

**LOCAL LAW**  
**INTRODUCTORY NUMBER 4-19**  
**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**

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 within thirty (30) days of the time when such vacancy occurs. 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. 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

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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

Kevin O'Connell  
1148 Moran Rd.  
Silver Creek, NY 14136  
Term Expires: 6/30/20

Signed: Wilfong, Pavlock, O'Connell, Whitford

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

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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

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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

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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:

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

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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:

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; 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:

- A. “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.

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- B. “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.
- C. “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**

- A. 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.
- B. 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.
- C. 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

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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

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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

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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



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

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

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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

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

INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R266.5000 Sale of Property/Compensa—  
Sale of Equipment \$ 50,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4 Contractual—Road Machinery,  
DPF Large Equipment (Annual) \$250,000

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

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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

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

DECREASE CAPITAL REVENUE ACCOUNT:

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

; 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

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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:

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

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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
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

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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 (\$186,134.00) for the year 2020, including personnel services and office expenses; and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

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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.

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<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		
<b>Subtotal Towns</b>			<b>\$1,157,087.04</b>
<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
Fredonia	\$207,699.13		
Lakewood	\$35,417.59	Dunkirk (City)	\$332,847.75
Mayville	\$16,560.20	Jamestown (City)	\$805,695.85
<b>Subtotal Villages / Cities</b>			<b>\$1,586,496.58</b>
<b>Chautauqua County</b>			<b>\$2,336,416.38</b>
<b>Grand Total</b>			<b>\$5,080,000.00</b>

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

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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:

A.1450.----.4	Contractual—Board of Elections	\$110,317
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INCREASE REVENUE ACCOUNT:

A.1450.R308.9007	NYS Aid—Other State Aid: Elections Grt	\$110,317
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Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

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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

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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:

- 1.) Premises. Approximately 324 square feet of office space on the third floor of the City of Jamestown Municipal Building.
- 2.) Term. January 1, 2019, through December 31, 2022.
- 3.) 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.
- 4.) Utilities. The City shall be responsible for all utilities, including heat. The County shall be responsible for the cost of phone, computer, cable, and internet services, and installation fees.
- 5.) Other. As negotiated by the County Executive.

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

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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



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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

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; 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	<u>\$ 3,255</u>
	Total	\$29,108

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services –Chrgs: Oth Gov-Pub Safety	\$29,108
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

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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:

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

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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

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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 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

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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	\$ 3,243
	Total:	\$10,000

INCREASE REVENUE ACCOUNT:

A.3110.----.R432.4000	Federal Aid--Drug Control Programs	\$10,000
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

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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

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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.4Contractual – Pub Sfty Communications Network	<del>\$331,492</del>	<b>\$196,882</b>
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INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9 Federal Aid--Other Public Safety Aid	<del>\$331,492</del>	<b>\$196,882</b>
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould  
(P.S. Amended by Strikethrough and new text indicated by Italics/Bold)

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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  
(A.C. Amended by Strikethrough and new text indicated by Italics/Bold)

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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:

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 (~~\$479.00 per sq. ft.~~) 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  
(*H.S. Typo corrected by Strikethrough*)

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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

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 ~~Application~~ *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

; 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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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.37007.4 Contractual—Broadband Internet (2019) \$150,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6420.37007.R503.1000 Interfund Transfer – Interfund Transfer \$150,000

Signed: Odell, Chagnon, O’Connell, Muldowney, Starks, Proctor, Nazzaro, Niebel, Gould  
*(P.E.D. Typo corrected by Strikethrough and new text indicated by Italics/Bold)*

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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

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
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

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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

INCREASE REVENUE ACCOUNTS:

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

DECREASE REVENUE ACCOUNTS:

	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

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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

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
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EWN.8310.----.8	Employee Benefits—Water District	\$ 872
	Total	\$2,235

DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services—Clerk, Legislative Board	\$1,363
A.1040.----.8	Employee Benefits—Clerk, Legislative Board	\$ 872
	Total	\$2,235

