

Agenda

Audit & Control Committee

June 21, 2018, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (5/17/18, 6/4/18)
- C. Privilege of the Floor
 - 1. Proposed Resolution- Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport
 - 2. Proposed Resolution- Authorize Capital Project for Jamestown Community College (JCC) Five Year Master Plan
 - 3. Proposed Resolution- Quit Claim Deeds
 - 4. Proposed Resolution- Compensation for County Coroners
 - 5. Proposed Resolution- Authorize Execution for New York State Office of Homeland Security And Emergency Services Grant for Bomb Squad Initiative Program
 - 6. Proposed Resolution- Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC for Space on the Hall R. Clothier Building Tower
 - 7. Proposed Resolution- Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC for Space on the Tower and Building at Dunkirk Tower
 - 8. Proposed Resolution- Authorize County Executive to Execute the Youth Bureau Resource Allocation Plan
 - 9. Proposed Resolution- Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State Division of Tourism
 - 10. Proposed Resolution- Acceptance of New York State Empire State Development “I Love NY” Funding for the Promotion of LECOM Health Challenge
 - 11. Proposed Resolution- Authorizing SEQRA Review of Waterways Panel 2019 2% Occupancy Tax Recommendations

12. Proposed Resolution- Authorize Use of Funds from the Chautauqua County Sewer Agency to Assess the Feasibility of Treating Wastewater Flows from the Town of Mina in the Village of Sherman Sewer Wastewater Treatment Plant
13. Proposed Resolution- Funding in Support of Chautauqua County Residents to attend The Babe Ruth World Series in Jamestown, New York
14. Proposed Resolution- Order Extending the South Chautauqua Lake Sewer District
14. Discussion-
Tabled Resolution- Confirm User Charges: North Chautauqua Lake Sewer District
15. Discussion- RFP Internal Audit Services
16. Discussion- Administrative Code Amendments- Re: Coroners- County Attorney Abdella
17. Discussion- Administrative Code Amendment- Budget Hearings
18. Other-

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the County owns and operates the Dunkirk Airport in the Town of Sheridan and is in need of fixed base operator (FBO) services at the Dunkirk Airport for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the Chautauqua Region Economic Development Corporation (CREDC) is a not-for-profit local development corporation incorporated pursuant to Section 1411 of the Not-For-Profit Corporation Law, and is operated for the charitable and public purposes of aiding and promoting the economic development of Chautauqua County, and lessening the burdens of government; and

WHEREAS, pursuant to Resolution No. 246-17, the County Legislature authorized CREDC to provide interim fixed based operator services at the Dunkirk Airport through July 31, 2018; and

WHEREAS, the County issued Requests for Proposals (RFP) for fixed based operator services at the Dunkirk Airport in February 2018 and April 2018 and received no proposals despite numerous inquiries; and

WHEREAS, it would be advantageous for CREDC to continue to provide interim FBO services for the County at the Dunkirk Airport to allow the County to progress further toward the installation of a new fuel farm, and to compile additional financial, usage, and other statistical information over the coming months to enhance the issuance of another RFP for the delivery of FBO services at the Dunkirk Airport; now therefore be it

RESOLVED, That the County Executive is authorized to extend the agreement with CREDC to provide fixed base operator services for the County at the Dunkirk Airport on an interim basis, as follows:

1. Term. August 1, 2018 – June 30, 2019.
2. Payment. CREDC shall pay the County on a quarterly basis the net profits from its FBO operations after payment of all of its reasonable expenses in operating FBO services. In the event that CREDC has a net loss for any quarter, the County shall reimburse CREDC for the applicable deficit in the payment of its reasonable expenses for the quarter.
3. Other. As negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

MM 6/4/18
KMD 6/4/18
SMA 6/6/18
KLC 6/6/18
GMB 6/13/18

TITLE: Authorize Capital Project for Jamestown Community College (JCC)
Five Year Master Plan

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, JCC is mandated by the State University of New York (SUNY) to have a Five Year Master Plan (the "Project"); and

WHEREAS, JCC originally scheduled this Project for 2019 but the Project needs to be expedited because SUNY requires that the project be completed sooner; and

