

Regular & Budget Meeting  
Chautauqua County Legislature  
Wednesday, October 24, 2018, 2:00 p.m. & 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 2:04 p.m.

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

Chairman Wendel: Each one of you has corrections to resolutions on your desks. As we move through the agenda this evening we would like to treat those corrections to the resolutions as typos with the exception of 229-18. So if you will take the time as we move forward to look those over, it's greatly appreciated.

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

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski, the minutes were approved. (9/26/18)

*Unanimously Carried*

1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

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VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO  
NO VETOES FROM 9/26/18

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INTRODUCTION OF JCC PRESIDENT  
DANIEL DEMARTE  
By  
COUNTY EXECUTIVE'S ASSISTANT  
DANIEL HEITZENRATER

Chairman Wendel: I'd like to duly note that Mr. Heitzenrater's tie is an alumni of JCC who's wearing colors but I would like to welcome President DeMarte. Welcome to the community and JCC has had a huge tradition in this community as a stellar institute of higher learning and I guarantee you that we feel confident that you will continue that role. So welcome to the community and thank you.

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## PUBLIC HEARING:

2019 TENTATIVE BUDGET & SEWER  
DISTRICT ASSESSMENT ROLLS

Chairman Wendel: We will now open up the public hearing on the 2019 tentative budget and sewer district assessment rolls.(2:12 p.m.) Is there anyone here to speak to the public hearing? Is there anyone here to speak to the public hearing? Seeing no one, we'll close the public hearing.(2:13 p.m.)

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## COMMUNICATIONS:

1. Proof of Publication – Public Hearings – 2019 Tentative & Sewer District Assessment Rolls
  2. Letters (2) – County Executive – Appmts. To Airport Comm. & STERRA
  3. Investment Reports (3) – Fn. Director Crow – July/August/September-2018
  4. Letter – Planning Dir. McCord – Re: Leveraging Food System as a Catalyst or Economic Development
  5. Letter – T. Atwell, EMT – Re: Concerns & Ideas Regarding Fly Car System
  6. Letter – B. Catanese – Re: Concerns Regarding Fly Car System
  7. Drescher & Malecki LLP - County Audit Year Ending 12/31/17
  8. Chautauqua County 2019 Tentative Budget
  9. Letter – D. Lessinger – Re: Concerns Regarding Fly Car System
  10. Letter – T. Bunce – Re: Concerns Regarding Fly Car System
  11. Letter – D.A. Swanson – Re: Copy of Attorneys (4) Oath of Office
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**RENEW & AMEND RES. NO. 210-18** – Establishment of Certified Ambulance Service

Legislator Chagnon: I would move that we renew resolution 210-18.

Legislator Bankoski: Second.

Legislator Nazzaro: As in the past because of my affiliation with UPMC Chautauqua I ask the Legislature to recuse myself from the vote please.

Chairman Wendel: Thank you, any discussion? If not, all those in favor of recusing Mr. Nazzaro say aye, opposed, thank you.

*Unanimously Carried*

Chairman Wendel: At this time we need to vote on renewing the amendment 201-18, all those in favor?

*Unanimously Carried*

Chairman Wendel: We now need a motion to amend.

Legislator Bankoski: I would like to make that motion.

Legislator Chagnon: Second.

Chairman Wendel: All those in favor of the amendment?

*Unanimously Carried*

Chairman Wendel: Just to clarify, the amendment is to change January 1 to immediately. After further insight by Emergency Services, this is what needs to be done in order to get the process moving now instead of waiting until January. Any discussion on the resolution as amended?

**RENEW & AMEND RES. 210-18 –ADOPTED** as amended w/ Legislator Odell voting “no” and Legislator Nazzaro recused from vote.

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**RESOLUTIONS:**

**RES. NO. 227-18** Confirm Appointment - Chautauqua County Airport Commission, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 228-18** Confirm Appointment – Southern Tier Extension Railroad Authority Board, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 229-18** Acceptance of Funds from NYSDOT for the Hangar J Door Replacement Design & Construction Project at the Chautauqua County Jamestown Airport, by Public Facilities Committee

Legislator Chagnon: I would make a motion to amend the proposed resolution correcting the dollar amount from \$30,200 to \$302,000.

Legislator Nazzaro: Second.

*Unanimously Carried*

Legislator Chagnon: I would like to now make a further motion to table this amended resolution.

Legislator Nazzaro: Second.

*Unanimously Carried*

**RES. NO. 229-18 – TABLED**

**RES. NO. 230-18** Acceptance of Funds from NYSDOT for the Replacement of Existing Bulk Hangar No. 3 & Construct Public Safety Hangar Project at the Chautauqua County Dunkirk Airport, by Public Facilities and Audit & Control Committees

Chairman Wendel: Note this is one of the resolutions that has a typo.

