

Minutes

Audit & Control Committee

Thursday, March 22, 2018, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

Members Present: Chagnon, Nazzaro, Niebel, Muldowney, Gould

Others: Tampo, Ames, Dennison, Abdella, Griffith, Cummings, Lis, Sheriff, Cresanti, McCord, Schuyler, Borrello, Wisniewski, K. Harvey, M. Twitchell

Chairman Chagnon called the meeting to order at 8:35 a.m.

Approval of Minutes

MOVED by Legislator Niebel, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (2/22/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time

Proposed Local Law Intro. 2-18 – A Local Law Amending Local Law 7-90 Providing for the Management Salary Plan for County Officers and Employees (RE: Deputy County Executive for Economic Development and Director of Planning and Community Development)

Mr. Abdella: I'll just mention that last month there was a package of items including amendments to the Administrative Code regarding the restructuring of the Department of Planning & Economic Development and the creation of a new position, Deputy County Executive for Economic Development. Just one of those items is appearing here although those three items were in all of the other committee profiles where this appeared. We did make modifications to those pieces of legislation. The primary change was to create two divisions within the department of what would now be called Planning & Development. One division would be the Department of Economic Development and the second division would be the Division of Economic Development and the second division would be the Division of Planning and Community Development. It's really – the change is just that the economic development purposes are now outlined and a second division within the Department of Planning & Development so you end up with two divisions within that department.

County Executive Borrello: Poor Pierre, he has to sit through this so many times. Would you just rather say what I'm going to say?

Chairman Chagnon: I can do it in my sleep.

County Executive Borrello: In essence what we're doing is, we're creating two new positions but we are shifting the funding from the previous positions. The Director of Planning & Economic Development, that funding will now go to the position of Deputy County Executive for Economic Development and we are elevating the position of Deputy Director of Planning and Economic Development to a direct report to the County Executive which is the Director of Planning & Community Development which Don, that will be his role. As I explained last month, the idea is to have those that are in charge of Planning and also those that have the kind of purse strings for Economic Development and the IDA to have equal representation in how our economic development strategy is proposed. As I mentioned last night, when there is potential conflict of interest between our Planning Department and the goals of things like our Comprehensive plan, I think that it is important to have that voice directly reporting to the County Executive so that we can address any potential conflicts in a fair manner so that we are always taking into consideration our master plan for economic development plan at the same time. So that is kind of the summary. I know that we discussed this last month. I've very much looking forward to moving ahead with our new strategy and basically our rebranding and reformatting of our Economic Development and strategy especially. So this is the first step in doing that.

Chairman Chagnon: George, for this committee, is this budget neutral?

County Executive Borrello: Yes it is.

Chairman Chagnon: Anything else? Any questions?

Legislator Niebel: Mr. Chairman, the low end of this range is \$66,000 the high end of the range is \$101,000, that is a difference of \$35,000. As far as the person appointed to this position, it may be too early to say exactly where they are going to be placed but do you have any idea Mr. County Executive?

County Executive Borrello: For the Deputy County Executive position?

Legislator Niebel: Yes.

County Executive Borrello: That position is coming at the same compensation rate as the previous person. So they are coming over. So that is what makes it budget neutral. And the IDA subsidizes the other part of their salary. That's always been the case but the majority of the subsidy comes from this (*cross talk*).

Legislator Niebel: O.k, but the range is \$66,000 to \$101,000. The person that is coming in is going to be at about what salary level? Approximately, it doesn't have to the exact.

Mr. McCord: About the middle of that. It's around \$87,000.

Chairman Chagnon: Any other questions or comments?

Unanimously Carried

Proposed Local Law Intro 5-18 - A Local Law Declaring the Opioid Epidemic and its Effects On Chautauqua County a Public Nuisance and Further Establishing A Cost Recovery Procedure for the County's Expenditures Incurred in Providing Services Related to the Opioid Epidemic

Mr. Abdella: Last year this Legislature authorized the County participating in the bringing of a law suit against the pharmaceutical manufactures involved in the opioid epidemic issue. That has moved forward. We are in litigation. It's been recommended by our outside counsel in that matter to, as have all the other counties in New York, have been recommended that we pass this local law that specifically makes findings regarding this epidemic and also creates a cost recovery procedure relating to the damages we would be seeking in this law suit. So therefore before you is this local law which recites many of the issues and findings that were previously discussed when the last week it was authorized but it puts it down in the form of a local law.

County Executive Borrello: This again is kind of technical mix but all I would say is that I was in support of this idea as a Legislator and certainly very supportive as the County Executive to hold those pharmaceutical companies ultimately responsible for the cost incurred by (*inaudible*) for managing this crisis.

Chairman Chagnon: Any questions or comments?

Unanimously Carried

Proposed Resolution – Amend 2018 Budget Appropriations–Portland, Pomfret, Dunkirk Sewer District

Mr. Cummings: As Kathleen was helping me close out 2017 budget for the PPD District

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Chairman Chagnon: Does she have an office at your place?

Mr. Cummings: (*cross laughter*) she has been great helping me to understand how the budget process works and we've got a lot of changes in the sewer district enterprise accounts. This is what came up as we looked over the close of 2017. We've noticed that there was equipment listed under the treatment part of our budget. There has never been any equipment under that part of the budget. That part of the budget just goes to pay Fredonia for the cost of the treatment of the sewage so there was never any equipment there. So that equipment needs to be

moved over to the sanitary part of our budget and that's where this all stems from. I think that is the best way to explain it. Just putting things where they belong in the budget.

Chairman Chagnon: Good catch. Any questions or comments?

Unanimously Carried

Proposed Resolution – Quit Claim Deeds

Chairman Chagnon: I understand the Director of Real Property Tax is not in the County at this point, off to Albany. Is there anyone to speak to this?

Mr. Abdella: I can just speak that at Administrative Services, Mr. Caflisch spoke about these transfers. One of the things that he noted was that in this case the offer amounts are actually in excess of the taxes owing which is a positive thing for sure. The question was asked as to whether – when it was noticed that it was a single purchaser for several of the parcels, the question was asked as to whether those were contiguous parcels and actually they are not. It just happens to be one entity purchasing several different parcels. I believe that it was also mentioned that these are all vacant parcels.

Chairman Chagnon: And the purchaser is from Wyoming, State of.

Legislator Nazzaro: That's interesting.

Chairman Chagnon: Very interesting. An LLC from the State of Wyoming is purchasing vacant lots in the City of Jamestown.

Legislator Nazzaro: And these are scattered throughout the City?

Chairman Chagnon: Yes.

Legislator Nazzaro: Yeah, I heard you say they weren't contiguous.

Chairman Chagnon: But they are paying a lot of money for them.

Legislator Nazzaro: What does he know that we don't?