WHEREAS, the Project cost is expected to be \$300,000 but the Project is eligible for state funding and local non-county funding at a combined rate of approximately 75%; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the above-subject Project; and it is further

RESOLVED, That Reserve for Capital is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance, Reserved Fund Balance—	
	Reserve for Capital	\$ 75,000

;and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Interfund Transfers	\$ 75,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.2490.00001.4	Contractual—JCC Five Year Plan (2018)	\$ 75,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.2490.00001.R503.1000	Interfund Transfers – Interfund Transfer	\$ 75,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

JEC 6/1/18 SMA 6/6/18 KLC 6/6/18 GMB 6/7/18
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TITLE: Quit Claim Deeds

BY: Administrative Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
QC-11-2018	City of Dunkirk	060300-79.11-7-4	Renee Santiago	\$ 1,466.56	\$ 1,466.56
QC-13-2018	City of Dunkirk	060300-79.12-5-48	Eduaro & Jacky Reyes	\$ 4,099.84	\$ 4,099.84
QC-15-2018	City of Dunkirk	060300-79.13-2-31	Aida Hernandez	\$ 2,322.45	\$ 2,322.45
QC-16-2018	City of Dunkirk	060300-79.13-2-67	Scot C Drummond	\$ 3,697.27	\$ 3,697.27
QC-19-2018	City of Dunkirk	060300-79.14-2-76	Donald Buchanan	\$ 1,993.38	\$ 1,993.38
QC-24-2018	City of Dunkirk	060300-79.14-9-17	Gumersindo Borrero	\$ 8,857.29	\$ 8,857.29
QC-25-2018	City of Dunkirk	060300-79.15-2-39	Billy Pittman	\$ 2,743.56	\$ 2,743.56
QC-32-2018	City of Dunkirk	060300-79.16-3-46	Patricia Kozlowski	\$ 5,391.04	\$ 5,391.04
QC-36-2018	City of Dunkirk	060300-79.16-7-7	Dawn Linger	\$ 3,724.65	\$ 3,724.65
QC-53-2018	City of Dunkirk	060300-96.06-3-8	Walter E Barnard	\$ 3,401.97	\$ 3,401.97
QC-73-2018	City of Jamestown	060800-370.20-6-5	Lucian Buchanan	\$ 4,861.85	\$ 4,861.85
QC-102-2018	City of Jamestown	060800-387.09-7-10	Nicholas & Taylor Bennett	\$ 3,743.87	\$ 3,743.87
QC-137-2018	City of Jamestown	060800-387.18-3-14	Mahendra Basdeo	\$ 6,145.82	\$ 6,145.82
QC-157-2018	City of Jamestown	060800-387.34-4-17	Aleena Baksh	\$ 5,344.50	\$ 5,344.50
QC-175-2018	Arkwright	062000-183.00-1-2	John J MacFarlane	\$ 5,815.68	\$ 5,815.68
QC-179-2018	Busti/Village of Lakewood	062201-368.19-2-50	Stephen Smith	\$ 773.52	\$ 773.52
QC-192-2018	Busti	062289-403.00-1-58	Amy Jo Stormer	\$ 3,539.02	\$ 3,539.02
QC-194-2018	Busti	062289-419.00-2-28	Stephen Smith	\$ 3,196.96	\$ 3,196.96
QC-215-2018	Chautauqua	062889-279.00-2-22	Michele Fletcher	\$ 7,391.17	\$ 7,391.17
QC-225-2018	Town of Dunkirk	063400-96.01-2-5	Scot C Drummond	\$ 1,084.87	\$ 1,084.87
QC-226-2018	Town of Dunkirk	063400-96.04-1-11	Pamela J Halicki	\$ 6,618.01	\$ 6,618.01
QC-235-2018	Ellicott/Village of Falconer	063803-371.07-1-12	Jason W Higbee	\$ 396.48	\$ 396.48
QC-236-2018	Ellicott/Village of Falconer	063803-371.07-1-13	Jason W Higbee	\$ 7,656.26	\$ 7,656.26
QC-237-2018	Ellicott/Village of Falconer	063803-371.07-1-14	Jason W Higbee	\$ 593.48	\$ 593.48
QC-239-2018	Ellicott	063889-336.00-2-61	Stanley & Lois Walters	\$ 933.42	\$ 933.42
QC-261-2018	Hanover/Village of Silver Creek	064603-49.10-1-24	Luanne Marra	\$ 20,405.44	\$ 20,405.44
QC-262-2018	Hanover	064689-100.00-1-65.2	Erick Griewisch	\$ 1,476.85	\$ 1,476.85
QC-295-2018	Pomfret	065889-147.00-2-15	Kathy Stevens	\$ 14,609.09	\$ 14,609.09
QC-302-2018	Portland/Village of Brocton	066001-144.20-1-5	William J Anzalone	\$ 3,046.15	\$ 3,046.15