**RES. NO. 232-18 - UNANIMOUSLY ADOPTED**

**RES. NO. 231-18** Amend 2018 Budget for Public Facilities Airport Division, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 232-18** Amend 2018 Budget for Environmental, Public Facilities Road, & Public Road Machinery Division, by Public Facilities and Audit & Control Committees

Chairman Wendel: And this is another typo as listed in our handout.

**RES. NO. 232-18 – UNANIMOUSLY ADOPTED**

**RES. NO. 233-18** Adjust DPF Large Equipment Capital Account, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 234-18** Approving Consolidation of Vital Statistics Registrar Districts Between Town of Westfield and Village of Westfield, by Administrative Services Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 235-18** Authorize Memorandum of Understanding and Confidentiality Agreement with NY State Office of Mental Health, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 236-18** Emergency Management Performance Grant for Fiscal Year 2018, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 237-18** State Homeland Security Program for Fiscal Year 2018, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 238-18** Fiscal Year 2018 Hazardous Materials Emergency Preparedness (HMEP) Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 239-18** Authorize Execution for New York State Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY 18, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 240-18** Authorize Execution for New York Governor’s Traffic Safety Committee Grant for the Highway Safety Program FY 19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 241-18** Authorize Acceptance of Forfeiture Funds Held by the District Attorney, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**



**RES. NO. 247-18** Consider 2019 Tentative Budget, with the Changes Listed Below and Presenting Same to the County Executive for His Consideration and Action

Chairman Wendel: If you look in the paper that was given to us at the 2:00 meeting, resolution 247-18 will be amended as typos. Any discussion or debate on the tentative budget as presented? Seeing none, I would at this time like to thank Pierre Chagnon and Chuck Nazzaro, Chair and Co-Chair, Assistant Chair of the Audit & Control Committee and those members, Mr. Niebel and so forth that are on the Audit & Control Committee, Mr. Muldowney, and all the hard work you guys had put in. On a personal note, I remember leaving here last year kind of wondering if we really did ourselves in. We made so many cuts – Mr. Gould, I'm sorry, I apologize, and I'm going to call the memory card.

Legislator Gould: I was wondering if I was here or not.

Chairman Wendel: You are here and I apologize. Our senior member who's been here the longest, again, I wholeheartedly apologize but Mr. Gould, Mr. Chagnon, Mr. Nazzaro, Mr. Niebel, and Mr. Muldowney has done a yeomen's job of bringing not only what the County Executive brought as a structurally balanced budget which we have not had in some time, but still to find reductions and sensible reductions, not reductions for the sake of making them, and coming in with a 6 cent reduction in the tax rate. I think that is something to be commended for. It's not easy but I think this year it was – like I said, we left here thinking man, we may have just dealt ourselves some hard work for next year but with everybody's hard work, things working out the way we hoped they would, we have come back with a very solid budget. So, I would like to thank you personally, everybody on that Audit & Control Committee for all their work.  
(Applause)

Anyone else to speak?

Legislator Wilfong: Thank you Mr. Chairman. Once again this Legislature has produced a fiscally sound and conservative budget while meeting the needs of the County taxpayers. I would like to take this opportunity to thank the Department Heads and the County Executive for their hard work in preparing the budget this year. While I support the majority of the budget, I want to make it perfectly clear that there is one part of the budget that I feel should cause taxpayers to take a second look at what is going on in County government. In the 2018 budget this Legislature provided funding to the District Attorney's office for a drug prosecutor. This funding was supposed to provide a full time dedicated attorney that would do nothing but prosecute drug crimes in the County. Once the 2018 budget was passed, the District Attorney decided to use the funding to provide staff for his office staff and no additional drug prosecutor was added. Now again in the 2019 budget, money is provided for an additional drug case prosecutor in the District Attorney's office. I hope the taxpayers of Chautauqua County recognize that they have already paid for one drug prosecutor and received nothing for it. Now the District Attorney wants funded for another prosecutor because his office is being overwhelmed by drug cases. I understand the need for an additional drug case prosecutor in the 2019 budget but what happened this year, did the drug cases go down in 2018? I don't think so. I think the taxpayers of our County are owed an explanation of where the 2018 funding for the additional drug prosecutor went and why wasn't it used to fight the opioid crisis in Chautauqua

County? It's my hope that the taxpayers of Chautauqua County will keep an eye on how their hard earned tax dollars are spent by the District Attorney's office in 2019. Thank you.

