desires to enter into an oil and gas lease authorizing Sam Kohler Enterprises, Inc. ("Lessee") to produce oil and gas utilizing the existing infrastructure, with Lessee assuming responsibility for end-of-lease well closure; and

WHEREAS, the revenue received from Lessee will first be used to defray the expense the County incurs for real estate taxes on reforestation properties, and any excess will be assigned for capital projects to benefit the Chautauqua County Parks now therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Sam Kohler Enterprises, Inc. upon the following terms and conditions:

- 1) Leased Property. Approximately 173 acres of reforestation property known as Reforestation Property Number 9;
- 2) Term. December 1, 2019 through November 30, 2029;
- 3) Rent. Gas and Oil royalty payments equal to 12.5% of the value of the gas and oil or, in the event of non-production, a quarterly non-production payment of \$2,500; and
- 5) Other. As negotiated by the County Executive.

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

Unanimously Adopted – November 20, 2019

RES. NO. 270-19

Adjust 2019 Budget for Public Facilities Airports 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; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.8 Employee Benefits—Chautauqua County Airport, Dunkirk Airport \$12,000

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNT:

A.5610.5610.4 Contractual—Chautauqua County Airport, Jamestown Airport \$12,000

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

Unanimously Adopted – November 20, 2019

RES. NO. 271-19

Authorize Supplemental Agreement No. 2 with NY State DOT for Performance of Federal-Aid Project PIN 5762.26, Dale Drive Shoulder Expansion

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

WHEREAS, Resolution No. 164-17 authorized the Department of Public Facilities to proceed with the Dale Drive Shoulder Expansion, Transportation Alternative Program project, PIN 5762.26 (the “Project”), Resolution No. 203-17 approved funding for the Preliminary Engineering (Design I-IV) phase of the project, and Resolution No. 107-19 approved funding for the Construction phase of the project PIN 5762.26; and

WHEREAS, 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 to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua has advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the project PIN 5762.26 of \$735,000; and

WHEREAS, the Preliminary Engineering (Design I-IV) phase is complete and has \$19,445.42 remaining and it is desired to move that remaining amount to the Construction/Construction Inspection phases of the project PIN 5762.26 by entering into Supplemental Agreement No. 2 with NYSDOT; and

WHEREAS, the total agreement costs remain unchanged; therefore be it

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 costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not eligible; and it is further

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

RESOLVED, This Resolution shall take effect immediately.

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

Unanimously Adopted – November 20, 2019

RES. NO. 272-19

Amend 2019 Budget Appropriations–Information Technology Services

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

WHEREAS, pursuant to Resolution No. 219-19, amendments were made to the 2019 budget for Information Technology Services to reflect expected savings in the communications and print shop departments; and

WHEREAS, the amendments related to the communications departments were made in error to the office services department; and

WHEREAS, the expected savings in expenditures in the print shop will have a negative effect on revenue in the print shop and this effect was not included in the amendments in Resolution No. 219-19; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$65,000
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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 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services—Office Services	\$25,718
A.1610.----.8	Employee Benefits—Office Services	<u>\$15,282</u>
	Total	\$41,000

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNTS:

A.1650.----.1	Personal Services—Office Services	\$25,718
A.1650.----.8	Employee Benefits—Office Services	<u>\$15,282</u>
	Total	\$41,000

DECREASE REVENUE ACCOUNT:

A.1670.----.R221.0002	Shared Services—Shared Services Printing	\$65,000
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Signed: Muldowney, Davis, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 273-19

Amend 2020 Budget Appropriations and/or Revenues – Public Defender

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

WHEREAS, sub-department A.1170.1172 Public Defender, Aid to Defense was established to separate grant appropriations and revenues from A.1170, the primary department for the Public Defender; and

WHEREAS, the grant does not require the appropriations and revenues associated with the grant be recorded in a separate sub-department, and it would be expeditious to consolidate all appropriations and revenues for the Public Defender into one department; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Budget:

INCREASE APPROPRIATION ACCOUNTS

A.1170.----.1	Personal Services—Public Defender	\$72,627
A.1170.----.4	Contractual—Public Defender	\$ 103
A.1170.----.8	Employee Benefits—Public Defender	<u>\$22,451</u>
	Total	\$95,181

DECREASE APPROPRIATION ACCOUNTS:

A.1170.1172.1	Personal Services—Public Defender, Aid to Defense	\$72,627
A.1170.1172.4	Contractual—Public Defender, Aid to Defense	\$ 103
A.1170.1172.8	Employee Benefits—Public Defender, Aid to Defense	<u>\$22,451</u>
	Total	\$95,181

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1170.----.R308.9000	NYS Aid—Other State Aid	\$14,000
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DECREASE REVENUE ACCOUNT:

A.1170.1172.R308.9000	NYS Aid—Other State Aid	\$14,000
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 274-19

Authorize Lease Agreement with Celebration Hall, LLC, for Office Space for the Chautauqua County Probation Department.

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

WHEREAS, the State of New York is implementing Raise the Age Legislation which requires swift attendance of Probation staff in the Youth Part of Chautauqua County Court in Mayville; and

WHEREAS, it is appropriate for the County to lease space from Celebration Hall, LLC, attached to the Town of Chautauqua Office Building, to allow the Probation Department to effectively meet the goals of the Raise the Age legislation; and

WHEREAS, revenues and expenditures associated with this lease are included in the approved State of New York Raise the Age Plan, the 2019 operating budget, and the adopted 2020 budget; now therefore be it

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

1. Premises: Approximately 874 square feet in room #4 located at 2 Academy Street, Mayville, New York.
2. Term: Lease shall commence November 1, 2019, and shall terminate on October 31, 2024. Tenant shall have an option to renew this Agreement for one (1) additional term of five (5) years.
3. Rent: \$800.00 per month.
4. Utilities: Paid by Landlord.
5. Other: As negotiated by the County Executive.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

REGULAR SESSIONS

RES. NO. 275-19

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 the FY18 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY18 grant award in the amount of \$100,000, with no local funds, for the contract period from October 1, 2019 to August 31, 2021; and

WHEREAS, this revenue and the corresponding expenditures are included in the 2020 Adopted 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 New York State Office of Homeland Security.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 276-19

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, 2019 through June 30, 2020, the deputies to be shared between three facilities at a total sum not to exceed \$224,920.00, plus any agreed upon overtime hours compensated at the rate of \$66.29 per hour; and

WHEREAS, expenditures incurred by the County for these positions will not exceed the agreed upon compensation; and

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WHEREAS, appropriate portions of the revenue from this agreement are included in the 2019 and 2020 adopted budgets; 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, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

MOVED by Legislator Bankoski, SECONDED by Legislator Chagnon to block resolutions 277-19 through 283-18.