**APPROVED
VETOES (VETO MESSAGE ATTACHED)**

County Executive

Date

QC-307-2018	Portland/Village of Brocton	066001-162.09-1-69	Michael & Monica Wazaney	\$ 1,408.57	\$ 1,408.57
QC-320-2018	Ripley	066200-240.12-3-11	Cris A Reed	\$ 1,856.88	\$ 1,856.88
QC-324-2018	Ripley	066200-240.16-3-17	Caitrin Martin	\$ 7,865.19	\$ 7,865.19
QC-325-2018	Ripley	066200-258.00-1-22	Timothy & Sandra Henry	\$ 4,284.12	\$ 4,284.12
QC-328-2018	Sheridan	066400-47.11-1-24	Bernard Garrasi II	\$ 6,666.32	\$ 6,666.32
QC-337-2018	Stockton	066889-248.00-1-56	Michael Kazmark	\$ 663.53	\$ 663.53
QC-343-2018	Westfield/Village of Westfield	067201-192.12-1-50	Jimmy D Foster & Jody A Burdett	\$ 13,925.21	\$ 13,925.21
				\$ 172,000.27	\$ 172,000.27

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE May 30, 2018
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: CHAUTAUQUA COUNTY RESOLUTION - QUITCLAIM DEEDS

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: OFFICE OF THE COUNTY EXECUTIVE

CONTACT PERSON: JAMES E. CAFLISCH TEL: 753-4951

PURPOSE OF LEGISLATION: TRANSFER COUNTY FORECLOSED PROPERTIES

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

IS A TRANSFER OF FUNDS NECESSARY? YES NO

ARE THE FUNDS BEING TRANSFERRED WITHIN THE SAME DEPARTMENTAL/AGENCY ACCOUNT? YES NO

IS A NEW ACCOUNT BEING ESTABLISHED? YES NO

IS TRANSFER FROM .8 ACCOUNT? YES NO

ARE FUNDS BEING TRANSFERRED FROM CONTINGENCY? YES NO

SOURCE OF FUNDS

LOCAL FEDERAL STATE OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 6/7/18
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

DATE OF INITIAL COMMITTEE CONSIDERATION A.S. 6/18/18

TIME AND LOCATION OF COMMITTEE MEETING 5:00 p.m. Rm # 331

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 6/21/18

TIME AND LOCATION OF COMMITTEE MEETING 8:35 a.m. Rm # 331

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

SMA 5/29/18
PMW 5/29/18

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Compensation for County Coroners

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: Chairman Paul M. Wendel:

WHEREAS, the Chautauqua County Legislature has the responsibility to fix compensation of all officers paid from county funds; and

WHEREAS, Resolution 100-18 changed the method of compensation for Coroners from a "per diem" to a "per case" compensation format to expire June 27, 2018; and

WHEREAS, the Chautauqua County Legislature wishes to continue the same method of compensation for Chautauqua County Coroners; therefore be it

RESOLVED, That the compensation for the County Coroners shall be continued at \$150.00 per case on and after June 27, 2018.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

