

Regular Meeting  
Chautauqua County Legislature  
Wednesday, March 27, 2019 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:32 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Bankoski, Himelein, Nazzaro)

MOVED by Legislator Vanstrom, SECONDED by Legislator Whitford and duly carried the minutes were approved. (02/27/19)

Legislator Niebel delivered the prayer followed by the Pledge of Allegiance

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

My name is Tina Hastings, my address is 32 Parkway Street, Silver Creek, New York. I'm the executive director of the Tri-County Arts Council, formerly the Cattaraugus County Arts Council. We've been in existence for 20 years and recently changed our name to the Tri-County Arts Council to Serve Chautauqua, Cattaraugus and Alleghany counties. The main purpose of our organization in the beginning was to help administer the New York State Council Arts re-grant program for Cattaraugus County and in 2009 we began administering that for Chautauqua County, as well. This last year, for 2019, we granted out about \$28,000 of funding to small arts organizations and small artists. As part of our rebranding and expansion, we conducted a community survey and asked for letters of support from artists and community members and organizations that we've worked with in the past. Everyone was in support of our name change and geographic expansion. I just want to say that there are so many wonderful, thriving arts organizations in the county representing many diverse forms of art and they serve as drivers of an arts economy and improve the livability of our region and I hope that the resolution before you later this evening you will approve and officially recognize us as the arts council for Chautauqua County so that we can work together on supporting the arts. Thank you.

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**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO  
NO VETOES FROM 2/27/19**

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**COMMENDATIONS:**

**ROBBIE PENHOLLOW  
DIVISION II NYS WRESTLING CHAMPION  
By  
Legislator Mark Odell  
Legislator Lisa Vanstrom**

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6:45 P.M.

**PUBLIC HEARING**

**REGARDING SECOND MODIFICATOIN OF IMPROVEMENTS FOR  
NORTH CHAUTAUQUA COUNTY WATER DISTRICT**

Chairman Wendel: It is now 6:45 p.m., at this time we will open the public hearing regarding the second modification of improvements for the North Chautauqua County Water District. Is there anyone to speak to the public hearing?

My name is Mike Wilson. I live at 3380 East Main Road, Dunkirk, which is actually Route 20 in Sheridan. I'm one of the people that lives in the boundary areas between all kinds of jurisdiction. A couple days ago I sent an email attachment letter to the editor of the Dunkirk Observer with requests to include it in the Jamestown Post-Journal if it was appropriate. Some of you, perhaps many of you, have seen that article today. I have copies with me on both sides of the aisle. The thrust of the request that I made was to hold off any kind of voting until there's better public awareness of the action that's about to be taken. I don't necessarily disagree with the action, and historically I've favored the North County Water District and I've also contributed a lot of my time to (*inaudible*) public water supplies in Chautauqua County. I think there was a rush to notify- and it was not the best job- notifying the public of tonight's hearing. There's a lot of difficulty to obtain information regarding the expansion. There needs to be- for instance, a map of the expansion should have been available on a website in advance to any decision and not after decisions, the economic ramifications, how it effects individuals along the rights of way- there just needs to be a lot more information before the decision. I would really like to see you table the issue, get more information out and then hold the hearing again at the next session. So, that's the thrust of my comments. Thank you.

My name is Barbara Nellis. I live at 5284 Van Buren Road in Dunkirk. Back in 2016 we were told we would have the public water by 2017 and so on and so forth. I don't believe our two houses are getting the water. I watched them run a pipe form Route 5 to the very first house on Van Buren- about 300 feet. The second and third house have it coming down that one street from Route 5. My land is immediately joined to the third house that water and then the next one, 5278 happens to be my son's property. Our houses are sitting there- no water. Then, the Hemmingers(?) the next house, have water coming from Route 5, but across the back of the property. I don't understand -if they ran 300 feet of pipe they couldn't go another few feet to get to our properties that are sitting there with no water. No matter what we do to the well water, it is pretty much not tolerable, so we buy our water. I don't understand why we're being left out.

Chairman Wendel: Is there anyone else to speak to the public hearing? Seeing no one, we'll close the public hearing.(6:52 p.m.)

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**COMMUNICATIONS:**

- 1. Invitation - Silvertree Seniors of Jamestown Tour of Facility**
  - 2. Letter - League of Women Voters – Program on Medical Marijuana**
  - 3. Letter - County Executive – Appointment to Chautauqua County Youth Board**
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**RENEW & AMEND RES. NO. 32-19 - Acceptance of CARTS 5311 2017-2018 Consolidated Grant and 2017 Accelerated Transportation Capital Grant**

Legislator Chagnon: Mr. Chairman, I would make a motion that we renew Resolution 32-19.