Unanimously Carried

RES. NO. 277-19

Authorize Agreement with Town of Stockton for Court Security Detail FY20

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 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, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

REGULAR SESSIONS

RES. NO. 278-19

Authorize Agreement with Town of North Harmony for Court Security Detail FY20

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$8,000.00 based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 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, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 279-19

Authorize Agreement with Town of Ellery for Court Security Detail FY20

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 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.

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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 280-19

Authorize Agreement with Town of Mina for Court Security Detail FY20

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 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, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 281-19

Authorize Agreement with Town of Kiantone for Court Security Detail FY20

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$7,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

REGULAR SESSIONS

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, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 282-19

Authorize Agreement with Village of Silver Creek for Court Security Detail FY20

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 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, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 283-19

Authorize Agreement with Town of Harmony for Court Security Detail FY20

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Harmony has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security officers on designated court nights; and

JOURNAL OF PROCEEDINGS

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Harmony for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$4,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this is a new contract and is not included in the 2020 Budget; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Harmony for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 budget:

INCREASE REVENUE ACCOUNT:

A.1162.1110.R226.0000 Shared Services – Chrgs: Oth Gov-Pub Safety	\$4,000
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INCREASE APPROPRIATION ACCOUNTS:

A.1162.1110.1 Personal Services—Unified Court Costs, Court Officers	\$3,330
A.1162.1110.8 Employee Benefits—Unified Court Costs, Court Officers	<u>\$ 670</u>
Total	\$4,000

Signed: Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 284-19
FY2018 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 2018 Hazmat Grant Program which runs from August 1, 2019 through August 31, 2021; and

WHEREAS, the 2018 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, and Allegany Counties and from the Seneca Nation of Indians; and

WHEREAS, Resolution 247-19 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 2019 budgetary changes:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.1	Personal Services—Hazardous Materials	\$ 3,631
A.3640.----.2	Equipment—Hazardous Materials	\$89,300
A.3640.----.8	Employee Benefits—Hazardous Materials	<u>\$ 1,069</u>
	Total	\$94,000

INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$94,000
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 285-19

Emergency Management Preparedness Performance Grant for Fiscal Year 2019

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 \$108,526.00 with a fifty percent (50%) in kind match from the County in the amount of \$54,263.00; 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

WHEREAS, the grant period runs from October 1, 2018 through September 30, 2021, or as may be amended; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the 2020 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, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 286-19

Amend 2019 Budget Appropriations and Revenues –Emergency Services - CME

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 2019 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3989.CME.----.4 Contractual--Emergency Medical Service- Continuing Medical Education	\$9,200
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INCREASE REVENUE ACCOUNT:

A.3989.CME.-----R158.9000 Departmental Income— Other Public Safety Income	\$9,200
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 287-19

Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$150,000 from the 2018 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY18 grant with no local funds, per Contract #C969580 during the performance period of September 1, 2018 through August 31, 2021; and

WHEREAS, pursuant to Resolution 237-18, 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

REGULAR SESSIONS

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

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment—Emergency Services	\$13,260
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid—Homeland Security	\$13,260
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 288-19

Budget Modification for Actual Youth Bureau Allocations Received

By Audit & Control Committee:

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 2019 total \$204,280; and

WHEREAS, the 2019 Youth Bureau budget was prepared based on the total 2018 allocation of \$206,755; therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.7020.----.4	Contractual – Youth Bureau	\$ 9,254
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INCREASE APPROPRIATION ACCOUNT:

A.7310.----.4	Contractual – Youth Programs	\$ 6,779
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DECREASE REVENUE ACCOUNT:

A.7020.R382.0000	NYS Aid – Youth Programs	\$ 9,254
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INCREASE REVENUE ACCOUNT:

A.7310.R382.0000	NYS Aid – Youth Programs	\$ 6,779
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Signed: Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 289-19

Amend 2019 Budget for Additional Capital Project – Chadwick Bay Industrial Park Expansion

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

WHEREAS, the Legislature believes that improving the vitality of the business community will bring benefits to the populace at large in the form of improved job opportunities, a higher standard of living, and a better quality of life; and

WHEREAS, previous investments in the development of land and infrastructure within the County's industrial parks support the original intention of retaining and attracting businesses in Chautauqua County; and

WHEREAS, limited industrial land with infrastructure exists within the County's current industrial parks; and

WHEREAS, Local Law 1-16 authorized the County of Chautauqua to assist the County of Chautauqua Industrial Development Agency (CCIDA) in undertaking economic development programs and projects; and

WHEREAS, the intent of this local law is to support CCIDA's economic development initiatives to actively promote, attract, encourage and develop industry and commerce in order to enhance the safety, health, and well-being of County residents and property; and

WHEREAS, CCIDA seeks to expand the amount of industrial land available for business by pursuing the purchase of land in close proximity to the Chadwick Bay Industrial Park in the northern part of the County; and

WHEREAS, the County Planning Board has recommended capital projects funding in the amount of \$200,000 to be used for this purpose; and

WHEREAS, in order to provide the greatest advantage to the County to meet the goal of supporting, retaining, and attracting business activity, the CCIDA requests that said monies be allocated to the CCIDA for the purchase of said land; and

WHEREAS, the current balance in the Capital Reserve is \$1,469,730; now therefore be it

RESOLVED, That the County Legislature hereby allocates \$200,000 from the Capital Reserve for the aforementioned Project; and be it further

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized and empowered to enter into an agreement with the County of Chautauqua Industrial Development Agency for purposes of transferring the allocated funds for the aforementioned Project; and be it further