JAG 6/6/18
KDG 6/7/18
SMA 6/7/18
KLC 6/7/18
GMB 6/8/18

TITLE: Authorize Execution for New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for under the FY17 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY17 grant award C182470 in the amount of \$110,000, with no local funds, for the contract period from May 1, 2018 to August 31, 2020; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CJH 6/7/18
KDG 6/7/18
SMA 6/7/18
KLC 6/7/18
GMB 6/8/18

TITLE: Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC For Space on the Hall R. Clothier Building Tower

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, New Cingular Wireless PCS, LLC (successor in interest to Dobson Cellular) desires to extend the lease of tower and building space on the tower situated on the roof of the Hall R. Clothier Building in the Village of Mayville; and

WHEREAS, the County of Chautauqua is willing to extend such lease upon certain terms and conditions; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into a lease extension agreement with New Cingular Wireless PCS, LLC for their use upon the following terms and conditions:

1. Term: Five (5) years commencing April 1, 2018, with an automatic renewal for up to three (3) consecutive five (5)-year terms, unless the County terminates the lease within 24 months of the expiration of the current term;
2. Rent: \$15,000.00 per year for the duration of the initial term and all available extensions;
3. Other: As may be negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CJH 6/07/2018
KDG 6/7/18
SMA 6/7/18
KLC 6/7/18
GMB 6/8/18

TITLE: Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC For Space on the Tower and Building at Dunkirk Tower

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, New Cingular Wireless PCS, LLC (successor in interest to Dobson Cellular) desires to extend the lease of tower and building space on the Dunkirk tower in the City of Dunkirk; and

WHEREAS, the County of Chautauqua is willing to extend such lease upon certain terms and conditions; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into a lease extension agreement with New Cingular Wireless PCS, LLC for their use upon the following terms and conditions:

1. Term: Five (5) years commencing December 1, 2020 with an automatic renewal for up to three (3) consecutive five (5)-year terms, unless the County terminates the lease within 24 months of the expiration of the current term;
2. Rent: \$1,800.00 per month for the first five (5) years from December 1, 2020, with an additional annual increase of ten percent (10%) for each of the additional extension terms;
3. Other: As may be negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

DWM 5-24-18
ABC 5-29-18
SMA 5-29-18
KMD 5/30/18
KLC 5/30/18
GMB 6-7-18

TITLE: Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State Division of Tourism

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the New York State Legislature has authorized the New York State Department of Commerce to match funds expended by local and regional organizations promoting tourist travel, resorts and vacation businesses in this State; and

WHEREAS, the New York State Legislature has made appropriations for such purposes; and

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation as the local tourist promotion agency for the Matching Fund Program sponsored by the New York State Division of Tourism; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism and authorizes the Chautauqua County Visitors Bureau to make application for matching tourism funds, to receive such matching funds, and to represent the County of Chautauqua in tourism promotion efforts; and be it further

RESOLVED, That in making the aforesaid designation, the Chautauqua County Legislature hereby certifies that the Chautauqua County Visitors Bureau has been in operation for at least three (3) years immediately prior to making this year's application; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau comply with the following criteria for implementing the Matching Funds Program:

1. A dedicated bank account shall be maintained for the purposes of matching and disbursing Matching Funds provided by the New York State Division of Tourism and the corresponding local share in accordance with the Program guidelines;
2. All interest earned from the Matching Funds Program monies shall be expended for generic County advertising according to the Program guidelines;
3. All discounts and refunds shall be maintained in the Matching Funds Program account and shall be expended for generic County advertising according to the Program guidelines; and
4. Account(s) shall be reconciled monthly and at the end of the Program, and the required quarterly and annual reports shall be provided to the New York State Division of Tourism in accordance with the Program guidelines; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the state fiscal year from April 1, 2018 through March 31, 2019

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

NYS Tourism Matching Funds Programs—2019

Chautauqua County Visitors Bureau

Maximum application amount in the State’s grant formula is \$240,000

Based on the State’s **grant formula** and a 95:5 split between county-only, and regional (3-county) programs, we **estimate an actual award in 2019 of \$65,256**. Of this \$59,713 would be apportioned for Chautauqua County-only programs, and \$5,543 for Chautauqua/Allegheny region and WNY regional marketing programs.