Chairman Chagnon: Exactly, that is what I want to know. O.k. any other questions or comments?

Legislator Nazzaro: I'm just curious if that company is purchasing other – you won't know that. I just wonder if that name has come up before because it isn't usual. I can ask Mr. Caflisch question.

Unanimously Carried

Proposed Resolution – Authorize Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant

Mrs. Dennison: I thought that I saw Ms. Sanderson back there but I would be happy to speak on her behalf. The Help American Vote Act is a grant that the Board of Elections has had for some time so the resolution is just to extend the grant period into 2019. The funds from the grant are already in the budget so there are no changes to the budget required for the extension of the grant.

Chairman Chagnon: Any questions or comments?

Legislator Niebel: Mr. Chairman back in 2003/2004, when I was with the Board of Elections, we received, I think it was close to a million dollars in grants for the Help America Vote Act. This appears to be just a continuation of that. Kathleen, is this for equipment replacement, do you think, or training, or do you have any idea? It's not for personnel, right?

Mrs. Dennison: No, but based on the comments that Ms. Sanderson gave at the Administrative Services Committee, essentially the grant, as she phrased it, for anything that will help America vote. So it sounds like it's pretty open ended.

Legislator Niebel: But not specifically for personnel?

Mrs. Dennison: I believe it does not pertain to personnel and I'm sorry I don't know exactly what they plan to spend the money on but it is pretty much up to the boards discretion, anything that will assist.

Legislator Muldowney: (*Inaudible*) was \$44,000 left of this.

Legislator Niebel: Forty four thousand for what?

Legislator Muldowney: Left of the original \$230,000.

Legislator Niebel: That's all, that's a lot. My only concern is sometimes with these grant, we hire people and once the grant runs out, then we have to make a decision as to whether or not to hire the people that have been hired under the grants. Of course when we do that, that's out of the local share. That's not out of the grants. I don't think this is the case here.

Mrs. Dennison: I don't believe that it is although I can't say for certain but I do know that in 2017, the Board of Elections had a budget local share surplus in excess of \$100,000, partially and you'll probably hear this later in today's meeting, but partially because there weren't as many primaries in 2017. But, they seem to be in a pattern of staying with in their budget boundaries.

Chairman Chagnon: Thank you. Any other comments or questions on the proposed resolution?

Unanimously Carried

Chairman Chagnon:

Proposed Resolution – Fiscal Year 2017 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

Mr. Griffith: This is a budget neutral process that we are looking at here.

Chairman Chagnon: Quick learner.

Mr. Griffith: This is a Hazardous Material grant coming in from the Federal government which is a pretty common thing. It's money in and money out for the grant activities for Haz Mat materials.

Chairman Chagnon: Any questions or comments?

Unanimously Carried

Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – Additional Adjustments

Mrs. Dennison: This is round two of three. We are still working on 2017 results. These are additional amendments to the budget that became necessary due to accounting entries after the February meeting. The major changes, the first one is in Assigned Counsel. There were additional invoices that came in for Assigned Counsel due to 2017 activity. So we are proposing to increase the budget for Assigned Counsel, \$56,248. There are also, as you can see, a small entry for Emergency Services, benefits. There are several entries that pertain to the Sheriff's organization. We were reviewing the revenues in the Sheriff's office and as part of that analysis found that there were some expenses that were improperly classified so those have been corrected. The main item is that in the STOP DWI program, there were expenditures related to 2017 that were recorded in 2018 so they were properly reclassified or rebooked back to 2017. Then the last item on the list, contractual sanitary sewers, in the North Chautauqua Lake Sewer District, there was a change in the depreciation expense for that district. So we do have additional appropriations of approximately \$98,000. There were some categories that decreased as you can see, we were able to balance that with the surplus in the Community College tuition category. There is still a surplus in the State Training School budget from the Department of Health & Human Services. A little bit of a surplus from Mental Hygiene, and then the sanitary sewers was balanced, in its department, based on their budget from equipment. We did find, again, when looking at the Sheriff's Department revenues, we found some additional revenues due to communication expenses in the Jail so those additional revenues were recorded in 2017 and then a small decrease in the revenues for the sale of property.

Chairman Chagnon: Any questions or comments? Kathleen, I note that the STOP DWI personnel services were \$25,000 over budget in 2017 and now we get this additional \$28,000 of contractual. Any idea why?

Mrs. Kathleen: The contractual cost, when I first looked at the contractual cost for the STOP DWI program, they were uncharacteristically low and so this is not really – this extra expense is not really a change in expenditure patterns over the past years. It's due to payments to the local police departments. The County collects the STOP DWI fines and then the County has contracts with the six or seven local police departments. When they have an arrest in their jurisdictions, they get 40% of that fine. So, that information, those invoices, the data is not available until like a month after the quarter ends so there is usually a lag time in recording those payments to the other jurisdictions. So, as I said, that was just an error in timing when the invoice was done, it was just booked into 18' because it was generated in 18' but it pertained to 17'.

Chairman Chagnon: Kathleen, my question really relates to the fact that now the contractual STOP DWI is \$28,000 over budget.

Mrs. Dennison: It's over budget because we amended it once and because there was a surplus in that category in February and that surplus was incorrect so there was budget – the budget moved out of that classification –

Chairman Chagnon: We reduced the budget earlier in the year.

Mrs. Dennison: Yeah and now we have to bring it back. So we reduced it in February and now we have to bring it back to where it was. So that category – if you just look at –

Chairman Chagnon: From the original budget.

Mrs. Dennison: From the original budget, not much of a change.

Chairman Chagnon: Got it, thank you for that explanation.

Mrs. Dennison: Your comments on the personal services, yeah, that category is over primarily due to overtime costs.

Chairman Chagnon: You addressed my concern, thank you. Other questions or comments on the proposed resolution?

Unanimously Carried

Proposed Resolution – Authorize Agreement with Forestville Central School District for School Resource Officer

Ms. Cresanti: This is our typical SRO, budget neutral. The contract that we have with Forestville includes the full cost of the position so all of those costs will be paid by Forestville.

Chairman Chagnon: And this is a new Resource Officer for the school district?

Ms. Cresanti: Correct.

Chairman Chagnon: O.k., any questions or comments on the proposed resolution?

Unanimously Carried

Proposed Resolution – To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program

Chairman Chagnon: This was tabled in Human Services last night and Christine would you like to explain to us why you requested to have it tabled?

Mrs. Schuyler: It came to our attention late yesterday that we have the opportunity to repurpose the use of that grant. So between my Environmental Health staff and the Planning & Development Department, we're going to work on repurposing that grant so we'd like to do that and bring it back to you for a vote next month, I'm assuming.

Chairman Chagnon: So, based upon that and based upon Christine's request, I would entertain a motion to table this also.

