

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
NYS PHSA 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

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**

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

Chairman Wendel: We have a motion by Legislator Nazzaro, do we have a second?

Legislator Chagnon: Second.

Chairman Wendel: All those in favor to bring this off the floor, please signify by the usual signs.

Unanimously Carried

Legislator Nazzaro: On our desk was laid an amendment, so I’d like to make a motion to amend the resolution that was tabled by substitution.

Legislator Chagnon: I will second the motion to amend.

Chairman Wendel: Thank you. We have a motion and a second, all those in favor signify by the usual sign.

Unanimously Carried

Chairman Wendel: At this time is there any discussion on resolution 177-19 as amended?

Legislator Nazzaro: There has been a lot of discussion on this in both Public Facilities Committee, Audit and control, as well as in leadership. In the July meeting I made a motion and it was approved to table this so we could get additional information regarding the airport. After the meeting our Director of Public Facilities, Brad Bentley, came up to me and asked what he could get for us. So, first of all, I toured the airport. I went up there to the Chautauqua County Airport. I’ve been there many times, but I saw parts of it I had not seen before, specifically, this hangar, which is very old and used to be owned by the refinery in Warren- United Refinery. It’s in terrible condition. So, the challenge that myself and Legislator Chagnon gave to Brad Bentley and Ron Almeter at the airport was that we cannot support the use of almost \$172,000 out of the capital

reserve. We have many projects that are critical, but after much discussion we could support the use of \$50,000 out of the capital reserve. So, the challenge to them was to come up with other mechanisms to pay for this because as you know, we're getting a state grant of over \$900,000. So, the resolution that we substituted here shows in red the local share is now \$50,000 and not the \$172,000. Also, we have in-kind services to be performed in 2020 of \$48,000 and both Brad and Ron provided detail sheets of that and I'm comfortable with that. They're going to have timber sales on airport property, which have to be used for the airport; they can't be used for anything other than the airport-\$65,000. There's a small amount here for salvage of the value of the hangar and sale of surplus airport property of nearly \$8,000. So, they met the challenge. We're going to be taking less out of the reserve, and as we all have heard, if we do nothing it will cost approximately \$80,000 to tear it down. So, we can either spend \$50,000 out of the reserve and have a million dollar renovation project that can be rented out to private companies or we can spend \$80,000 and have nothing. I strongly encourage the legislators here to support this amendment. Thank you.

Chairman Wendel: Anymore discussion?

Legislator Niebel: Mr. Chairman, Chuck has done a good job of explaining the numbers in this particular instance. It does save us money in the short term to approve this resolution, but long term, look, I think we have to address the issue of supporting two airports. Looking ahead we may be asked to support a fourth fly car later this year. I think we need to decide what's more important; the convenience of having an airport in the north and southern part of the county, or the public safety of our county residents. In this particular instance, because of the savings that Chuck has just proposed for this hangar, I will support this.

Chairman Wendel: Thank you. Anyone else to speak to this resolution? All those in favor signify by the usual signs.

TABLED RES. NO. 177-19 – **ADOPTED** w/ Legislators Scudder and Gould voting “no”

TABLED RES. NO. 189-19 – **Environmental Assessment of Projects for 2020 2% Occupancy Tax Projects**

Chairman Wendel: Do we have a motion to move this off the table? The motion is made by Mr. Chagnon and seconded by Mr. Nazzaro. All those in favor signify by the usual signs.

Unanimously Carried

Legislator Chagnon: Mr. Chairman, I would make a motion to amend this resolution by removing the fourth ranked project for the Town of Ellicott because it has come to light that this project is already under construction and nearing completion. By

removing this project from this resolution the monies will then be allocated to potentially three additional projects- the next three highly ranked projects, which will be brought to us for consideration next month. I would make a motion to amend this by removing the Town of Ellicott project.

Legislator Nazzaro: I will second that amendment.

Chairman Wendel: We are voting on the amendment as proposed.

Unanimously Carried

Chairman Wendel: At this time we will have discussion on the resolution as amended. Seeing none, all those in favor signify by the usual sign.

TABLED RES. NO. 189-19 – UNANIMOUSLY ADOPTED

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

Chairman Wendel: Seeing that we have no motions to remove, the resolution will remain tabled.