1. **Chautauqua County Program** **\$59,713 x 2 = \$119,426 matched**

Chautauqua County-only Program Projects

• ILNY Chautauqua County Travel Guide	\$92,000
• Travel Guide packet postage/mailings	\$10,000
• <u>Ad placements with ILNY coops</u>	<u>\$17,426</u>
\$59,713 grant + \$59,713 local match	\$119,426

2. **Chautauqua-Allegheny Region Funds Available**

• Chautauqua	\$5,543 x 2 =	\$11,086
• Cattaraugus	\$5,543 x 2 =	\$11,086
• Allegheny	<u>\$5,543 x 2 =</u>	<u>\$11,086</u>
		\$33,258 matched

Chautauqua Allegheny Region/WNY Program Breakdown

• Travel Shows	\$12,000
• 800#/Website	\$ 3,500
• Media advertising placements	\$ 4,500
• <u>Collaboration with WNY REDC region</u>	<u>\$ 13,258</u>
• \$16,629 grant + \$16,629 local match *	\$33,258

[the amounts above are subject to some variation, based on changes to maximum grant application amount and statewide prorating factor utilized (in the grant formula).

Matching Fund Grant Computations

for 2019

various percentage breakdowns

5%

split between county/regional program commitments

	<u>County</u>	<u>Region</u>	<u>Total</u>
Application Amount	228,000	12,000	240,000
% of applic. for	0.95	0.05	
Regional Bonus (20%)		2,400	2,400
Min guarantee (\$20k)	19,000	1,000	20,000
Prorated funds award (205,750 x .194799)	40,713	2,143	42,856
Total Grant Amounts	59,713	5,543	65,256
Total Once Matched	119,426	33,257	

Note: Total regional program once matched assumes that each of the three counties used same matching fund % apportionment for their grants

Subject to 1-3% variation to actual award, based on fluctuation in state pro-rating factor used by Division of Tourism

DWM 6-12-18
 ABC 6/12/18
 SMA 6/12/18
 KLC 6/12/18
 GMB 6/13/18

**CHAUTAUQUA COUNTY
 RESOLUTION NO. _____**

TITLE: Acceptance of New York State Empire State Development “I Love NY”
 Funding for the Promotion of LECOM Health Challenge

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and Chautauqua Region Economic Development Corporation (CREDC) worked in conjunction with PGA Web.com to bring the LECOM Health Challenge to Peek ‘n Peak Resort for four years (2016-2019); and

WHEREAS, the LECOM Health Challenge creates a unique attraction event at Peek ‘n Peak Resort, serves as a catalyst for attracting tourists to Chautauqua County, and brings national attention to the many tourism assets Chautauqua County has to offer; and

WHEREAS, the LECOM Health Challenge is an important tourism event for Chautauqua County as a whole to support and benefit from; and

WHEREAS, the New York State Empire State of Development (NYSESD) committed \$300,000 from their “I Love NY” funding to promote Chautauqua County and New York State through the LECOM Health Challenge; and

WHEREAS, the County desires to use the funding to reimburse the Chautauqua Regional Economic Development Corporation (CREDC) for marketing expenses incurred during the promotion of the LECOM Health Challenge; and

WHEREAS, these funds are not included in the 2018 Budget; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSESD “I Love NY” funding in the amount of \$300,000 to promote Chautauqua County and New York State through the LECOM Health Challenge; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to enter into an agreement with NYSESD for the acceptance of said funds; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.6420.----.4	Contractual – Promotion of Industry	\$300,000
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INCREASE REVENUE ACCOUNT:

A.6420.R371.5PGA	New York State Aid—Tourism Promotion: PGA Initiative Funding	\$300,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

 County Executive

 Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM-5-21-18
ABC 5/23/18
SMA 5/24/18
KMD 5/24/18
KLC 5/29/18
GMB 6/7/18

TITLE: Authorizing SEQRA Review of Waterways Panel 2019 2% Occupancy Tax Recommendations

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, twenty-nine applications for the 2019 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the twenty-nine requests; and