Legislator Niebel: Mr. Chairman, a question. Repurpose the grant. What are we talking about? This is for septic system, this grant, but you don't want to use the money for septic systems?

Mrs. Schuyler: We do. What we're looking at to putting in a new plan together for the best use around the Findley Lake area for that money. That is what the money is allocated for, the Findley Lake area. We have an inspection program within 250 feet of any lakes within the County and as I believe the Committees knows, there was a vote in Findley Lake on a public sewage system that did not pass. So, because of that we really want to make sure that the plan that we put forth for the use of this substantial amount of money, is the right one for the area and will best serve the residents of our County living right off of Findley Lake.

Legislator Niebel: Christine, when you repurpose a grant, will some of the money still be used for septic system replacement?

Chairman Chagnon: To be determined.

Legislator Niebel: To be determined. O.k.

Legislator Muldowney: I'll make that motion to table.

Legislator Nazzaro: Second.

Chairman Chagnon: All those in favor of tabling?

Unanimously Carried

Proposed Resolution – Accept National Association of County and City Health Officials Grant For Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health

Mrs. Schuyler: This is a budget savings. This grant was not in the 2018 budget because we didn't have it at the time when we did the budget. It's something that we had applied for and since been awarded actually on a national level. We'll be using these funds to help implement our community health improvement plan. So it helps to offset the cost of staff in our Health Education unit and working with partners to – mainly it's for technical assistance from the National Association of Counties and City Health Officials to work on - you haven't heard me talking about social determinants of health, those are things like poverty, nutrition, transportation, housing, all of those other factors that really play a huge role in determining on healthy individuals in communities are. (*Inaudible*) of what we do in Public Health.

Chairman Chagnon: Val, do you have anything to add?

Ms. Lis: Well, I was awaiting to see if you had any questions?

Chairman Chagnon: Any questions or comments from the Committee? Val, mine is more of a technical question but, we're using some of the grant proceeds to decrease the use of fund balance and some to decrease State aid. Why is that or how does that work?

Ms. Lis: We had already – part of this grant will be used to cover salaries and fringe of some of the people that we had already budgeted for. Because the first thing is, you budget for the people you have so we are not increasing our costs for payroll, we're finding another way to fund them. State aid does not fund fringe so here we can say that we are going to get less State aid because of the wages that are going to go into the grant because we would be getting 36% of the wages. But we would get nothing for the fringe. So the two pieces really represent –

Mrs. Schuyler: The State aid application, you have to put everything in and then take grants and all of that out. So where we were going to get a small bit of State aid on the Junior Planner that's in this grant, that we won't get that State aid because the grant will cover it instead.

Ms. Lis: But it's better because the grant will cover the fringe where State aid does not.

Legislator Gould: Do they come out even?

Mrs. Schuyler: We're actually coming out ahead of the game. Public Health State aid is only 36% of salaries alone. It doesn't cover any fringe benefits. That is the State way of doing things which we don't like but –

Chairman Chagnon: I hate to look at a gift horse in the mouth and that's not what I am doing but, the grant allows us to use the funds for existing personnel, they are already employed and already in the budget.

Mrs. Schuyler: Yes.

Chairman Chagnon: That's great. Any other questions or comments?

Unanimously Carried

Proposed Resolution – Accept Univera Grant for Expanding Lead Poisoning Prevention in Chautauqua County

Mrs. Schuyler: Here is another budget savings. This was not in the 2018 budget because we had not received this, applied for or received this grant at the time. Univera is partnering with us to help expand our childhood lead poisoning prevention efforts in the County. The grant that we have now mainly is for the City of Jamestown because that was declared by the State Health Commissioner to be the 14701, City of Jamestown zip code is a high risk for lead poisoning in children. This grant will enable us to expand our efforts outside the City of Jamestown and that means we'll be doing education and outreach as well as purchasing additional lead testing machines that could be put into primary care and pedestrian offices. So what we call point of care testing can be done right on site for children so that we can help to identify children with high lead levels earlier on and improve our lead screening rates.

Ms. Lis: And again, it's the same situation with the payroll.

Chairman Chagnon: Any questions?

Legislator Gould: Are we ever going to win this lead stuff in windows and stuff with children? I've been here for 18 years and there has been a grant for this ever since I've been here. That's why I ask.

Mrs. Schuyler: The main issue in the County is we have old housing stock.

Legislator Gould: Yeah, but we ought to have that fixed by now as these many years.

Mrs. Schuyler: That's what we have been working on. We have a lot of old housing stock and the main grant that we've had since I believe 2009, is specific for the City of Jamestown, 14701 zip code. So that's really where most of the efforts in the County have gone is in the City of Jamestown. But there is also a lot of old housing stock in the City of Dunkirk and within our other towns and villages as you well know. Until we can get all of the old paint taken care of and the old structures taking care of, we're going to continue to do this. Not to mention the other sources of lead. A lot of – we have toys that come in especially from China, the paint they use quite often contain lead and there is other areas on top of the housing where we can find lead. But for sure, it's the most common source, the old housing stock. I don't think that it is a secret to anyone here that we absolutely have an issue in our County with the lack of affordable good housing for especially our low income people.

Legislator Nazzaro: Just a quick question. So we're getting – it's a 3 year grant for ninety so the thirty that we're getting, the \$30,000 for 2018 and then when we do the 2019 budget, we'll recognize \$30,000 and then the same thing in 2020?

Mrs. Schuyler: Yes.

Legislator Nazzaro: I just want thank Univera for the grant.

Legislator Niebel: Chuck, just to follow up on that. O.k., so it's \$30,000 per year for the next three years. Do you think that we're looking at a \$10,495, are we looking at perhaps a \$10,000 decrease in the use of the fund balance for the next two years as well, possibly?

Mrs. Schuyler: Well, it will be built into our budget. I guess you can look at this as it is found revenue so that is a savings and that will continue for the length of the grant to fund our expenses that we already have. So we're not hiring anybody else.

Legislator Niebel: In 2019 and 2020, it won't be reflected in the fund balance, it will be reflected in your budget?

Mrs. Schuyler: Right.

(Cross talk)

Legislator Nazzaro: You can look at it this way because the grant was originally not budget *(cross talk)*...

Mrs. Schuyler: I guess I've always looked at it, anytime that we can find additional sources of revenue whether that be grants or through billing or however, will decrease our local share.

Legislator Niebel: I agree with you. I just wondered where the savings would come. In the future years its coming from your actual budget.

Mrs. Schuyler: Yes.

Chairman Chagnon: A few words are, no local share, budget neutral and savings. O.k., any other questions or comments?