Legislator Niebel: Mr. Chairman, like you, I think this is a very good budget but I think some of our revenue projections, especially with the Fly Car program are perhaps overstated. We did run a deficit in 2017 and we're projected to run a deficit in 2018 with the Fly Car program so I think we're going to have to watch and monitor the revenues for the Fly Car program in 2019. But other than that, I think this is a very good budget. This is five years in a row that we have reduced the tax rate. In 2015, the tax rate was \$9.15 per thousand and as you mentioned, next year it's going to be \$8.38 and I think that is a significant reduction over that period. Thank you.

Legislator Bankoski: Just to hop on the Fly Car program that Mr. Niebel brought about. Mr. Griffith has taken some serious steps towards rectifying the deficit by instituting us having our ambulance service to help secure some funding through Medicaid, but also, again, what I stated at our Committee meeting is, what price do you put on a life? If it costs the taxpayers a little bit of money, what price do you put on a humans life in supplying some type of life saving service to those people. I think as us, as being Legislators, I think we owe that to our constituents to get that service to someone who is not able to get that on a regular basis.

Legislator Nazzaro: Mr. Chairman, I did not prepare any comments but I want to thank you for your positive comments and again, we had a very hard working Audit & Control Committee and the entire Legislature. It just didn't stop there because we're the end product of the work from the other committees which come to us and then we evaluate the impact on the tax rate. I will say, I've gone through 11 budgets, Mr. Gould has gone through, I think, 18 at least, and this was – first of all, we were given a good product. The Executive's budget, a lot of thought in it, he worked with all of his department managers, it was innovative at times, we were fortunate that we were able to have some windfalls in there and we were able to reinvest back into our County for capital equipment, much needed equipment. The economy is doing well. We still have growth in this community and to be able to offer – I would have been happy with a no tax rate increase, we were fortunate to come with a small tax decrease of six cents. I don't have all my charts with me but I know the tax rate is lower than it was then I believe, 2006. Do I dare to say that? I know the rate has gone down steadily. We still have a lot of work to do and I think we have to be careful, to monitor, which we have been through our Chair of the Audit & Control Committee, Legislator Chagnon, we review every month where we are. I think that I important and if we need to make adjustments during the year, we will. We'll keep an eye on the Fly Car, we'll keep an eye on all the different initiatives that we have, the energy plant and all those different things. Sales tax has been high. Eventually what comes up does come down so I think that we have to be careful but again, I think that it is a sound budget and I think the people of Chautauqua County should be pleased that we're doing everything we can, not only to keep that tax rate down, but also to spur the economy in economic development. So I want to thank everyone here. Thank you.

Chairman Wendel: Anyone else to speak to the budget? Seeing none, roll call please.

**RES. NO. 247-18 – R/C Vote: 17 Yes; 2 Absent – UNANIMOUSLY ADOPTED**

Legislator Chagnon: I do have some prepared comments that build upon some of the previous comments by my esteemed colleagues. But if you'll bear with me.

I would like to express my sincere appreciation for the hard work, creativity, and perseverance that went into the 2019 Budget. County Executive George Borrello presented us with an excellent Tentative Budget. Focusing on the theory of a bushel of pennies, the Tentative Budget was structurally balanced, with no use of undesignated reserves, and no change to the 2018 tax rate. Through the excellent support and cooperation of the Department Heads, Budget Director, and Finance staff the Legislature has been able to improve on that excellent Tentative Budget and reduce the Tax Rate. In particular, I want to recognize the dedication and creativity of the Department of Health and Human Services.

In the past five years this Legislature has eliminated the budget structural deficits, have drawn the County back from the brink of our reserves being fully depleted, and have reduced the County tax rate an absolutely unprecedented five years in a row. (*Applause*) The total Appropriations in the 2019 Budget, the total spending in the 2019 budget is 3.8% less than they were in the 2014 Budget five years ago. The Tax Levy in the 2019 Budget is 1.1% less than it was in the 2014 Budget. And the Tax Rate in the 2019 Budget is 8.4% less than it was in the 2014 Budget.

This has been accomplished through hard work, difficult decisions, and skillful implementations. These actions have allowed us to cut county spending, increase funding to our roads and bridges, and add new programs. All this while maintaining a prudent fund balance for the next several years that is compliant with the stipulations of our financial policy

We should be justifiably proud of these accomplishments and I am proud of the dedicated employees who work for the county who have made these accomplishments possible. I am proud of the leadership provided by the County Executive and his staff. And I am proud to be a colleague of the dedicated and hard working men and women of this Legislature. Thank you. (*applause*).

Chairman Wendel: Moving on, does anyone have any announcements?