RESOLVED, That the A Fund Capital Reserve is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance—Reserve for Capital	\$200,000
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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 2019 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$200,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.37008.4	Contractual—Promotion of Industry, Greenfield Development	\$200,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6420.37008.R503.1000	Interfund Transfer—Interfund Transfer	\$200,000
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Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 290-19

Authorize Extension of Lease Agreement for Department of Planning & Development - Division of 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 & Development - Division of Economic Development (“CCDED”) and Chautauqua County Industrial Development Agency (“CCIDA”) have shared office space for many years; and

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

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for this lease in its 2020 Adopted Budget; now 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: 228 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 \$1,500.00 to be paid monthly at a rate of \$125.00 per month beginning in January of 2020.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve months commencing on January 1, 2020 and terminating December 31, 2020 subject to termination by prior notice.
5. Other: As negotiated by County Executive.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 291-19

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 & Development - Division of 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 an established Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York, which provides a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2020 Adopted Budget; now 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

REGULAR SESSIONS

\$34,653.00 for the term commencing as of January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 292-19

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 & Development - Division of 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 in its 2020 Adopted Budget; now 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 \$101,952.00 for the period from January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 293-19

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:

JOURNAL OF PROCEEDINGS

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 is in the process of forming the “Partnership for Economic Growth,” which has a strong tourism-development component; and

WHEREAS, the County of Chautauqua Industrial Development Agency (“CCIDA”) and the Chautauqua County Department of Planning & Development - Division of Economic Development (“CCDED”) 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 for such services in its 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency to provide services which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County, in the amount of \$80,000.00, for the period from January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 294-19

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

REGULAR SESSIONS

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program in the amount of \$59,155.00 for the period from January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 295-19
Cancellation of Delinquent Tax Liens

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

WHEREAS, the New York Real Property Tax Law Section 1138 provides for the cancellation of delinquent tax liens when the governing body of the municipality determines there is no practical way to enforce the collection of the lien; and

WHEREAS, the City of Jamestown has taken title to 24 North Main Street and 34 North Main Street, both condemned properties which have tax arrears predating the City's acquisition, and

WHEREAS, extensive investigation by the County Real Property Tax Director has determined that demolition costs will be significant and the best interest of the County residents would be served by expediting demolition and redevelopment; therefore be it

RESOLVED, That the Real Property Tax Director is authorized to cancel all delinquent tax liens on the following parcels in the City of Jamestown:

24 North Main Street	387.48-1-18
34 North Main Street	387.48-1-20

Signed: Muldowney, Davis, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 296-19
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:

	TOWNS		CITIES
Arkwright	8,239.68	Dunkirk	104,018.94
Busti	49,880.72	Jamestown	78,297.65
Carroll	13,555.63		
Charlotte	7,529.66	TOTAL	\$182,316.59
Chautauqua	37,106.07		
Cherry Creek	2,685.58		
Clymer	11,492.34		
Dunkirk	17,524.28		
Ellery	70,804.01		
Ellicott	147,011.00	Bemus Point	4,786.40
Ellington	10,553.48	Brocton	997.89
French Creek	8,125.97	Cassadaga	2,157.44
Gerry	3,151.55	Celoron	11,426.58
Hanover	27,523.33	Falconer	17,057.28
Harmony	5,973.57	Fredonia	29,458.69
Kiantone	10,185.15	Lakewood	14,985.90
Mina	16,500.13	Mayville	2,899.85
North Harmony	34,410.29	Panama	720.62
Poland	8,120.04	Sherman	1,244.42
Pomfret	58,292.81	Silver Creek	3,186.37
Portland	10,944.85	Sinclairville	1,130.03
Ripley	11,284.20	Westfield	10,259.69
Sheridan	16,618.78		
Sherman	7,103.04		
Stockton	11,917.83	TOTAL	\$100,311.16
Villanova	4,335.89		
Westfield	27,831.91		
	\$638,701.79		
TOTAL			
GRAND TOTAL		\$921,329.54	

REGULAR SESSIONS

Signed: Muldowney, Davis, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – November 20, 2019

RES. NO. 297-19

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF CHAUTAUQUA, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

By Audit & Control Committee:

At the Request of Audit & Control Committee:

WHEREAS, the County of Chautauqua, New York (hereinafter, the “County”) heretofore issued \$6,500,000 Public Improvement (Serial) Bonds, 2012, pursuant to a bond resolution, to pay the cost of a third dormitory building for the Jamestown Community College, as further described in the bond determinations certificate of the Director of Finance dated January 18, 2012 (hereinafter referred to as the “2012 Bond Determinations Certificate”), such Public Improvement (Serial) Bonds, 2012, being dated February 1, 2012 with remaining maturities on August 1 in the years 2020 through 2032, both inclusive, as more fully described in the 2012 Bond Determinations Certificate (the “2012 Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2012 Refunded Bonds (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, as well as any prepayment premium, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding

financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$4,900,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law (the "Refunding Bonds"), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,180,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-19 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Director of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Director of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Director of Finance. Notice of such call for redemption shall be given by notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the

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Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Director of Finance as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Director of Finance providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Director of Finance as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Director of Finance, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Director of Finance is also hereby authorized to name the Director of Finance as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Director of Finance is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Director of Finance, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and 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. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which such Refunded Bonds were issued is as specified in the 2012 Bond Determinations Certificate which is incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Director of Finance is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and

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all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Director of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Director of Finance shall file a copy of his certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Director of Finance is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Director of Finance shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same 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. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the Director of Finance shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date

shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the Director of Finance (the "Underwriter") for purchase prices to be determined by the Director of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the terms and conditions of such private sale the State Comptroller as required by Section 90.10 of the Local Finance Law, the Director of Finance, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Director of Finance to the Underwriter in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The Director of Finance and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Director of Finance and all powers in connection thereof are hereby delegated to the Director of Finance.

Section 13. The validity of the Refunding Bonds 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.