Legislator Whitford: Mr. Chairman, I second that.

*Unanimously Carried to Renew*

Legislator Whitford: Mr. Chairman, I would like to make a motion to amend 32-19.

Legislator Chagnon: Mr. Chairman, I would second that motion.

*Unanimously Carried to Amend*

Chairman Wendel: Is there any discussion on the resolution as amended? Anyone? We'll now vote on the amended Resolution 32-19.

**RENEW & AMEND RES. 32-19 – UNANIMOUSLY ADOPTED** as amended

**RENEW & AMEND RES. NO. 46-19 - Amend 2018 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District**

Legislator Chagnon: Mr. Chairman, I would make a motion that we renew Resolution 46-19.

Legislator Whitford: Mr. Chairman, I second that.

*Unanimously Carried to Renew*

Legislator Whitford: Mr. Chairman, I would like to make a motion to amend 46-19.

Legislator Chagnon: Mr. Chairman, I would second that motion.

*Unanimously Carried to Amend*

Chairman Wendel: Is there any discussion on the Resolution 46-19 as amended? Anyone?.

**RENEW & AMEND RES. 46-19 – UNANIMOUSLY ADOPTED** as amended

**TABLED RES. NO. 56-19 - Amend 2018 Budget for Year End Reconciliations – Transfer to Capital**

Legislator Chagnon: Mr. Chairman, I would make a motion to bring Resolution 56-19 off the table.

Legislator Whitford: I second.

*Unanimously Carried*

Legislator Whitford: Mr. Chairman, I would like to make a motion to amend by substitution 56-19.

*Unanimously Carried*

Chairman Wendel: Is there any discussion on 56-19 as amended?

**TABLED RES. NO. 56-19 – UNANIMOUSLY ADOPTED** as amended

**LOCAL LAW INTRO. 1-19 - A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (Re: Probation Department) - UNANIMOUSLY ADOPTED - R/C Vote: 16 Yes; 3 Absent**

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**RESOLUTIONS:**

**RES. NO. 73-19** Board Appointments – North County Industrial Water District No. 1 & North County Industrial Sewer District No. 1, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 74-19** Confirm Appointment - Chautauqua County Youth Board, by Human Services Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 75-19** Authorizing Public Hearing Regarding a Potential Application for 2019 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office Of Community Renewal

and the Uses of Said Funding, by Human Services Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 76-19** Authorizing Public Hearing Regarding a Potential Application for 2019 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 77-19** Designating Tri-County Arts Council as the Official Arts Council for Chautauqua County, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 78-19** Authorize Contracts and Agreements with Local Police Departments For 2019-2020 STOP-DWI Enforcement Efforts, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 79-19** Authorize Acceptance of Indigent Legal Services Grant for the Period April 1, 2018 to March 31, 2023, by Public Safety and Audit & Control Committees

Chairman Wendel: I would just like to express my excitement and congratulations to our Public Defender, Mr. Ned Barone. This grant will be somewhat life changing in that office. His efforts have certainly been recognized by the New York State Office of Indigent Legal Services, so I'd like to commend him and his staff for all their efforts in what will be a very important and sustainable grant from now until 2023.

Mr. Barone: Thank you Mr. Chairman.

**RES. NO. 79-19 – UNANIMOUSLY ADOPTED**

**RES. NO. 80-19** Authorize Lease Agreement with Lynn Development, Inc. for Office Space For the Office of the Public Defender, by Public Safety and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

**RES. NO. 81-19** Approving SEQRA Findings in Relation to the Second Modification of the Map And Plan for the North Chautauqua County Water District, by Public Facilities, Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 82-19** Determining that it is in the Public Interest to Make a Second Modification to The Map and Plan for the North Chautauqua County Water District, by Public Facilities, Planning & Economic Development and Audit & Control Committees:

Legislator Niebel: Mr. Chairman, we've had public notices in the print media, the County has complied with everything legally that we've had to do. We even had notification of the water district modification plan last month- resolution 29-19. So, with

the construction season ready to begin and bids needing to be let out, I'm in favor of this resolution at this time.

Chairman Wendel: Any other discussion?