Unanimously Carried

Proposed Resolution – Requesting CCIDA To Approve No Further PILOT Agreements for Wind Energy Projects Larger Than 25 Megawatts Rated Capacity

County Executive Borrello: I'd like to bring up something. I hope to having a bit of a mistake, kind of an assumption that I made. Last night at our committee and I didn't have a chance to talk to you about this Pierre but the question was what does a typical wind tower

produce and so forth and the 25 megawatts limit that is in here is actually based on the Article 10 process. But in reality, 25 megawatts is much, much larger than I had originally figured. So I did a little research and thanks to some help from some others and just to give you some ideas. So a typical house, a megawatt is a 1,000 kilowatts. A typical industrial wind turbine, those big, big, suckers, those produce much lower than I thought. About one and a half to two and a half megawatts. That's it. So a much smaller number, really a tenth of what I thought, to be quite honest.

Legislator Muldowney: What did you say about a house?

County Executive Borrello: A typical house would utilize somewhere between 5 to 15 kilowatts. So a fraction of a megawatt. A working farm would be 20 to 100 kilowatts. So a 500 foot turbine typically around 2 megawatts. So if we allowed 25 megawatts, that would be a substantial wind farm. You can also play a loophole and say o.k., we're just going to put two next to each other and the next thing you know, we've got a 50 megawatt or a 100 megawatt wind farm that would kind of fall into that loophole. So, I'm going to respectfully suggest that we lower that from 25 megawatts to 5 megawatts. Five megawatts is still substantial. You could still put up two or three of the big turbines but typically these wind turbine companies, these Wall Street speculator funded wind turbine companies are not going to want to come up for two or three wind towers most likely and 5 megawatts is more than enough for what I would refer to as a micro grid which is a small wind farm to directly power a group of homes or a farm or whatever. I think that would be a number that would still be acceptable. Even the Seneca Nation of Indians, not that they would fall under these laws, but, I'm just saying this as an example, they put up a single wind tower that is about 400 feet tall on their land and that is well, well below 5 megawatts. So, I'm going to ask that we lower this from 25 to 5 is someone would like to offer that amendment.

Chairman Chagnon: Before we move to that, I would appreciate a little more conversation about that. When I asked the question about that last night, I truly had no idea what 25 megawatts amounted to in terms of turbines.

County Executive Borrello: Granted, I didn't either.

Chairman Chagnon: I accepted your answer and now that begs the question in my mind that we are modeling this after two other counties, Jefferson County and Oswego County, I believe and they both had 25 megawatts in their resolutions. So, that begs the question, if they chose 25 megawatts, why are we going to choose something different?

County Executive Borrello: Steve could elaborate on this but we are different than those counties because we originally opted out or is it opted in to the program, the State program?

Mr. Abdella: We opted out of the tax exemption.

County Executive Borrello: So our structure is different than those counties. There was a State program that we opted out of so that kind of changes the dynamic for us and how our

subsidies are offered. They are opting into a program that we opted out of originally years ago. Am I saying that correctly?

Mr. Abdella: Yes. I'm not sure in terms of the rated capacity, whether that has an impact. Last night Legislator Odell was speaking of a very small wind towers as being 18 or 19. I guess what I am curious about is, megawatts per, what period of time? Per hour, per month, per year? I think part of the clarification there may be a standard in the industry as to what is, quote/unquote, rated capacity. But, Mr. Odell was speaking to 18 or 19 on very small installations. So maybe that was in terms of a much longer period of output. Maybe per year. That may factor in to it as well as what that number is, is all I am saying.

County Executive Borrello: Again, the purpose of the 25 megawatts is that that is where the Article 10 kicks in which is the State's opportunity to essentially go around County government and fund the subsidies directly.

Chairman Chagnon: So in terms of that objective, 25 megawatts would be the objective?

County Executive Borrello: Yeah.

Chairman Chagnon: We wouldn't need to lower it to meet that objective?

County Executive Borrello: To meet that objective but if our objective is to stop these industrial wind turbines from getting local subsidy below that. So if you were to come in and put up, let's say a 2 megawatt, 500 foot, 2 megawatt tower, would you essentially could put in 12 of them and still be underneath which is pretty substantial number.

Chairman Chagnon: Based upon some late night research, but Steve is calling into question whether we understand exactly what the ratings are?

Legislator Nazzaro: Explain the Article 10 again? That is where this –

County Executive Borrello: I'm not an expert at this but essentially Article 10 is a process by which the people who want to put up the project would petition the State and say that they want these tax exemptions. Article 10 also has some requirements to provide a true need for this power. There is basically higher hurdles to get over than a local level. Without going into a ton of detail but someone can file an Article 10 process to essentially – I mean the practical purpose for it is to say, we want to avoid having to go through the local government to get the subsidies, we're going to the State to get local subsidies.

Legislator Nazzaro: And that is, you said, 25 –

County Executive Borrello: That is the 25 megawatt limit.

Legislator Nazzaro: I'm just trying to digest all of this. So then to me, if you lower this, there is a gap and I don't quite understand why – I still don't understand why we want to lower it.

County Executive Borrello: So if we lowered it to say 5 megawatts, this would be saying to the IDA, we do not want to give local subsidies to programs that still would not meet the 25 megawatt limit to go to Article 10. So essentially what we are saying is, we don't want subsidies – if it was a smaller wind project but still an industrial wind turbine project, a wind farm, you would still be able to get local subsidies below 25 megawatts if we don't make that change. Local subsidies. So they would be able to provide local tax abatements for projects below 25 megawatts. That would still probably fall under a –

Legislator Nazzaro: Why would we want to do that?

County Executive Borrello: We don't and that's (*cross talk*)....

Legislator Nazzaro: I guess I'm missing something here.

County Executive Borrello: And I'll say this is an error on my end basically adopting a law from the other counties at the 25 megawatts based solely on the Article 10 limit.

Legislator Nazzaro: So if you had a 20 megawatt and we lowered this to 5, they don't qualify for Article 10.

County Executive Borrello: Right.

Legislator Nazzaro: But then wouldn't they –

County Executive Borrello: Under the way it's currently written, they would be eligible for subsidies. It's eligible for tax abatement locally. Local tax abatement.

Legislator Muldowney: So they would submit to their local IDA?

County Executive Borrello: Yes and then based on the way this resolution is written, they would be still following the Legislature's request. So I guess what I am saying is, that number is a fairly high number. If the goal for us is to allow people to still be able to do small wind projects that directly power homes, farms, businesses that 25 megawatts is far, far, above what you need to do that. Five megawatts is probably more, it is more than enough based on, as I said, based on the fact that homes and farms don't need anywhere near that. Even the wind tower that the Seneca Nation put up is probably somewhere in the neighborhood of 1 ½ to 2 megawatts.