REGULAR SESSIONS

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the Clerk of the Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Chagnon, Nazzaro, Gould, Niebel

Unanimously Adopted – R/C Vote – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 298-19

Making Appropriations for the Conduct of County Government for Fiscal Year 2020

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2020 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 259-19 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 259-19 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

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, 2020; 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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 299-19
Authorize Tax Levy

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, there has been adopted a budget for the fiscal year of 2020 and

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WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2020 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 206-19, adopted August 28, 2019.
5. Upon the property on which school taxes are uncollected as of November 30, 2020, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2020, 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 2020 pursuant to law or resolution of this Legislature.

Signed: Wendel

Unanimously Adopted – R/C Vote – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 300-19
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

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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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 301-19
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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 302-19
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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 303-19
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Paul M. Wendel, Jr.:

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WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2020 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 2020 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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 304-19

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 2020 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 2020 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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 305-19

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.:

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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 – 19 Yes; 0 Absent - November 20, 2019

RES. NO. 306-19
Fixing Equalization Rates for 2020

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 2019 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2020 tax rolls in the following towns and cities:

Arkwright	48%	Harmony	100%
Busti	98.6%	Jamestown, City	98.60%
Carroll	100%	Kiantone	100%
Charlotte	95.3%	Mina	100%
Chautauqua	98.35%	North Harmony	93.75%
Cherry Creek	90.60%	Poland	81%
Clymer	95%	Pomfret	17%
Dunkirk, Town	65.50%	Portland	55%

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Dunkirk, City	75%	Ripley	100%
Ellery	90%	Sheridan	59%
Ellicott	80.70%	Sherman	100%
Ellington	85%	Stockton	100%
French Creek	100%	Villanova	52.50%
Gerry	88.50%	Westfield	76%
Hanover	86%		

Signed: Wendel

Unanimously Adopted – R/C Vote – 19 Yes; 0 Absent - November 20, 2019

EMERGENCY RES. NO 307-19

Approving Labor Contract with the Civil Service Employees Association (CSEA Unit 6300)

At the Request of County Executive George M. Borrello:

WHEREAS, the County's negotiating team and the Civil Service Employees Association (CSEA Unit 6300) have negotiated a tentative agreement for terms and conditions of employment from January 1, 2019, through December 31, 2022; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; it is therefore

RESOLVED, That the County Legislature hereby approves the tentative agreement between the County and CSEA Unit 6300 to include a change to a high deductible health insurance plan as the sole health plan option and a fifty-cent (\$.50) per hour increase to the 2018 wage schedule effective July 1, 2019, a three percent (3%) wage increase in 2020, a three percent (3%) wage increase in 2021, and a three percent (3%) wage increase in 2022, and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate a new labor agreement with CSEA Unit 6300.

Unanimously Adopted – R/C Vote – 19 Yes; 0 Absent - November 20, 2019

EMERGENCY RES. NO 308-19

Approving Benefits and Wages for Confidential Employees and Unrepresented Employees (excluding Senior Aides)

At the Request of County Executive George M. Borrello:

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WHEREAS, the County Legislature approved the tentative agreement with Civil Service Employees Association (CSEA Unit 6300) for a new four-year labor contract covering the years 2019 through 2022; and

WHEREAS, confidential employees and unrepresented employees (excluding Senior Aides) are not included in the CSEA Unit 6300 bargaining unit nor do they receive benefits and wages pursuant to local laws covering management employees; therefore be it

RESOLVED, That the County Executive is authorized and empowered to give such confidential employees and unrepresented employees (excluding Senior Aides) raises and benefits identical to those approved for the CSEA Unit 6300 bargaining unit.

Unanimously Adopted – R/C Vote – 19 Yes; 0 Absent - November 20, 2019

LOCAL LAW
INTRODUCTORY NO. 6-19
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

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

1. Purpose. The purpose of this Local Law is to continue without interruption the additional mortgage tax previously imposed and continued pursuant to Local Laws 6-05, 8-08, 3-11, 4-14, 1-17 of the County of Chautauqua.
2. Additional Mortgage Tax. Pursuant to Section 253-o of New York State Tax Law and other applicable law, there is hereby continued an additional tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Chautauqua and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be, secured by such mortgage is less than one hundred dollars.
3. Administration, Collection, and Payment of Additional Mortgage Tax. The additional mortgage tax continued pursuant to this Local Law shall be administered, collected, and paid over to the County of Chautauqua in the manner provided in Section 253-o of New York State Tax Law and other applicable law.
4. Effective Date. This local law shall take effect January 1, 2020, and applies to the period beginning January 1, 2020, and continuing through, and including, October 31, 2022. A certified copy of this local law shall be mailed by certified mail to the New York State

Commissioner of Taxation and Finance and shall be filed with the County Clerk and the Office of State Comptroller.

Sponsor: Legislator Scudder

Emailed: 11/8/19

Adopted by Legislature: 11/20/19

Public Hearing by County Executive: 12/2/19

Adopted As Local Law 7-19

R/C Vote: 19 Yes

Date State Filed: 12/20/19

LOCAL LAW
INTRODUCTORY NO. 7-19
CHAUTAUQUA COUNTY

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

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

Section 1. 2020 Adjustment of Salary Ranges.

Effective January 1, 2020, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be further adjusted to reflect an increase of 2%, except for positions with designated flat salaries. The maximum level of the salary range shall be a cap on the amount which may be paid for a full year of service.

Section 3. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Sponsored by: Legislator Pierre Chagnon

Emailed: 11/8/19

Adopted by Legislature: 11/20/19

Public Hearing by County Executive: 12/2/19

Adopted As Local Law 8-19

R/C Vote: 19 Yes

Date State Filed: 12/20/19

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. (7:05 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, December, 18, 2019 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.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (11/20/19)

1st Privilege of the Floor

No one chose to speak at this time

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO AND ACTING COUNTY
EXECUTIVE ABDELLA
NO VETOES FROM 11/20/19

COMMUNICATIONS:

1. Letter – County Executive Borrello – Resignation From Office of County Executive
2. Letter – Executive Committee of the Chautauqua County Republican Committee - Certificate to Fill Vacancy for Chautauqua County Executive
3. Letter – Department of Public Facilities – Landfill Fee Increases
4. Report – NYS Small Business Development Center - Chautauqua County Quarterly Report (July 1, 2019- September 30, 2019)
5. Report – Board of Election Commissioners – 2019 Report
6. Report – Finance Director Crow – Investment Report – October 2019
7. 2020 Chautauqua County Budget Book