WHEREAS, eight of the twenty-nine projects submitted for 2% Occupancy Tax funding for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Department of Planning and Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the projects recommended by the Waterways Panel for 2019 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Lake Erie Tributary Knight Vineyards	1	\$ 27,565	\$ 27,565
Shorelands	2	\$ 20,000	\$ 20,000
Goose Creek Geiger	3	\$ 28,082	\$ 28,082
Maple Springs Rehab	4	\$ 24,750	\$ 24,750
Tupper Creek	5	\$ 40,000	\$ 40,000
Boat Stewardship	6	\$ 39,972	\$ 39,972
Scott Creek Sheridan	7	\$ 17,115	\$ 17,115

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Canadaway Creek Hurtgen	8	\$ 26,640	\$ 26,640
Huxley Street Drainage Mitigation	9	\$ 39,700	\$ 0
Chautauqua Lake Mission Meadows	10	\$ 31,230	\$ 0
Canadaway Creek Reynolds	11	\$ 26,640	\$ 0
Chautauqua Creek Applebee	12	\$ 27,000	\$ 0
Bellview Kulju	13	\$ 18,555	\$ 0
Walnut Creek Giacchino	14	\$ 19,800	\$ 0
Canadaway Creek Miller	15	\$ 39,000	\$ 0
Cooney's Island	16	\$ 19,900	\$ 0
Bellview Cresanti	17	\$ 22,761	\$ 0
Dutch Hollow Reinhardt	18	\$ 29,350	\$ 0
Dutch Hollow Whalen-Holton	19	\$ 27,400	\$ 0
Goose Creek Lipari	20	\$ 20,950	\$ 0
Walnut Creek Stott	21	\$ 29,560	\$ 0
Walnut Creek Hiliker	22	\$ 19,940	\$ 0
Chautauqua Lake Trip Toczydlowski	23	\$ 25,670	\$ 0
Bellview Warner	24	\$ 12,015	\$ 0
Bemus Creek Montgomery	25	\$ 14,780	\$ 0
Slippery Rock Creek	26	\$ 17,200	\$ 0
Chautauqua Lake Tributary Mallard Cove	27	\$ 10,810	\$ 0
Mud Creek Glaser	28	\$ 32,250	\$ 0
Ball Creek I-86 Scour	29	\$ 10,000	\$ 0
TOTALS		\$ 718,635	\$ 224,124

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM 5-30-18
ABC 5-30-18
SMA 5-31-18
KMD 5/31/18
KLC 6/4/18
GMB 6/7/18

TITLE: Authorize Use of Funds from the Chautauqua County Sewer Agency to Assess the Feasibility of Treating Wastewater Flows from the Town of Mina in the Village of Sherman Sewer Wastewater Treatment Plant

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Hamlet of Findley Lake and the Town of Mina are important economic and cultural assets in Chautauqua County; and

WHEREAS, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency issued the 2008 Total Maximum Daily Load (TMDL) for phosphorus in Findley Lake, which attributed the large number of failing and inadequate septic systems that surround the lake as the primary cause of excessive concentrations of phosphorus in the lake; and

WHEREAS, the TMDL recommends a management strategy for septic systems where “the formation of a sanitary sewer district and the discharge of wastewater outside of the watershed is essential to achieving the (phosphorus) load reductions”; and

WHEREAS, the Village of Sherman has engaged an engineering consultant to perform a Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant; and

WHEREAS, the Village of Sherman’s engineering consultant has provided a proposal to expand the scope of the Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant to determine the feasibility of accepting wastewater flows from the Town of Mina, for a cost not to exceed \$9,000; and

WHEREAS, the Chautauqua County Sewer Agency receives an annual allocation of \$10,000 from the Chautauqua County 2% Occupancy Tax for Lake & Waterways to evaluate wastewater projects identified in the Integrated Sewer Management Plan for Chautauqua Lake and anticipates no expenses for the remainder of 2018; and