LOCAL LAW INTRO. 4-19 – A Local Law Amending the Chautauqua County Charter
Re: Vacancy in the Office of County Executive

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

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 INTRO. 4-19 – R/C Vote: 16 Yes; 3 Absent – UNANIMOUSLY ADOPTED

RESOLUTIONS:

RES. NO. 197-19 Confirm Appointment and Re-Appointments – Chautauqua Opportunities Board of Directors, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 198-19 Confirm Appointment - Chautauqua County Coroner, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 199-19 Authorize Acceptance of ESD Grant for North Chautauqua County Water District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 200-19 Confirming User Charges: North County Industrial Water District No. 1, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 201-19 Adjust D.5112 Capital Improvement Accounts, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 202-19 Amend Capital Project Accounts due to Fleet Management Services, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

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 – **UNANIMOUSLY ADOPTED**

RES. NO. 204-19 Amend 2019 Budget for Liability Insurance Accounts, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 205-19 Amend 2019 Budget for Organizational Changes for Purchasing and Insurance, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 206-19 Authorizing Contract for 2020 Administration of Chautauqua County Self-Insurance Plan, by Administrative Services and Audit & Control Committees

Legislator Chagnon: I'd like to make a motion to amend this resolution-decreasing the amount from \$186,134 to an amount of \$172,020, reflecting a correction that was confirmed by the Director of Finance. This will take this from an increase in the compensation for these services of 8.2% down to an increase of 1.6%.

Legislator Nazzaro: I will second that.

Chairman Wendel: Thank you. Just for clarification, the numbers you just read are not the (*inaudible*) I just want to make sure we're clarified.

Legislator Chagnon: I'm sorry. The correct number now is \$174,834. I'm sorry, I read the 2019 number. Thank you for pointing that out.

Chairman Wendel: I just wanted to make sure it was clear for the record. We have a motion to amend and second. All those in favor to amend signify by the usual sign.

Unanimously Carried

Chairman Wendel: Any discussion on the resolution as amended?

RES. NO. 206-19 – UNANIMOUSLY ADOPTED

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 – UNANIMOUSLY ADOPTED

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 – UNANIMOUSLY ADOPTED

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 – UNANIMOUSLY ADOPTED

RES. NO. 210-19 Authorize Agreement with Town of Charlotte for Enhanced Police Protection Services FY19, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 211-19 Authorize Agreement with Frewsburg Central School District for School Resource Officer, by Public Safety and Audit & Control Committees

Legislator Niebel: I'd like to amend this resolution. In the second whereas where we have \$87,321- I'd like to have that changed to \$77,556 and then I'd like to adjust the appropriation and revenue accounts accordingly. The reason for this is that the County Sheriff and the school district has decided that a patrol vehicle fully equipped is not necessary and does not have to be utilized, thus the reduction in cost.

Chairman Wendel: Excellent.

Legislator Bankoski: I'll second that.

Chairman Wendel: Now, we will vote on the amendment as presented. All those in favor signify by the usual sign.

Unanimously Carried

Chairman Wendel: Any discussion or debate on the resolution as amended?

RES. NO. 211-19 – UNANIMOUSLY ADOPTED

RES. NO. 212-19 Authorize Agreements for Inmate Housing, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 213-19 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

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 – **UNANIMOUSLY ADOPTED**

RES. NO. 215-19 Authorize Budget Amendments for Service Contract for Maintenance of Communication Systems, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

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 – **UNANIMOUSLY ADOPTED**

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 – **UNANIMOUSLY ADOPTED**

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

Legislator Odell: Thank you, Mr. Chairman. I would like to wholeheartedly thank County Executive Borrello and Legislator Jay Gould who both sit on the Southern Tier West Regional Planning Board for the leadership and dedication in securing this opportunity to provide some seriously needed broadband throughout some areas of Chautauqua County that have been severely underserved. So, thank you.

RES. NO. 218-19 – UNANIMOUSLY ADOPTED

RES. NO. 219-19 Amend 2019 Budget Appropriations and Revenues Based on Mid-Year Financial Results, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

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 – **UNANIMOUSLY ADOPTED**

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 – **UNANIMOUSLY ADOPTED**

RES. NO. 222-19 Approving Labor Contract with CSEA Unit 6322 (Part-Time Deputy Sheriffs), by Administrative Services, Public Safety and Audit & Control Committees

Legislator Wilfong: I would like to encourage the Legislature to recognize the hard work that goes on in the jail every day. It's a tough job, but it's important for our country and our justice system. I want to wholeheartedly express my gratitude of what goes on there every day.

Chairman Wendel: Thank you. Any other discussion?

Legislator Starks: I'd like to add that this contract will help retain our part time staff, so that we are more in line with our neighboring municipalities and it will help us retain and attract these sheriffs and prevent them from leaving us and going to other places. This keeps us comparable to our neighbors, so thank you for all the work with this.

RES. NO. 222-19 – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 223-19 Setting Salary for Special Patrol Officer, by Administrative Services, Public Safety and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 224-19 Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 225-19 Cleanup and Sale of Tax Foreclosure Property, by Administrative Services and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

MOTIONS:

A. Declaring September 20, 2019 as National POW/MIA Recognition Day – **UNANIMOUSLY ADOPTED**

B. Proclaiming September 2019 as Childhood Cancer Awareness Month in Chautauqua County – **UNANIMOUSLY ADOPTED**

Chairman Wendel: I'm going to break from protocol for this one, if I could. We have several members in the audience this evening who would like to speak to an event being held this weekend that does represent and help out our fellow citizens with childhood cancer.