RES. NO. 309-19

Confirm Appointment and Re-Appointment – Agriculture & Farmland Protection Board

By Planning & Economic Development Committee:
At the Request of Chairman Paul M. Wendel:

WHEREAS, Chairman Paul M. Wendel, has submitted the following appointment and re-appointment for action by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment and re-appointment to the Agriculture & Farmland Protection Board:

JOURNAL OF PROCEEDINGS

Lisa Kempisty
Cornell Cooperative Extension Agent
9875 North Otto Road
Cattaraugus, NY 14719
Term Expires: 12/31/20
Replacing Katelyn Walley-Stoll

Fred Croscut
Chmn. Soil & Water Board
3375 Waits Corner Road
Sherman, NY 14781
Term to Expire: 12/31/2020

Signed: Odell, Chagnon, Proctor

Unanimously Adopted – December 18, 2019

RES. NO. 310-19

Confirm Re-Appointments – Chautauqua County Planning Board

By Planning & Economic Development Committee:
Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Planning Board:

Douglas Bowen
5811 Welch Hill Road
Ripley, NY 14775
Term Expires: 12/31/22

Jeffrey E. Gossett
8 Sunset Dr.
Fredonia, NY 14063
Term Expires: 12/31/22

Bruno Bruni
24 Villa Dr.
Westfield, NY 14787
Term Expires: 12/31/22

Richard Ketcham
22 Bernett Dr.
Fredonia, NY 14063
Term Expires: 12/31/22

Signed: Odell, Chagnon, Proctor

Unanimously Adopted – December 18, 2019

RES. NO. 311-19

Confirm Re-Appointment - Chautauqua County Health Board

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

REGULAR SESSIONS

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 Health Board.

Thomas A. Erlandson
26 Valley View Drive
Frewsburg, N.Y. 14738
Term Expires: 12/31/25

Signed: Rankin, Pavlock, Whitford

Unanimously Adopted – December 18, 2019

RES. NO. 312-19

Establish Complete Streets Account for Acceptance of Funds from the Chautauqua County Health Network (CCHN)

By Public Facilities and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, pursuant to Resolution 127-19 the Department of Public Facilities was authorized to accept grant funds not to exceed \$13,000 from the Chautauqua County Health Network (CCHN) for projects that further goals of the Creating Healthy Schools and Communities (CHSC) initiative; and

WHEREAS, the Department of Public Facilities completed projects under the Complete Streets Program at South Main Street in Jamestown, New York, Central Avenue in Dunkirk, New York, and Dale Drive in Cassadaga, New York that included \$11,270 in reimbursable expenses under the CHSC grant; and

WHEREAS, CCHN has remitted payment to the County in that amount; therefore be it

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

ESTABLISH AND INCREASE REVENUE ACCOUNT:

D.5112.392.R239.7000 - Shared Services—Capital Project, Other Governments	\$11,270
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INCREASE APPROPRIATION ACCOUNT:

D.5112.392.4 Contractual—Capital Improvements, Complete Streets	\$11,270
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Signed: Hemmer, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – December 18, 2019

RES. NO. 313-19

Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport

By Public Facilities and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

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. 176-19, the County Legislature authorized CREDC to provide interim fixed based operator services at the Dunkirk Airport through December 31, 2019; and

WHEREAS, the County issued Requests for Proposals (RFP) for fixed based operator services at the Dunkirk Airport in November 2019 and is evaluating proposals with the expectation to award a contract to a new FBO provider by December 31, 2019; 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 further evaluate and negotiate a contract with a new FBO provider 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. January 1, 2020 – February 29, 2020.
2. Payment. CREDC shall pay the County 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 during the stated term, the County shall reimburse CREDC for the applicable deficit in the payment of its reasonable expenses for the stated term.
3. Other. As negotiated by the County Executive.

REGULAR SESSIONS

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

Unanimously Adopted – December 18, 2019

RES. NO. 314-19

Amend 2019 Budget for Liability Insurance Accounts

By Administrative Services and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, some Insurance Department expenses and revenues have exceeded 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 2019 budget:

INCREASE APPROPRIATION ACCOUNTS:

CS.1710.----.4	Contractual – Insurance Administration	\$2,000
CS.1930.----.4	Contractual – Judgements and Claims	<u>\$2,500</u>
	Total	\$4,500

INCREASE REVENUE ACCOUNT:

CS.1931.9999.R268.0000	Sale of Property/Compensation - Insurance Recoveries	\$4,500
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Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 315-19

Adjust 2019 Budget for CCSEA Collective Bargaining Agreement

By Administrative Services, Public Safety and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, a labor contract with Chautauqua County Sheriff Employees' Association (CCSEA) covering years 2018 through 2023 was adopted by resolution 258-19; and

WHEREAS, costs associated with retroactive wages were not included in the 2019 budget; and

WHEREAS, revenue from sales tax is projected to be in excess of the 2019 budget; now therefore be it

JOURNAL OF PROCEEDINGS

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

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.1	Personal Services – Publ Safety Communication, Consolidated Dispatching	\$ 46,976
A.3110.----.1	Personal Services – Sheriff	\$ 172
A.3150.----.1	Personal Services – Jail	\$156,782
A.3189.MEDI.1	Personal Services – Other Law Enforcement, MEDI-VAC	\$ 11,707
A.3020.DISP.8	Employee Benefits – Publ Safety Communication, Consolidated Dispatching	\$ 10,112
A.3110.----.8	Employee Benefits – Sheriff	\$ 35
A.3150.----.8	Employee Benefits – Jail	\$ 34,808
A.3189.MEDI.8	Employee Benefits – Other Law Enforcement, MEDI-VAC	\$ 2,186
	Total	\$262,778

INCREASE REVENUE ACCOUNTS:

A.1310.9999.R111.0000	Non Property Tax Items – Sales Tax	\$167,731	\$158,863
A.1310.9999.R111.0CTY	Non Property Tax Items – Sales Tax - County Share	\$ 95,047	\$ 90,022
A.3189.MEDI.R158.9001	Departmental Income – Other Public Safety Income Medi-Vac		<u>\$ 13,893</u>
	Total		\$262,778