Mr. McCord: I just want to clarify something, some of the confusion. The Article 10 is a permitting process, much like a zoning law might be but Article 10 is at the State level. So Article 10 and 25 megawatt limit is not so much for an incentive limit at the moment but that's where the regulatory powers go to the State. Anything under 25 megawatt limit is controlled through zoning at the local level. So, this particular proposed resolution doesn't really affected that. The point of - the purpose of the resolution is for PILOT incentives and whether local incentives are given for the overall wind power. Some clarification on how power is calculated and whether it's rated. When we hear about a 70 megawatt farm, it is based completely on what the main plate is on the unit. When we think about looking at small wind power which we don't

want to harm the benefit for, the way that it is calculated is you look at, say, we'll take a home. Average house consumes about 10,000 kilowatts per year. They look at what is the size of the unit that is going to significantly impact that. In this case and this comes from the American Wind Energy Association, the recommended size for an average house is in between 5 and 15 kilowatts by main plate rating to impact that across the period of a year. The same quote that George gave you the range size of 20 to 100, is the size for an average farm operation. But, that would require based upon average usage. So, Mr. Odell when he mentioned last night 10 to 19, I think what we had happen at committee last night was some confusion in between kilowatts and megawatts and he was probably really referring to kilowatts which is a fraction of the megawatt systems that we have going up.

Chairman Chagnon: Don, thank you very much for that clarification so now if we can circle back to the beginning of the conversation, the question was posed, why did the other counties set their limit at 25 and now we're proposing to lower it? Article 10 was what was brought up. Does that relate?

Mr. McCord: Everything that I can find Pierre, it just indicates that they just basically chose that point at where the State would take over the regulatory process. Most of the large, large systems at the time, were probably - 25, they thought was more than adequate because everything that we're seeing from efficiency standpoint, most of the wind farms come in, they want a number of turbines and a large number of megawatts to gain efficiencies for construction purposes and so on and that has always been the thought process of probably the drafters of the law. So they had no problem of setting it at 25 megawatts but we have had recent conversations within the County of Chautauqua in one of our townships, where an investor from overseas was looking at putting up maybe four or five of these on the lake plain and it's just a different model. It's something that we haven't seen. I remember I actually drafted the first zoning law here in Chautauqua County to help communities with this. When we were drafting that we set the height of a maximum of 325 feet. Before the ink was dry and the law was barely passed, they were asking for 400. So the industry changes rapidly and so regulations sometimes struggle to keep up.

Chairman Chagnon: Don, please don't take any offense to this question but, if your experience has been that you have investors that are proposing to put in wind farms that apparently are in the 10 to 12 megawatt range, why didn't you bring that point up when you saw that this resolution was for 25 and over?

Mr. McCord: I'm not part of that negotiation especially with the community. I did see it in the paper and have gotten that level of detail to it. I didn't realize that this particular proposal was moving this quickly. I didn't see it until just recently so our conversation with George this morning about that particular example.

County Executive Borrello: I think also in this case, if you look at what the most recent approval from the citing board in Albany and if you read their decisions and you listen to what they say, typically what they say is, we're going to approve this project because there is no local law addressing this. So they are saying, the absence of any local law whether it's town, county, village, is their way of saying that this community must approve the idea of these wind farms

being here because there is no local law regulating wind power. So, if we're going to accomplish the goal of addressing some of the quality of life issues that we are all concerned about, then truly a lower limit would most likely accomplish that.

Legislator Nazzaro: And I think you just summarized what I wanted to hear. Now that I've read this and digested it somewhat, by lowering it there is going to be less PILOTS because we're lowering it from 25 to 5 which meets the needs of the residential homeowner, correct?

County Executive Borrello: More than enough.

Legislator Nazzaro: More than adequate where if we would have kept it at the higher amount, then the more projects we would have gotten because the capacity here was much larger than what we thought. I have to keep reading it because there is no PILOTS for 25 greater so now there is no PILOTS for 5 or greater. So that meets the intent of why we want to do this.

County Executive Borrello: Yes and as one of the original sponsors, you and Mr. Scudder

–

Legislator Nazzaro: Has this been discussed at all with him?

County Executive Borrello: Not yet, but again, we do have an opportunity to discuss this between now and the full Legislature meeting. I'm going to assume after numerous conversations with him he'll be, I think, very supportive. But they certainly have that opportunity between now and the full Legislature.

Legislator Nazzaro: When I first heard it Pierre, I was thinking it had the opposite effect. As I read it again, this is actually more restrictive and meeting more the intent of what we wanted to do with this resolution.

County Executive Borrello: Again, I will apologize for this because I know –

Legislator Nazzaro: You don't have to apologize (*cross talk*).. Again, we still have a little bit more time if you would like to do a little more due diligence but I think if we want to – when I hear particularly that now we have someone proposing putting wind turbines literally along the lakeshore in our County and having to – we start talking about having a cohesive economic development strategy and planning strategy, where we want to follow the guidelines set forth in our Comprehensive Plan and we start talking about people putting up industrial wind turbines along our lakeshore and having a huge detrimental impact potentially on our property values and our tourism economy, I think that that particular new piece of information is a good reason to lower this and accomplish the goal we were looking to accomplish.

Legislator Nazzaro: I would like to keep this, instead of bringing it back to committee again, obviously Mr. Scudder and any other Legislators needs more time, it can always be tabled on the floor but when you are ready, this would be an amendment?

Chairman Chagnon: Yes.

Legislator Nazzaro: So when you are ready to ask.

Chairman Chagnon: I think it's appropriate to have the motion and then we'll discuss the motion, so please.

Legislator Nazzaro: Based on the information we received today from our County Executive, George Borrello, I make a motion to amend the second to the last RESOLVED, from 25 megawatts to 5 megawatts or greater.

Legislator Muldowney: I would like to second that.

Legislator Gould: Can you do that without Scudder's o.k.?

Mr. Abdella: Yes.

Legislator Gould: I didn't think that you could change (*cross talk*).

Mr. Abdella: Chuck is a co-sponsor. Once it's in the committee's hands the committee can make amendments to it. I mean if the sponsor did not like it they could go ahead and prefile another version for the full Legislature. I will just reference that 25 appears in several places so -

Legislator Nazzaro: Wherever 25 appears change it to 5.

County Executive Borrello: Jay, I will reach out to him when we are done today.

Legislator Gould: I'm sure he will fine with it.

Chairman Chagnon: So for the benefit of the committee, Chuck just modified his motion to indicate that wherever 25 appears in the proposed resolution, change it to 5.

Legislator Nazzaro: Correct Mr. Chairman.

Chairman Chagnon: And Kevin, you are o.k. with that as a second.

Legislator Muldowney: Yes.

Chairman Chagnon: So we have a motion to amend and a second. Now discussion on the motion to amend?

Legislator Gould: I had another question before we started this amendment. I wanted to know how many PILOTS that the CCIDA has given out for wind turbines now? Are we creating a monopoly for one company and not for any other ones?