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### **ANNOUNCEMENTS:**

Legislator Whitford: There is an event coming up this Sunday at the Jamestown Bowling Company. It's called Framed in Pink. First of all I would like to thank everyone here who donated to that cause. It's a great event and I would hope that everybody would take the opportunity to stop. There is a great basket raffle, a lot fun and yours truly will show up there as Elvis Presley and I know that you are all busy but –

Legislator Niebel: Are you going to sing?

Legislator Vanstrom: I wouldn't miss it.

Legislator Whitford: They requested that I do not sing. I did one year and they actually lost money. No, but it's a great event, it's for a good cause and all of the money stays locally. So I thank everybody again for donating to that. The Legislature and all of the folks in the County

that I know. So if you have an opportunity it starts at 1:00 in the afternoon and probably runs to about 4 or 5:00. It's a nice event, it's worthwhile and I promise I won't be singing.

Legislator Niebel: Mr. Chairman, last Friday we had a Sheriff Deputy injured in an accident. Actually he ended up breaking his neck. That was officer Jason Hallmark from here in Mayville. On behalf of the Legislature, I would like to wish him a speedy and complete recovery.

Chairman Wendel: Thank you, I would concur. Anyone else for announcements? I would just like to make one that October is Breast Cancer Awareness Month as Mr. Whitford has eluded. It's my fault by not announcing last month to encourage people to wear pink. As Mr. Tarbrake reminded me the pink ties and some of us do have pink lanyards on but again, October is Breast Cancer Awareness Month so we would just like to take this time to think of those you are fighting the battle now and those of you who have succeeded and unfortunately those who have passed so again, thank you for Chautauqua County and it's recognition of Breast Cancer Awareness. Anyone more announcements? If not, we'll open the 2<sup>nd</sup> privilege of the floor.

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### **2<sup>nd</sup> PRIVILEGE OF THE FLOOR:**

Mr. Anthony Toda, I live at 144 Clifton Avenue in Jamestown. I want to comment about an article that was in today's paper and it happened that I was talking about the same thing at the last meeting concerning jobs. Now, when Mr. Borrello was elected he went out and obviously did a survey and there were 100 jobs available. That was proven. So that means, in the limited survey that he did there were probably thousands of jobs available in Chautauqua County. Now about 10 months after those, there have been several excuses, not only from the Executive but also from others, slowing this process down for people trying to get to work here or who do not want to go to work. (*Inaudible*) two general categories. The first category is, no educational or vocational training. Secondly, couldn't pass a drug test, third there was a transportation issue and the second category is now a consulting firm paid for by the taxpayers has not completed Phase I of a developing an economic alliance as today's paper stated. Eventually people besides myself are going to wonder why delays are occurring and why a consultant group, paid by the taxpayers, needs to be contracted to correct an issue that Mr. Borrello has already single handedly addressed and solved in part earlier this year. According to Mr. Borrello the jobs are already out there including blue collar jobs. What has happened here in Chautauqua County has received millions to address joblessness and homelessness but our representatives are using the money not to solve the problem but to create a massive (*inaudible*) structure comprising the business of welfare where there is a reliance on many public jobs. We are focused on increasing the support system which increases welfare and not enforcing welfare job requirements to reduce dependency. The reason I believe that is because such a huge system has developed. You are going to threaten a lot of public jobs if you reduce this type of system. How would I or how do I think the problem should be addressed? First you have to attack the problem directly not by contracting a specific group. People have been talking about education, we need to specify education in high school that's only going to cost time and money. It's not going to give kids a well-rounded education so they have an opportunity to address a wider range of jobs when they get out there in the market. Secondly, the people that need vocation or like vocational training, like in the (*inaudible*)

system, the money should be placed there. The third issue was the CARTS system where people use a poor excuse that they can't get jobs. I have been on CARTS buses for years all over the County and I know that those buses are under - there are not many people at all on them. If there is five, including myself, or less in many of those CARTS buses, that is a lot of people. There is a lot of room in the CARTS busses, the CARTS bus can be deployed to solve a problem for people trying to use the poor excuse that they don't have transportation. In (*inaudible*) position of job hunting, application, and follow-up so welfare recipients get jobs, there is job training out there. One more thing if I'm running out of time here. If anybody fails a drug test anywhere in the State, they should lose benefits. We (*inaudible*) paid taxes to subsidize a drug trade and the drug business in New York State. So if somebody uses the excuse that they flunked the drug test, they should not get benefits and last, we'll have a constitutional imbalance of residential policies (*inaudible*) that favors welfare and discriminates against the taxpayer. Thank you.

Chairman Wendel: Anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one, I'll close the 2<sup>nd</sup> privilege of the floor and we need a motion to adjourn.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried to adjourn. (6:52 p.m.)

Respectfully submitted and transcribed,  
Lori J. Foster, Deputy Clerk/Secretary to the Legislature