Tera Swan: I appreciate you inviting us to speak this evening. 43 children per day or 15,780 children are diagnosed with cancer annually in the U.S. 1 in 285 children in the United States will get diagnosed by their (*inaudible*) birthday. The average age of diagnosis is six years old, compared to 66 years old for adult cancer diagnosis. Childhood

cancer is the leading cause of death by disease in children. I don't need to recite these statistics to you. Pediatric cancer is a national concern and unfortunately we are seeing it more and more here in Chautauqua County. Kallie's Krusade is one of hundreds of non-profit organizations that focus on helping children with cancer, as well as assist their families with educational, emotional and financial support. Too many children are affected by this deadly disease and more must be done to raise awareness and find a cure.

Kallie is my daughter, who was diagnosed at 21 months old with acute lymphoblastic leukemia, a common form of pediatric cancer. Prior to her diagnosis, those words held no real meaning to me. I didn't know that they would consume my life and eventually end up taking my daughter's. Kallie Lynn Swan passed on May 6, 2015 in her home, held in my arms, next to her Daddy along with her dog and surrounded by her family. Kallie had fought a courageous battle with lymphoblastic leukemia. Even amongst the challenges she faced in her short life, Kallie upheld a spirit (*inaudible*) and perseverance. She was always concerned about the comfort and happiness of other children (*inaudible*.) She was a lesson to all of us about love and hope and although she endured months of treatment, she never let any of it dull her sparkle or fade her smile and because of that the foundation lives on. We continue to fight like a girl against pediatric cancer.

Here tonight, I have two families- the Gibbons- Lucas, who has been dealing with retinoblastoma and then Drake McKane and his mom, who is also dealing with leukemia. All of us in this room have experienced some type of loss. You may have lost a child, a parent, a spouse, a sibling, a relative, or a friend. Not only did we lose our daughter, but we lost ability to parent her on this planet. No hair braids, no school work, no packing lunches, no field trips. She died and so did all of those moments with her. I lost all the things that she was and would have been- an artist maybe, a writer, a clerk, a doctor, a mother with her own children. These children here and these families have lost so much because of pediatric cancer. So, on behalf of all of us, we thank you for recognizing pediatric cancer awareness month during the month of September.

Chairman Wendel: This Monday there is going to be an event held throughout the (*inaudible*) beginning at 9 o'clock in Lakewood. This is being spearheaded by Tera and her husband and many other people. (*Inaudible*) This will be a tremendous event, so I just encourage everyone if you are in and around Lakewood sometime on Monday, please come out and support Kallie's Krusade. It's an incredible event. Thank you so much.

Applause

ANNOUNCEMENTS

Legislator Starks: The event I share is not as heartwarming as Kallie's Krusade. The Village of Fredonia is yet again hosting Red, White and Blues on Friday, September 6th and Saturday, September 7th. If you're in the area and would like some fun, come join us.

Chairman Wendel: Thank you.

Legislator Wilfong: The Jamestown Labor Day festival will be held Labor Day and it's the best fireworks around. Thank you.

Cross-talk

Legislator Odell: Just a couple of quick things. First, thanks to all my colleagues who were able to attend last Wednesday's midpoint presentation on the Grow Chautauqua initiative, which is becoming the empire state brands initiative. Also, on everyone's desk tonight- you'll recall a couple months ago in our June meeting that we had a resolution 165-19 where we authorized the funding for the printing of our County marketing brochure. So, on everyone's desks tonight- hot off the presses is the latest iteration and this is a great tool. A lot of thought went into it. I want to thank our IDA, County Executive Borrello, and our Planning Board for compiling this and really telling the story of us. It's going to be utilized widely not only for business recruitment and tourism, but also employee retention and employee recruitment and telling the story of what makes us in Chautauqua County a special place to live, work, laugh and learn. So, enjoy it and if you need more I've them, the IDA has them, and I'm sure Mr. County Executive has more in the office as well.

Chairman Wendel: Thank you.

Sheriff Quattrone: I just wanted to encourage everyone to come down to Kallie's Krusade. You'll have the opportunity to dunk me in the dunk tank as many times as you want to pay.

Chairman Wendel: I would like to interject really quick. I do have some good news to bring tonight. On behalf of the Western Regional Off-Track Betting Corporation I have a letter here saying, enclosed you will find funds in the amount of \$91,658. This check represents a net revenue payment to the municipality of the County from all OTB operations- Batavia Downs live racing inter-track wagering video lottery gaming- what essentially happened in 1974 was the Board of Supervisors made a decision to invest \$34,000 into the off track betting corporation. Since that time Chautauqua County has yielded \$9,401,463. So, for those of you that like to play the ponies, thank you. On the behalf of the Legislature and the County Executive, \$91,000 does go a long way in our budget. I do apologize, there was a three foot long ceremonial check that was left at my house, but the funds are coming to us.

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.)

Respectfully submitted and transcribed,
Olivia Ames, Deputy Clerk/Secretary to the Legislature