County Executive Borrello: No, so the IDA has given out, as far as big wind turbine projects, so far there is three. There has been a lot of small ones for individual homes, farms, and business. I don't know that number but as far as wind farm, industrial wind farm, there has been

three. Arkwright Summit, the Cassadaga Wind project, and Ball Hill. Those are the three that have already been granted and would not be impacted by this. As far as making a monopoly, if these things actually made profit, the profit that came from something other than government subsidy, you might have –

Legislator Gould: They don't.

County Executive Borrello: They don't, so I don't see that being an issue. You are not – I know your point, your point is, are we shrinking the market and creating a monopoly but the way these things work, they can't all of a sudden make more power. They are limited by the capacity of their turbines and they are going to maximize that and certainly even their subsidies, well interestingly enough their subsidies are based on them being 100% efficient but they are actually far, far below that. The payouts to the landowners and the towns are based on the actual production which is typically 10, 20 30%, not 100%. So really there is no issue with a monopoly in my opinion.

Legislator Gould: I look at it that you already have given out some and some farmers use it for income and now you have created where they can't use it for income on their land. Are you giving the farmers a break on the taxes on their land?

County Executive Borrello: Well again, they have – there is an opportunity for them –

Legislator Gould: The answer is no.

County Executive Borrello: There is an opportunity for them to go through the Article 10 process. If a town really wants this, they can go through the Article 10 process and get this wind farm. I think the issues that we faced and the complaints that we have heard from people at these meetings is based on the fact that they feel that these things were kind of pushed through without enough public comment, without enough research into the actual impacts on property values and human health. Now through this – if they chose to go through that process, it's going to require more due diligence and we'll have an open process. So in essence Jay they are not denying the ability for another town to do a large project, we're just saying it's not going to happen at the local level. It's going to have to go through the State process which is a little more rigorous than the local process.

Legislator Gould: I don't feel that it is fair.

Legislator Niebel: Of the three wind projects that we have ongoing in the County right now, what's the rated megawatt capacity of those three? Do we know? Approximately?

Mr. McCord: I think the Arkwright project is a little bit smaller than the Cherry Creek one. I think the Cherry Creek one was at one point proposed to be around 120 but I don't know –

Legislator Niebel: One twenty megawatt?

Mr. McCord: Yeah, but I don't know the number for all three.

County Executive Borrello: The last number that I had was there was a proposal for 123 turbines and each one of those turbines are somewhere in the neighborhood of average of 2 megawatts. So the total of all three, figure 250 megawatts total for all three. I think that it would be a fair estimate because at 2 megawatts per wind turbine at 123 turbines. Now, I will say this, each one of those is a different stages. Arkwright Summit is under construction, the Cassadaga Wind project was recently sold, the company that – before they actually put a shovel in the dirt, it's already been sold. And then Ball Hill is still searching for an off take agreement. A PILOT purchase agreement so that one is not even scheduled to start because they haven't found someone that is willing to subsidize the power that they produce. So each of those three are at different stages but all of them have PILOTS in place. We can't change those. That is already happening.

Legislator Niebel: I understand George. So if this PILOT was in place, these three existing ones would not have been able to receive a PILOT agreement from the County?

County Executive Borrello: Yes, but, one of them went through Article 10, didn't it?

Mr. McCord: Yeah, Cherry Creek.

County Executive Borrello: Yeah, so that went through the Article 10 process so that this would not have impacted that.

Legislator Niebel: I understand that. I'm just saying as we go forward and we drop this to 5, chances are these other three projects would not of – they are far in excess of the 5 megawatts.

County Executive Borrello: They are but the Cherry Creek one would have gone through because it went through the Article 10 process. So two of the three would not have. Now, that being said, all three of them, had they not had that option, they would all three likely had to pursue through the Article 10 process.

Legislator Muldowney: Is that a lot tougher?

County Executive Borrello: I don't say tougher but you have to prove a true justification versus just convincing a town board that it's – a little more rigorous, wouldn't you say, the process. So, in theory, all three of them could have gone through the Article 10 process and future ones still can. I think this is about having the residents, the people that are going to be impacted by this, have more opportunity to ask questions and to essentially get compromises in place. One of the issues that I have is the setbacks are a 1,000 feet at the Arkwright project yet if you look at the, I think it's the *Vestis*(?) wind turbine operating manual, it says right in there that even workers shouldn't be within 1,300 feet for any extended period of time. So who decided the 1,000 feet. At least if it goes through the State process, there is more chance to talk about those things.

Legislator Niebel: It will be more consistent.

Legislator Gould: But at the local level we won't have any say in that area.

County Executive Borrello: Well not say, we're just saying that we don't want to give tax abatements.

Legislator Gould: (*Cross talk*) issues of permits. We wouldn't have any say at all.

County Executive Borrello: Exactly. We wouldn't be giving any tax PILOTS.

Legislator Gould: The State could issue a lieu of taxes?

County Executive Borrello: Yes. They could still do that.

Legislator Gould: And we would still have to abide it?

County Executive Borrello: Yes.

Legislator Gould: So what good is it?

County Executive Borrello: Well, because you have to go through the process and you have to prove through Article 10 that there is a need.

Legislator Nazzaro: I just have to clarify. I understand I think what Article 10 is. If it's over 25 megawatts, you can go to the State and that but there is a PILOT for that?

Mr. McCord: Not the PILOT, it's just the approval.

Legislator Nazzaro: Approval for the project so when you said at the beginning of this question, we opted in or out because I'm trying to understand again the difference between Jefferson and Oswego County. I'm o.k. with 5 now so the difference between us and those two other counties, we opted in or out?

County Executive Borrello: Out.

Mr. Abdella: If the County does nothing, the State law provides for tax exemption for I believe a 10 year period. So we opted out so those projects, even the very small ones, are all taxable at least as to County taxes because we opted out. So the way they can get tax abatement is through a PILOT agreement. So the IDA has been administering not only PILOT agreements for the big projects, but for the very little ones too and they would continue to do that.

Legislator Nazzaro: So if you had a 30 megawatt project, since we've opted out of Article 10 and they went through the State process, not only are they approving the project, are they also approving a PILOT that affects the County taxes?

Mr. McCord: No, not if the State (*cross talk*)..

Legislator Nazzaro: O.k., so if they are granted, explain that to me. A project of that size, above 25 –

County Executive Borrello: You would be able to permit it to exist.

Legislator Nazzaro: But that doesn't mean they are going to get -

Mr. McCord: But if they didn't have the PILOT, they would have to examine whether it was a financial feasible project without the PILOT.

Legislator Nazzaro: So basically they are not getting the PILOT.

Legislator Niebel: Because we have opted out.

County Executive Borrello: Not on County property taxes.