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Niebel, Gould (12/18/19 Leg. Amended by strike through and additions in bold)

Unanimously Adopted – December 18, 2019

RES. NO. 316-19

Amend 2020 Budget Appropriations and Revenues - Probation

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

WHEREAS, the State of New York, Division of Criminal Justice Services (DCJS) has agreed to increase funding to the Chautauqua County Employment Focused Services grant in the fourth (2020) and fifth year (2021) of the five year grant by the amount of \$19,716 each year; and

WHEREAS, this increased funding will assist the Probation Department's ability to offer medium and high risk offenders cognitive behavioral interventions and employment services which reduces the overall risk of recidivism; and

REGULAR SESSIONS

WHEREAS, the previously established revenues and expenditures associated with this grant are included in the 2020 Chautauqua County Adopted Budget, but the additional funding and associated expenditures are not included; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and empowered to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.4	Contractual--Probation	\$19,716
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INCREASE REVENUE ACCOUNT:

A.3140.R331.0POV	New York State Aid—Probation- Employment Focused Services	\$19,716
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Signed: Niebel, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 317-19

Amend 2019 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

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 2019 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3189.3111.1	Personal Services – Other Law Enforcement - Navigation	\$13,977
A.3189.3111.4	Contractual – Other Law Enforcement – Navigation	\$ 2,945
A.3189.3111.8	Employee Benefits – Other Law Enforcement – Navigation	\$ 3,930
A.3020.PSCN.8	Employee Benefits–Publ Safety Communication, Pub Sfty Communications Network	<u>\$ 4,551</u>
	TOTAL	\$25,403

DECREASE APPROPRIATION ACCOUNT:

A.3110.----.4	Contractual – Sheriff	\$25,403
	TOTAL	\$25,403

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

Unanimously Adopted – December 18, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 318-19

Authorize Agreement with Bemus Point Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

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, 2019 through June 30, 2020; 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 term of September 1, 2019 through June 30, 2020 at a cost of \$64,630; and

WHEREAS, this contract is not included in the 2019 Budget but is included in the 2020 Budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services – Sheriff	\$19,338
A.3110.----.8	Employee Benefits – Sheriff	<u>\$ 6,515</u>
	Total	\$25,853

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services – Chrsgs: Oth Gov-Pub Safety	\$25,853
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Signed: Niebel, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 319-19

Authorize Agreement with Forestville Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Forestville Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of January 1, 2020 through June 30, 2020; and

REGULAR SESSIONS

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Forestville Central School District to provide a certified School Resource Officer for the term of January 1, 2020 through June 30, 2020 at a cost of \$38,778; and

WHEREAS, this contract is included in the 2020 Budget so no budget amendment is needed; 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 term as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 18, 2019

RES. NO. 320-19

Authorize Agreement with Silver Creek Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Silver Creek Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of January 1, 2020 through June 30, 2020; 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 term of January 1, 2020 through June 30, 2020 at a cost of \$38,778; and

WHEREAS, this contract is included in the 2020 Budget so no budget amendment is needed; 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 term as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 18, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 321-19

Authorize Agreement with Chautauqua Lake Central School District for Enhanced Police Protection Services FY20

By Public Safety and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

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, 2020 through December 31, 2020, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$41.39; and

WHEREAS, execution of an agreement with the Chautauqua Lake Central School District will not require use of local funds because revenues received from the agreement will cover additional expenditures incurred by the County; 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, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 322-19

Authorize Agreement with Town of Charlotte for Enhanced Police Protection Services FY20

By Public Safety and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Town of Charlotte has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Town for the 2020 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Charlotte for the period of January 1, 2020 through December 31, 2020 for an estimated cost not to exceed \$9,000.00 based on an hourly rate of at least \$41.39 and a holiday hourly rate of at least \$52.04; and

REGULAR SESSIONS

WHEREAS, execution of an agreement with the Town of Charlotte will not require use of local funds because revenues received from the agreement will cover additional expenditures incurred by the County; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Charlotte for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – December 18, 2019

RES. NO. 323-19

Authorize Agreement with Town of Ripley for Enhanced Police Protection Services FY20

By Public Safety and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Town of Ripley has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Town during the 2020 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2020 through December 31, 2020 for an estimated cost not to exceed \$35,000.00 based on an hourly rate of at least \$41.39 and a holiday hourly rate of at least \$52.04; and

WHEREAS, execution of an agreement with the Town of Ripley will not require use of local funds because revenues received from the agreement will cover additional expenditures incurred by the County; now therefore be it; 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 revenue account A.3110.R226.0000.

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

Unanimously Adopted – December 18, 2019

JOURNAL OF PROCEEDINGS

RES. NO. 324-19

Authorize Agreement with Village of Silver Creek for Enhanced Police Protection Services
FY20

By Public Safety and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

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 2020 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, 2020 through December 31, 2020 for an estimated cost not to exceed \$585,284; and

WHEREAS, this revenue is included in the 2020 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, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 325-19

Authorize Agreement with Ontario County for Juvenile Detention Facility Services

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 (DHHS) has been designated the agency of County government responsible for the administration of Chautauqua County's juvenile detention program pursuant to New York State County Law Section 218-a; and

WHEREAS, DHHS requires a service agreement with a qualified provider for non-secure detention services for juvenile delinquency court-ordered placements and police admission placements; and

WHEREAS, the County of Ontario operates an eight bed Youth Care Facility created for the purposes of reception, temporary housing, and care of alleged or adjudicated juvenile

REGULAR SESSIONS

delinquents being held at the direction of the New York State Family Court pursuant to applicable statute, and said facility has an operating certificate from the New York State Office of Children and Family Services (OCFS) to provide non-secure detention services; and

WHEREAS, DHHS has negotiated a tentative agreement with the County of Ontario to house juveniles at its Youth Care Facility at a rate of \$325 per day on an as-needed basis when beds are available, therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the County of Ontario for the housing of juveniles pursuant to the terms set forth above for so long as the Chautauqua County Department of Health and Human Services continues to require such services.