**RES. NO. 82-19 – UNANIMOUSLY ADOPTED**

**RES. NO. 83-19** Authorize Use of 3% Occupancy Tax Monies to Assist the 2019 75<sup>th</sup> Anniversary Gerry Rodeo Event, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 84-19** Modifying Allocation of 2% Occupancy Tax Funding for Cleanup of Burtis Bay On Chautauqua Lake, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 85-19** Authorize Use of 2% Occupancy Tax Monies to Retain Professional Services To Complete and Implement the Chautauqua Lake Weed Management Consensus Strategy, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: To ride on the shirt-tails of County Executive Borrello's historic media event today where he and the team introduced the memorandum of agreement as part of the overall Chautauqua Lake management strategy -this resolution will allow our consulting partner E&E to help implement the (*inaudible*) strategies. I would encourage full support from my colleagues here to demonstrate this Legislature's unified stance in this endeavor, not only to our constituents, but also to the regional and state stakeholders and maybe purse-holders who may be poised to assist us and are watching these outcomes very, very closely.

**RES. NO. 85-19 -- UNANIMOUSLY ADOPTED**

Legislator Vanstrom: Mr. Chairman, I'd like to make a motion to block resolutions 86-19 through 90-19.

Legislator Wilfong: Second.

*Unanimously Carried*

**RES. NO. 86-19** Authorize Agreement with County of Chautauqua Industrial Development Agency For Attraction and Development of Tourism Related Businesses, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 87-19** Authorize Agreement with the County of Chautauqua Industrial

Development Agency for Industrial Development and Promotion, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 88-19** Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 89-19** Authorize Extension of Lease Agreement for Department of Planning & Development, Division of Economic Development at The BWB Center, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 90-19** Authorize Agreement with Small Business Development Center at Jamestown Community College, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 91-19** Amend 2018 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District (NCLSD), by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 92-19** Amend 2018 Budget for Year End Reconciliations – Health Insurance Fund, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 93-19** Amend 2018 Budget for Year End Reconciliations – Liability Insurance Accounts, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 94-19** Amend 2019 Budget for Vehicle Replacement–Information Technology Services–Office Services, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 95-19** Amend 2019 Budget for Feasibility Study for Hops/Barley Economic Development Project, by Planning & Economic Development and Audit & Control Committees

Legislator Hemmer: Concerning this proposed resolution- if we were talking about \$20,000 to provide an emergency (*inaudible*) emergent crop specialist in Chautauqua County, I'd be all for it, but for the current resolution that's before us, I'm going to vote against it because I believe it will not get us where we want to go.

Legislator Odell: One of the best parts of sitting not only on the IDA board, but also on this Legislature's Chairman of Planning & Economic Development Committee, is seeing many of the innovative and unique proposals entering the pipeline. Some are good, some aren't that good, but this one is poised to be a game changer especially for

the farmers and the agri-business sector in providing new crop opportunities, but more importantly being able to process them locally and distribute them widely. This project and several of its key features and benefits was presented to us as part of County Executive Borrello's State of the County Address last month and was supported not only by our Planning Board, but also all three Community Foundations, which is pretty unheard of. I encourage everyone else's support as well.

Legislator Gould: Can we have a roll call vote on this?

Chairman Wendel: Yes, we will.

Legislator Rankin: I have a comment. I know a limited amount about the specifics of hops and barley production. Recognizing that there may be some challenges, as suggested by some of my esteemed colleagues. I also recognize that there are potential benefits. We, as a County, are seeking economic development and our agricultural industry is a great place to do it. I would support this feasibility study so that we, as a Legislative body, can make the best possible well informed decision regarding hops and barley opportunities in Chautauqua County.

Chairman Wendel: Any other discussion?

**RES. NO. 95-19** – R/C Vote: 12 Yes; 4 No; 2 Absent (No: Davis, Gould, Hemmer, Pavlock) - **ADOPTED**

**RES. NO. 96-19** Amend 2019 Budget for Additional Capital Project: Development of a Brownfields Inventorying and Marketing Strategy, by Planning & Economic Development and Audit & Control Committees

Legislator Wilfong: This is resolution is crucial to move the brownfield sites into an organized inventory and get these brownfield buildings taken down and get the properties back into use and back on the tax rolls.

**RES. NO. 96-19** – **UNANIMOUSLY ADOPTED**

**RES. NO. 97-19** Amend 2019 Budget for Additional Capital Project: Fiber Optic Cable to Businesses In and Around Stoneman Industrial Park, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 98-19** Amend 2019 Budget Appropriations and Revenues in the County Road Fund (D Fund), by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

**RES. NO. 99-19** Authorize Director of Finance to Increase Appropriations for PIN 5762.12 County Bridge 998 Replacement, by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**



**RES. NO. 100-19** Authorize Purchase of Property at 29 North Erie Street in Mayville New York, by Public Facilities and Audit & Control Committees

Chairman Wendel: I would just like to thank Mr. Bentley for his diligence in getting this acquisition. I'm looking forward to the expansions, as projected. Thank you.