Legislator Nazzaro: That is what I'm asking.

County Executive Borrello: They can still get State benefits but again, it has to go through the Article 10 process. I guess what I am saying is, if you want a wind turbine project in the Town of Chautauqua, where we are right now, you go through the Article 10 process and prove that it's a financial feasible project and the State would permit it even if we said we're not going to permit at the local level. But, again there is a higher standard.

Legislator Nazzaro: So the State cannot – they get State PILOTS but they cannot force anything on the County?

(Cross talk)

County Executive Borrello: They cannot force us to give a local property tax abatement, correct, because we opted out.

Legislator Muldowney: And almost all municipalities have opted out, right? School districts, towns, villages. I think the majority of them have.

Mr. Abdella: Some have.

Mr. McCord: Some but I don't have an exact count. There was a push to encourage municipalities in Chautauqua County both at the school level and then municipal level to opt out back in 2007 when the County chose to opt out.

Legislator Muldowney: I think that most of them have.

County Executive Borrello: Locally.

Legislator Muldowney: Yeah.

County Executive Borrello: Within the County.

Legislator Muldowney: There is a wind turbine that goes up in the Town of Pomfret, they go to the County IDA to apply for *(inaudible)*.

County Executive Borrello: And again, the purpose is we do not want to impede those small projects. This unified megawatts is well within the small project window.

Legislator Muldowney: We probably have five all together.

County Executive Borrello: Five small projects in Pomfret?

Legislator Muldowney: Yeah.

County Executive Borrello: The science teacher that is near the thruway.

Legislator Muldowney: That's the Town of Dunkirk.

Chairman Chagnon: Does anybody know the size of those projects? Megawatts?

Legislator Muldowney: I'm guessing they are similar to (*cross talk*).

Mr. McCord: I don't have those memorized but I do know that they came through the 239 process because they are close to the thruway and other State and County roads. Those are smaller.

County Executive Borrello: Obviously there is 1,000 kilowatts in a megawatt so when you are talking about even a 100 kilowatts, you are a tenth of a megawatt.

Chairman Chagnon: I was just curious. O.k., we are still discussing the proposed amendment to the proposed resolution.

Legislator Niebel: Mr. Chairman, we have a gentleman here that has showed up at a number of Legislature meetings, he's very concerned about wind energy and wind energy projects. Mark Twitchell is in the audience. I'd like to hear his opinion on this proposed resolution if we could.

Chairman Chagnon: O.k., sure.

Mr. Twitchell: In the interest of the conversation about being budget neutral, I'd like to point out that minus the PILOT, these projects would be very budget positive for the County because the wind industry is saying, we will not build these projects unless you give us payment in lieu of taxes. Well, in lieu of taxes, when the IDA defines that, their definition is confined by the number of employees that these projects create and these projects do not create a large enough number of employees to justify a PILOT that reflects the dollar amount of the companies investment. These turbines would cost, let's just say, \$2 million dollars each. You have a \$200 million dollar project Countywide. Just think of the revenue to the County if these were taxed at fair market value.

Legislator Niebel: If it wasn't for the PILOT?

Mr. Twitchell: Yes. It would be County revenue but also it would be a much increased revenue for the townships themselves and for the school districts in these township. So I think the proposed resolution is very protective of the County and provides much more income than the PILOT programs that we've seen.

Legislator Niebel: So Mark, are you in favor of reducing this from 25 megawatts to 5?

Mr. Twitchell: Very much so because even a 5 megawatt project if it was taxed at market value would provide much more income to the township, school district, and the County as well.

Chairman Chagnon: Mr. Twitchell, thank you. Any further discussion on the proposed amendment to the proposed resolution?

Unanimously Carried – amendment

Chairman Chagnon: Any further discussion on the proposed resolution as amended?

Unanimously Carried as amended

Proposed Resolution - Authorize Sale and Option Agreements for Redevelopment of Roberts Road Properties in the City of Dunkirk

County Executive Borrello: We have been actively negotiating with Peter Krog and the Krog Group and their partner to put a frozen storage, a freezer storage facility in Dunkirk. You may be aware, this has been a project that has been, I would say, a touch controversial in the past because the original project that was proposed by another company was proposed and cited in a residential neighborhood. We have now found, thanks to Peter Krog's involvement, he was originally helping us negotiate this deal and then their expertise in developing projects on brownfield sites, has now prompted them to do the project themselves in conjunction with a partner that is in the frozen storage business. So we have a property in Dunkirk, which is referred to as the Edgewood property which is a brownfield and that is where this project will be. The project itself will create jobs in the freezer but most importantly the storage will be utilized, I don't want to say exclusively, but, a large portion of it will be used for Fieldbrook Foods in Dunkirk which is the ice cream producer and they employ 600 people, Kevin?

Legislator Muldowney: Permanent employees.

County Executive Borrello: Yes, permanent employees and they have areas right now in their facility that they are using for frozen storage that they would like to actually convert to new production lines. So Fieldbrook has already negotiated a lease agreement with Krog's group to lease space at the new freezer that is going to be going up so that will free up space within their facility to put in new lines and expand their production capability and expand their jobs and issue the jobs at the frozen storage facility to begin with and we get rid of a brownfield site. If you have been by there on Roberts Road, it's not too pretty of a site and this will likely spur further development on the other two sites the County is still holding. The former Alumax and Roblin Steel sites. So I certainly envision within the next 2 to 4 years a true industrial park there with this freezer project and other projects as well. But this is a tremendous win for us. It's going to create jobs, it's going to solve a logistical problem for one of our largest employers in the County when it comes to storage. They are currently trucking their frozen products beyond what they can hold internally, to North East, Pennsylvania. They will not be able to store those just across town and just a tremendous win for us. So we're very, very excited and I've been directly involved in these negotiations with the Krog group and it's a great company. Those of you who aren't

familiar with them, these are the people that are building the \$35 million dollar Chautauqua Harbor Hotel down in Celeron and anybody that is familiar with Peter Krog and his company knows what a fantastic partner they have been in Chautauqua County. So this is truly a win for all of us.

Legislator Muldowney: I go back with this project probably 15/18 years now and what comes to mind is, originally it was the original Alco site in Dunkirk where they built the locomotives and closed in 1962. And there was a couple of other plants in there and they closed around the early 80's. So it was 25 acres in the City and this has just been a project that has taken forever. We had the EPA spend about \$2.3 million in the early 90's at this site. It was the site where we fought over the road for probably 10 to 15 years, the new industrial road that goes out Purina. The Sheriff had prisoners in there working back (*inaudible*) cleaning the site trying to get funding from the State. We have done a number of brownfield sites when I was on the City Council (*inaudible*) it goes back that long. So it's really a win/win. The Company itself was really responsible for going out and trying to get a facility close, a freezer close to their facility. As George has mentioned, this not only creates space at their plant but it also saves them quite a bit of money. They went as far as Ohio for freezer space and now it's going to be in Chautauqua County. I only think that the other two plants (*inaudible*) in the area could use this and there is room for expansion (*inaudible*).. So it's really a win/win. It's a mile from the plant, it's a new roadway and I couldn't be more happier. (*Cross talk*) shopping sites of where it was going to go. One site we thought was perfect and then they changed the wetlands regs on it and then they went to a residential area but that really wasn't the right site. This is the perfect site for it and it's a win/win for Dunkirk and Chautauqua County.