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

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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 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

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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

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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

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

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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
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

## CHAUTAUQUA COUNTY LEGISLATURE

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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	060300-237.08-1-49	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
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
				<b>Total</b>	\$659,830.00	\$553,482.57

Signed: Scudder, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

CHAUTAUQUA COUNTY LEGISLATURE

08/28/19

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

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

**TITLE:** Declaring September 20, 2019 as National POW/MIA Recognition Day

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

WHEREAS, on a yearly basis, by proclamation, the President of the United States of America declares the third Friday of September National POW/MIA Recognition Day; and

WHEREAS, Friday, September 20, 2019, is the day we remember those who have served and suffered as prisoners of war and those who are still missing in action, especially the 1,741 Americans still unaccounted for during the Vietnam War; and

WHEREAS, according to a Congressional Research Service report on POWs; 130,201 World War II service members were imprisoned – 14,072 of them died, 7,140 Korean War service members were imprisoned – 2,701 of them died, 725 Vietnam service members were imprisoned – 64 of them died and 37 service members were imprisoned during conflicts since 1991, including both Gulf wars – none are still in captivity; and

WHEREAS, according to the Defense POW/MIA Accounting Agency, 83,114 Americans who fought in those wars are still missing and efforts to find those service members, identify them and bring them home are constant; and

WHEREAS, on this day our POW/MIA's should be honored and recognized, with the focus on the need for a full accounting, alive or dead; and

WHEREAS, a strong responsible support by the American people is crucial to achieving concrete answers to loved ones, family, friends and the American people; and

WHEREAS, the Chautauqua County Legislature urges all citizens to fly American and POW/MIA flags on this day and asks all citizens to remember those who have not returned home or been accounted for; therefore let it be

KNOWN, That Friday, September 20, 2019 is declared National POW/MIA Recognition Day in Chautauqua County and all citizens are asked to remember those brave soldiers still away from home.

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

**TITLE:** Proclaiming September 2019 as Childhood Cancer Awareness Month in Chautauqua County

**AT THE REQUEST OF:** Legislator Martin Proctor and Lisa Vanstrom:

WHEREAS, childhood cancer is the leading cause of death by disease in children; and

WHEREAS, 1 in 285 children in the United States will be diagnosed by their 20<sup>th</sup> birthday; and

WHEREAS, 43 children per day or 15,780 children are diagnosed with cancer annually in the U.S.; and

WHEREAS, there are approximately 40,000 children on active treatment at any given time; and

WHEREAS, the average age of diagnosis is 6 years old, compared to 66 years for adults' cancer diagnosis; and

WHEREAS, 80% of childhood cancer patients are diagnosed late and with metastatic disease, and

WHEREAS, on average there's been a 0.6 percent increase in incidence per year since the mid 1970's resulting in an overall incidence increase of 24 percent over the last 40 years; and

WHEREAS, two-thirds of childhood cancer patients will have chronic health conditions as a result of their treatment toxicity, with one quarter being classified as severe to life-threatening; and

WHEREAS, approximately one half of childhood cancer families rate the associated financial toxicity due to out-of-pocket expenses as considerable to severe; and

WHEREAS, in the last 20 years only four new drugs have been approved by the FDA to specifically treat childhood cancer; and

WHEREAS, the National Cancer Institute recognizes the unique research needs of childhood cancer and the associated need for increased funding to carry this out; and

WHEREAS, hundreds of non-profit organizations at the local and national level including the American Childhood Cancer Organization are helping children with cancer and their families cope through educational, emotional and financial support; and

WHEREAS, researchers and healthcare professionals work diligently dedicating their expertise to treat and cure children with cancer; and

WHEREAS, too many children are affected by this deadly disease and more must be done to raise awareness and find a cure; now therefore be it

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

***Childhood Cancer Awareness Month***  
***In***  
***Chautauqua County***

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