WHEREAS, Chautauqua County and the Chautauqua County Sewer Agency are strong advocates for public health, the environmental health of our lakes and waterways, intermunicipal cooperation, and shared services; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes \$9,000 from the 2018 2% Occupancy Tax allocation for the Chautauqua County Sewer Agency to fund the expanded scope for the Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into agreements with the Village of Sherman and Town of Mina to implement the actions set forth in this resolution.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 6/8/18 KLC 6/12/18 PMW 6/12/18
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TITLE: Funding in Support of Chautauqua County Residents to attend
The Babe Ruth World Series in Jamestown, New York

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: Chairman Wendel, Legislators Whitford, Wilfong, Nazzaro,
Rankin, Chagnon and Starks:

WHEREAS, the 38th Babe Ruth World Series for 16-18 year olds will be held
August 4-11, 2018; and

WHEREAS, the Babe Ruth World Series will be hosted by the Western New
York State Champions in Jamestown, NY; and

WHEREAS, Babe Ruth teams from all over the United States, including New
England, Middle Atlantic, Ohio Valley, Southeast, Southwest, Midwest Plains, Pacific
Northwest and Pacific Southwest will be participating in the World Series; and

WHEREAS, it is estimated that this event will have an economic impact on
Chautauqua County of from \$1.5 million to \$2 million; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to
enter into an agreement in the amount of \$1,500 of Unrestricted Fund Balance with the
Babe Ruth World Series to provide for free entrance for all Chautauqua County Residents
to the championship game of the series to be held Saturday, August 11, 2018; and be it
further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.917.0000	Unassigned Fund Balance – Unassigned Fund Balance	\$1,500
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$1,500
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Order Extending the South Chautauqua Lake Sewer District

BY: Audit & Control Committee:

AT THE REQUEST OF: County Executive George M. Borrello and
County Legislator Pierre Chagnon:

WHEREAS, the Chautauqua County Legislature adopted Resolution 264-17 determining that the extension of the South Chautauqua Lake Sewer District (the "District") is in the public interest subject to permissive referendum, and

WHEREAS, notice of the adoption of Resolution 264-17 was given and forms for petition for referendum were made available to the public as required by law, and no petition for referendum was received, and

WHEREAS, the permission of the Office of the State Comptroller is required for the extension of the District pursuant to County Law §258, and as authorized by Resolution 319-17, an application on behalf of the County Legislature was made to obtain such permission; and

WHEREAS, the Office of the State Comptroller has issued an order granting permission for the extension of the District dated June 14, 2018; now therefore be it

ORDERED, pursuant to County Law §258, that the South Chautauqua Lake Sewer District be and hereby is extended to include the area described in Resolution 226-17 adopted September 27, 2017, and be it further

ORDERED, That the Clerk of the Legislature shall cause certified copies of this Order to be recorded by the Chautauqua County Clerk and filed in the Office of the State Department of Audit and Control in accordance with County Law §259.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SDC 4.20.18
KMW 4.20.18
SMA 4.23.18
KMD 4/26/18
KLC 4/26/18
GMB 5/3/18

TITLE: Confirm User Charges: North Chautauqua Lake Sewer District

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District, the Administrative Body of the North Chautauqua Lake Sewer District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the North Chautauqua Lake Sewer District, and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective, now therefore be it

RESOLVED, That the *Charges by the North Chautauqua Lake Sewer District*, adopted by the Board of Directors of the North Chautauqua Lake Sewer District as the Administrative Body of such Sewer District and included below, are hereby confirmed.

Charges by the North Chautauqua Lake Sewer District

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers of the North Chautauqua Lake Sewer District.

SECTION II

DEFINITIONS

As used herein, the following terms shall mean and include:

A. *District:* The North Chautauqua Lake Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. *Administrative Head:* The Administrative Head or body of the North Chautauqua Lake Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. *User:* The assessed owner of a parcel of property connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III

UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers of the District shall be determined as follows:

A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries shall consist of one unit.

B. Each separate dwelling unit within one building shall consist of one unit.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.

D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 6-94 to justify increasing a unit allocation.

SECTION IV

SCALE OF CHARGES

Pursuant to Section 266 of the County Law, charges for collection, conveyance, treatment and disposal of sewage shall be as follows.