County Executive Borrello: And Krog is the right guy because they have developed many brownfield sites in the past so they understand the challenges and are willing to take that on which is a big benefit.

Chairman Chagnon: So Kevin, you are kind of on the fence on this one?

Legislator Muldowney: I couldn't be more excited, I really am. It's a long time coming.

Chairman Chagnon: Thank you for sharing that. Steve, do you have anything to add to this or is the color commentary sufficient?

Mr. Abdella: Just a few comments. One was that CCIDA acted as lead agency for purposes of the SEQR and they did issue or create an environmental assessment form, did make a negative declaration. Our resolutions just confirms the fact that IDA had that lead agency role and made that finding. There was a question at Public Facilities as far as what benefits IDA would be providing to the project. They would be providing \$726,000 in sales tax abatement and also \$150,000 in mortgage recording fee abatement. As far as the PILOT agreement goes, the project would pay \$2.1 million dollars in PILOT payments for the 20 year life of the PILOT which obviously compared to there being no property tax being paid now and none on the horizon but for this development occurring. As reflected in the resolution, the investment is \$16.25 million dollars. That includes the demolition of the Edgewood structure that remains which has been a constant source of problems and issues. The investment also includes

environmental remediation at the Edgewood site because it is the one site that has not had environmental remediation. The Roblin and Alumax sites have. So that is included in the required investment by the developer. Then of course there is the new construction that would occur of the warehouse within that \$16.25 million dollars.

Chairman Chagnon: Thank you for that.

Legislator Niebel: Back to the property taxes. Steve, \$2.1 million dollars over 20 years, roughly a \$100,000 a year and that's divided amongst the County, the City, and the school district?

Mr. Abdella: That would be correct. In proportion to their respective tax rates.

County Executive Borrello: I think it's also worth pointing out right now the County pays about \$8,000 a year for that property.

Chairman Chagnon: For taxes.

County Executive Borrello: Well no, not the taxes, to maintain the property because it's a (*inaudible*) brownfield site so we're also going to be alleviated of that cost as well.

Chairman Chagnon: Any other questions or comments on the proposed resolution?

Unanimously Carried

Other

Chairman Chagnon: We do have an other.

Proposed Resolution - Compensation for County Coroners

Chairman Chagnon: This was taken up yesterday afternoon by Public Safety and as I understand, Public Safety was in favor of this proposed resolution. Steve, would you like to explain the brief resolution?

Mr. Abdella: This resolution for a three month period would change the compensation for the coroners from being on a per diem basis to a per case basis. I know that the reason it's chosen for three months is that it's expected to be reviewed further over the next three months but I think from the committee discussion part of the desire here is to get away from the per diem charge. The coroners do spend, depending on the circumstance, more than one day on a case. Can be two days, can be even be more cases, more days. Right now any activity in a day triggers the payment of the per diem. This would instead have it based on each case. I know that there is also been discussion about honing in on what cases the coroners would be attending to and that case load might be able to be reduced in some circumstances and that is being looked at as well.

Legislator Niebel: This did go through Public Safety yesterday. I think it was unanimous and I think everybody signed on. As Steve mentioned, the feeling in Public Safety was that a per case payment would be more fair and equitable than the per diem and that's mainly what we discussed yesterday. This will address the compensation part of the coroners. The rest as far as policy, responsibilities, that stuff, any of that will be worked out hopefully within the next three months.

Chairman Chagnon: Thank you for that explanation.

Legislator Nazzaro: Just a quick question. Per diem, the current per diem is that when they were called out no matter how many cases. They got \$80.00 per diem. So if they didn't get called out, they didn't get paid.

Legislator Niebel: But if they got called out three or four times, they still got \$80.00 for the day.

Legislator Nazzaro: That is what I wanted clarification on.

County Executive Borrello: And also conversely, if a single case took more than one day, they got paid for any action whatsoever, they got paid \$80.00.

Legislator Nazzaro: (*Cross talk*), go out, they got paid \$80.00.

County Executive Borrello: Or any action that they had to take on a particular case would have triggered that, as Steve said.

Chairman Chagnon: Other questions or comments on the proposed resolution?

Unanimously Carried

Chairman Chagnon: O.k., that brings us to the three discussion items on the agenda as well as three more that our Director of Finance has wanted to bring to our attention.

Mrs. Dennison: If I could take this opportunity before our Finance Director, I'd like to provide you with some additional information on resolutions that we're discussed previously.

Chairman Chagnon: The ones that we have already voted on you mean?

Mrs. Dennison: Yes.

Chairman Chagnon: Your timing is questionable.

Mrs. Dennison: I did communicate with the Board of Elections and I have the answers to Mr. Niebel's questions. The Board of Elections regarding the HAVA grant. So the balance of the available funds is \$44,460. The eligible grant expenditures are any related items for the voting machines. Not personnel. A few examples would be scanner replacement, ballot marking device

replacements and training on the machines. Personnel services would not be eligible through the grant. Revenues and expenditures were added to the 2018 budget so if repairs and replacements are needed on the machines in 2018, that would be covered by the grant.

Legislator Niebel: Kathleen, I assume that that was what it was but thank you for clarifying that.

Mrs. Dennison: I also wanted to add another point of clarification. The STOP DWI expenditures. The contractual expenditures for STOP DWI, the budget before amendments was \$110,713 and the expenditures this year were \$98,000. So there actually was a small surplus in that classification before we started moving money around.

Chairman Chagnon: Thank you.

Discussion - Occupancy Tax Collection Process Recommendations – Fn. Director Crow

Discussion - RFP Internal Audit – Fn. Director Crow

Discussion - Investment Program Review – Fn. Director Crow

Discussion – Preliminary Year End 2017 Results & Detail of Significant Variances – Fn. Director Crow and Budget Director Dennison

Discussion - Enterprise Fleet Management - Fn. Director Crow and Budget Director Dennison

Discussion - Analysis of DSACC and CCSSA Actual Result for 2017 vs. Original Estimates- Fn. Director Crow and Budget Director Dennison

MOVED by Legislator Gould, SECONDED by Legislator Niebel and duly carried the meeting was adjourned. (11:47 a.m.)

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