Signed: Rankin, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 326-19

Amend Chautauqua County Department of Health & Human Services 2019 Budget for Increased Child Care (Foster/Institutional) Costs

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

WHEREAS, 2019 expenditures for Child Care (Foster/Institutional) costs are now projected to be in excess of the budgeted amount; and

WHEREAS, Child Care (Foster/Institutional) costs are funded at 37% by the Federal government and at 20% by the State of New York; and

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

WHEREAS, Safety Net costs are generally funded at 1% by the Federal government and at 28% by the State of New York, net of repays; and

WHEREAS, Family Assistance costs are generally funded at 79% by the Federal government; now therefore be it

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

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INCREASE APPROPRIATION ACCOUNT:

A.6119.----.4	Contractual-Child Care (Foster/Inst)	\$2,000,000
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DECREASE APPROPRIATION ACCOUNTS:

A.6140.----.4	Contractual-Safety Net	\$ 715,000
A.6109.----.4	Contractual-Family Assistance	\$ 300,000
	Total	\$1,015,000

INCREASE REVENUE ACCOUNTS:

A.6140.R184.0000	Repay: Safety Net Assist	\$ 226,000
A.6119.R361.9000	NYS Aid – Child Care	\$ 400,000
A.6119.R461.9000	Federal Aid – Child Care	\$ 740,000
	Total	\$ 1,366,000

DECREASE REVENUE ACCOUNTS:

A.6140.R364.0000	NYS Aid – Safety Net	\$ 139,110
A.6140.R464.0000	Federal Aid – Safety Net	\$ 4,890
A.6109.R460.9000	Federal Aid – EAF Foster Care	\$ 237,000
	Total	\$ 381,000

Signed: Rankin, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 327-19

To Accept New York State Department of Health 2019-20 Award to Support Nurse Family Partnership

By Human Services and Audit & Control Committees:
At the Request of Acting County Executive Stephen M. Abdella:

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 for the period 04/01/19- 03/31/20 in the amount of \$45,454.50; and

WHEREAS, the 2019 Budget must be adjusted to include these awarded funds; and

WHEREAS, expenditures associated with these awarded funds are already included in the 2019 budget, and Article 6 New York State Aid revenue related to those expenses is included in the 2019 budget but will be replaced by this new funding; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the 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

REGULAR SESSIONS

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 A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$35,020
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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 2019 budget:

INCREASE REVENUE ACCOUNT:

A.4010.NURS.R340.1FOU	New York State Aid— Publ Hlth: Nurse Family Partnership	\$45,455
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DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000	New York State Aid—Public Health Grant	\$10,435
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Signed: Rankin, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 328-19

Authorize Use of Chautauqua County 2% Occupancy Tax Undesignated Off-Cycle Project Funds to Remove Debris from Bemus Creek

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Legislator Pierre 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, Bemus Creek is a tributary to Chautauqua Lake and a number of large trees have fallen into Bemus Creek as a result of streambank erosion; and

WHEREAS, the fallen trees have created debris jams that have the potential to cause flood damage to residential properties, threaten public transportation infrastructure, and will inevitably increase the cost of in-lake maintenance for Chautauqua Lake; and

WHEREAS, Chautauqua County and the Chautauqua County Soil & Water Conservation District recommend a remedy whereby the fallen trees and associated debris will be removed

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from Bemus Creek, thereby mitigating potential property and infrastructure damage at less cost than removing the debris once it is deposited in Chautauqua Lake; and

WHEREAS, the Chautauqua County Soil & Water Conservation District has the capacity to secure access agreements from property owners and obtain a permit from the New York State Department of Environmental Conservation and has the capacity to mobilize equipment and labor suitable to implement the remedy at a cost not to exceed \$15,000; and

WHEREAS, the 2% Occupancy Tax Program Budget for 2019 has an allocation of \$42,893 for Undesignated Off-Cycle Projects; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$15,000 from the 2% Occupancy Tax Program's allocation for Undesignated Off-Cycle Projects to be dispersed to the Chautauqua County Soil & Water Conservation District for implementation of the remedy to remove debris from Bemus Creek; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this resolution.

Signed: Odell, Chagnon, Proctor, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 329-19

Provide Funding to the Chautauqua Lake Protection and Rehabilitation Agency (CLPRA) for Outreach and Engagement Services

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Legislator Pierre Chagnon and Acting County Executive Stephen M. Abdella:

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, pursuant to Resolution No. 315-17 of the Chautauqua County Legislature, the Chautauqua Lake Protection and Rehabilitation Agency (CLPRA) was formed to evaluate lake protection and rehabilitation needs, and make recommendations to the County Legislature regarding the creation of a Chautauqua Lake Protection and Rehabilitation District(s) as may be necessary and in the best interests of the people of Chautauqua County; and

WHEREAS, in order to conduct effective outreach to the public and provide opportunities for public engagement which will allow the CLPRA to effectively achieve the goals and objectives with which it was charged by the Legislature, the CLRPA members passed

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a motion to request funding from the County to hire a consultant to provide outreach and engagement services; and

WHEREAS, the CLPRA has received a proposal from Highland Planning of Rochester, New York to provide outreach and engagement services; and

WHEREAS, it would be advantageous for the County to allocate \$15,500 to fund such services, and said funds will be a charge to the district(s) and a revenue to the County if the lake protection and rehabilitation district(s) is(are) established; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the use of \$15,500 for the County to enter into a contract with Highland Planning to provide outreach and engagement services; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual—Planning	\$15,500
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INCREASE REVENUE ACCOUNT:

A.8020.----.R237.2000	Shared Services—Chrgs: Planning	\$15,500
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Signed: Odell, Chagnon, Proctor, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 18, 2019

RES. NO. 330-19

Authorize Acceptance of SAM Grant for North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, pursuant to Resolutions 260-15, 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

WHEREAS, the District has undertaken capital improvement projects to create a regional water system for the North County, and the Dormitory Authority of the State of New York (DASNY) has approved a \$100,000 State and Municipal Facilities Capital Program (SAM) grant to assist the District in funding the projects; now therefore be it

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RESOLVED, That the Chautauqua County Legislature hereby approves the acceptance of a \$100,000 SAM grant from DASNY to assist the District's capital projects, and the County Executive and District Chair are authorized and empowered to execute all agreements and documents necessary to secure such funds.