REGION 1, which includes all properties whose waste is treated by the North Chautauqua Lake Sewer District: \$135.00 per unit per quarter.

REGION 2, which includes all properties whose waste is treated by the Chautauqua Utility District: \$185.00 per unit per quarter.

SECTION V

BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers of the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof for quarters ending on the last day of February, May, August and November, and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the tenth day of the following month, which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

SECTION VI

APPEALS

In accordance with Section 266 of the County Law and Resolution 19-79 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within forty-five (45) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-

0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent.

B. Within forty-five (45) days of the receipt of the appeal, the Board shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

SECTION VII

SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII

EFFECTIVE DATE AND REPEALER

This law shall be effective June 1, 2018. The law confirmed by Resolution 155-13 of the Chautauqua County Legislature shall be repealed prospectively as of May 31, 2018.

THE ABOVE LANGUAGE WAS DULY ADOPTED BY THE BOARD OF DIRECTORS OF THE NORTH CHAUTAUQUA LAKE SEWER DISTRICT

On the 17th Day of April, 2018, after the holding of a Public Hearing as noticed in the attached AFFIDAVITS OF PUBLICATION (County Law §266, and County Legislature Resolution 18-79 as amended by Resolution 37-18).

Date: 4/17/18

/s/ Marty Bova
Martin Bova, Jr., Chair
North Chautauqua Lake Sewer District
Administrative Board



**CHAUTAUQUA COUNTY
OFFICE OF THE COUNTY EXECUTIVE**

Gerace Office Building – 3 N. Erie St. – Mayville, NY 14757-1007
(716) 753-4211 – FAX (716) 753-4756 – borrellog@co.chautauqua.ny.us -
www.co.chautauqua.ny.us

GEORGE M. BORRELLO
County Executive

DRAFT

June ____, 2018

Ms. Katherine K. Tampio
Clerk of the Chautauqua County Legislature
3 North Erie Street, GOB
Mayville, New York 14757

Re: Amendment to the Chautauqua County Administrative Code

Dear Ms. Tampio:

Set forth below are changes to the County's Administrative Code that I am promulgating pursuant to Section 3.02(b) of the Chautauqua County Charter, in follow-up to the Legislature's Charter Amendment assigning administration of the County's Coroner program to the Executive Branch. The below amendments will take effect thirty (30) days after receipt of this letter by the County Legislature, unless rejected by a 2/3rds majority of the County Legislature prior to the expiration of such thirty (30) days.

1. Section 2.02(a), delineating Powers and Duties of the County Executive, is hereby amended to read:

Section 2.02 Powers and Duties of County Executive

The County Executive shall be responsible for the administration of all County affairs. In addition to any other powers and duties provided by this Charter the Executive shall:

- (a) Be the chief executive officer and administrative head of the County government.

The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, ~~Comptroller~~, County Clerk and Board of Elections; (2) the internal functions of the County Legislature; and (3) the administration of the public defender ~~and coroners~~, which shall be the responsibility of the County Legislature.

2. In Article 5, Human Services, "Section 5.06A Division of Youth Bureau" is corrected to read "Section 5.07A Division of Youth Bureau."

3. Article 5, Human Services, is amended by the addition of Section 5.08A Division of Coroners, as follows:

Section 5.08A Division of Coroners.

The Division of Coroners is responsible for administration of the County's Coroner program. Coroners may be recommended by the County's Director of Health and Human Services, and shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature. Coroners shall take direction from and report to the Director of Health and Human Services, and shall comply with such Director's policies and procedures. Notwithstanding any provision in State law to the contrary, coroner compensation may be by salary, by hourly, per diem, or per case rate, or by any other method approved by the County Legislature. The Division of Coroners may secure the services of one or more coroner's physicians, and other program-related services, as needed within budget appropriations. Notwithstanding any provision in State law to the contrary, the Director of Health and Human Services shall be empowered to determine when a coroner's physician shall be required to go to the place where the body is located, and when a coroner's physician is required to jointly take charge of, remove and transport the body.

Sincerely,

George M. Borrello
Chautauqua County Executive