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

Unanimously Adopted – December 18, 2019

MOTION: (On file w/Legislature Data)

12-19 In Support of an Increase of State Support for Cornell Cooperative Extension County Associations in the State of New York – Unanimously Adopted

LOCAL LAW
INTRODUCTORY NO. 8-19
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:

I. Local Law 1-19 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.

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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

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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.

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

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

- d. solicit directly or indirectly any non-elected County Officer or Employee 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 County 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 provide professional or managerial services for a third party on any matter involving his or her former County Agency.

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. Retired County Officers or Employees who were working for a third party on a matter involving their former County Agency at the time of enactment of this Law may continue to perform such work as long as their actions do not violate the terms of this paragraph "g" as it was written on their date of retirement.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself of herself; or (2) any other matter in which the

County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County Officer or Employee shall Appear Before any County department or Agency which employs such County Officer or Employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County Officer or Employee who is an elected Public Official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint a County 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.

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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, and all County Officers or Employees who are authorized to use County-issued credit cards or to approve vouchers, purchase orders, contracts and payroll such as purchasing clerks and purchasing agents, shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement using a form approved by the Ethics Board which shall be substantially in conformance with the 2019 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 County Officer or Employee 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 County Officer or Employee 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 Titles Required to File; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

1. A list of those titles which are subject to County disclosure requirements, as the same may be amended from time to time by the Ethics Board, is on file with the Clerk of the Legislature and in the office of the County Executive.

2. Before May 15th of each year, the County Executive shall verify that every affected County Officer or Employee has filed his or her annual disclosure statement.

3. Failure of the County Executive or of an individual subject to disclosure statement filing requirements to comply with such requirements shall not relieve any individual from his or her duty to file a disclosure statement pursuant to this Code of Ethics.

4. All County Officers 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, or will send the training materials to new employees via e-mail and secure written confirmation of receipt.
- b. The County Department of Human Resources will issue training materials to Department Heads, who shall administer annual training for all County employees under their purview between January 1st and March 31st. Department Heads must ensure that each employee under their purview signs off on a paper or electronic form confirming review of the training, and shall certify completion of departmental training to the Human Resources Director.
- 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.

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- e. The Director of the Department of Human Resources will notify the County Ethics Board when Department Heads have certified employee completion of the 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 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 County Officers or Employees 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;
 - h. Recommend changes or improvements to the Code of Ethics;
 - i. Perform such other related duties as requested by the County Executive;
 - j. 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

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- k. 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.

II. This Local Law shall become effective upon filing with the Secretary of State.

Sponsor: Legislator Scudder

Emailed: 12/6/19

Adopted by Legislature: 12/18/19

Public Hearing by County Executive: 1/2/2020

Adopted As Local Law 1-20

R/C Vote: 19 Yes

Date State Filed: 01/10/20

COMMENDATIONS:

For Outgoing Legislators
KEVIN O'CONNELL – DISTRICT 6
DAVID WILFONG – DISTRICT 11
MARTIN PROCTOR – DISTRICT 18

MEMORIALS:

David Himelein
By
Legislator Martin Proctor

Donald Ahlstrom
By
Legislator David Wilfong

2nd Privilege of the Floor

Emily Reynolds: (*Inaudible Due to Microphone Malfunction.*) We have lots of clean up to do in the Ag Center because we've been there a long time. Its bitter sweet to leave the Ag Center, but it's very exciting to be at JCC. I want to thank you for your support on that and let you know that this is our new address and the phone number will be the same as soon as they turn us on. Thank you.

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Chairman Wendel: Anyone to speak to the second privilege of the floor? Seeing no one to speak, we will close the second privilege of the floor.

Chairman Wendel: Before we entertain a motion to close the meeting I would just like to wish everyone here a very happy and merry Christmas on the behalf of myself and the legislative staff of Kathy, Lori, and Olivia.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:05 p.m.)

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CERTIFICATION ACKNOWLEDGEMENT

I, Katherine K. Tampio, being Clerk of the Chautauqua County Legislature, 2019, 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 2019 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED
IN THE LEGISLATURE'S CLERK OFFICE**

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1. Letters (3) – County Executive – Re: Appointments to Various Boards
2. Letter – County Attorney – Legal Services for County Legislature – 2019
3. Letter – Chautauqua Foundation – Acknowledging Award for “Farm-to-Table Culinary Weekend Getaway” Project
4. Annual Report – Cornell Cooperative Extension – 2018
5. Bond Anticipation Note Certificate Dated December 28, 2018 - \$19,000,000
6. Letter – NYS Dept. of State – Ack. Receipt of LL 12-18

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2. Letters(4) – County Executive – Appointments to Various Boards
3. Report – Fn. Director Crow – Investment Report – December 2018
4. Report – Fn. Director Crow – Investment Report – January 2019
5. Letter – District Attorney – Re: Succession of Powers & Duties within DA’s Office in Event of Vacancy or Absence
6. Annual Report for Chautauqua County Land Bank Corporation
7. Annual Report – Small Business Development Center – 2018
8. Quarterly Report – Small Business Development Center – 10/1/18 - 12/31/18
9. Orange County Legislature – Re: Res. 45-19; Calling for NYS Legislative Action to Classify as Controlled Substances Certain Fentanyl “Analogues” that are Responsible for Opioid Overdose Deaths
10. Letter – NYS Dept. of Public Service – Re: Granting of Ball Hill Wind Energy, LLC, (Ball Hill) Approval for a Wind-Powered Electric Generation Facility Letter – NYS Department of State – Re: Ack. Receipt of LL 1-19 (Amending Code of Ethics)
11. Letter – NYS Department of State – Re: Ack. Receipt of LL 1-19 (Amending Code of Ethics)

March 27, 2019

1. Invitation - Silvertree Seniors of Jamestown Tour of Facility
2. Letter - League of Women Voters – Program on Medical Marijuana
3. Letter - County Executive – Appointment to Chautauqua County Youth Board

April 24, 2019

1. Letter – Appointment to Cornell Cooperative Extension Board
2. Letter – District Attorney - Re: Succession of Powers and Duties within DA’s Office in event of Vacancy or Absence
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