**RES. NO. 100-19 - UNANIMOUSLY ADOPTED**

Chairman Wendel: Before you, you have an emergency resolution 101-19.

Moved by Legislator Chagnon, Seconded by Legislator Wilfong to move RES. NO. 101-19 to the floor.

*Unanimously Carried*

**RES. NO. 101-19** Approval of Chautauqua Lake Weed Management Consensus Strategy Memorandum of Agreement

Legislator Chagnon: We're very grateful for County Executive Borrello taking the initiative to develop a consensus strategy for the management of macrophytes in Chautauqua Lake. His excellent leadership in seeking consensus and developing the strategy was essential in accomplishing this historic undertaking.

Chairman Wendel: Thank you. Anyone else to speak?

Legislator Rankin: I would like to commend and thank everyone who worked so hard to put this together. There are so many various opinions and a lot of documentation and information that goes into it and we know that there's been a lot of contention in the past. The nice thing about this is we can see us moving towards consensus where we can actually get something done, so thank you to everyone that helped put this together.

Chairman Wendel: Anyone else to speak? I would just like to add- I'd like to thank Mr. Chagnon for all of his work. This has really been going on since about last year when we were approached by a group and asked for leadership in Chautauqua County to take efforts in Chautauqua Lake. At that point, we did just that. The efforts that were undertaken were monumental. This is going to be a new and exciting future for Chautauqua Lake and those involved. I'm happy to see where this is going to go.

**RES. NO. 101-19 - R/C Vote: 16 Yes; 3 Absent - UNANIMOUSLY ADOPTED**

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## ANNOUNCEMENTS

Legislator Chagnon: After last week's Audit & Control Committee meeting, which the Vice Chair, Chuck Nazzaro was unable to attend because he's in Florida, I shared with my esteemed colleague a lot of the information that we gathered from that meeting and I would like to briefly update the Legislature at this time.

The financial results for 2018 indicated that we had some revenue shortfalls. In particular, we have an interfund transfer in the budget for \$269,000 that did not happen as a result of the energy plant not generating a profit. This will not be an issue in the 2019 budget due to the initiation of the renewable natural gas project.

New York State aid was short by \$725,000 as a result of the tribal compact revenue not received. This concern remains for the 2019 budget.

Other property tax items were short by \$668,000 due to net loss on property tax auction of \$340,000 and lower than expected interest and penalty income of \$328,000. At this point, we already anticipate at least \$100,000 net loss on the 2019 property tax auction due to a large bankruptcy involving many properties. Real property taxes were short by \$1,188,000 due to reclassification of delinquent taxes reclassified as unavailable. Finance is still pursuing an understanding of this item.

Health and Human Services revenue was short of budget by \$2,163,000 due largely to reimbursement rates below budget. We are awaiting a comprehensive report from the department.

Emergency Services, excluding the fly car, most of their revenue shortfall was related to grant revenue not received, which was offset by expenses not being incurred. The fly car program results are progressing as anticipated in the 2019 budget with call volume actually exceeding expectations, but the launch of the ambulance was delayed and an ambulance was finally purchased last week.

For the Sheriff, most of the revenue shortfall was related to grant revenue not received, which was offset by expenses not being incurred. Revenue from STOP-DWI, fines and pistol permits were short of the overly optimistic budget, but for 2019 the budget is much more realistic. Overall, the grand total for the Sheriff was only \$85,000 over budget- only 0.4%.

These major revenue shortfalls in the 2018 financial results were offset by reduced expenditures and in some cases, revenues above budget in areas such as sales tax and interest earnings. The bottom line for 2018- unaudited, I would note- for the general fund was \$3,575,000 worse than budget. In addition, the D fund went from a balance at the beginning of last year of \$1,950,000 to a deficit at the end of the year of \$1,736,000- \$3,086,000 worse than budget. So, we have a lot of work to do. I have set up a meeting for when Chuck Nazzaro returns with the County Executive and the Finance Department staff to develop a plan of action to address the 2018 results plus the implications for 2019. Thank you.

Chairman Wendel: Anyone else to speak under announcements?

Legislator Vanstrom: The annual Linda Kay memorial Easter egg hunt will be held on Saturday, April 20<sup>th</sup> at 10 a.m. at the Falconer Park. Bring your own basket and all ages are welcome.

Legislator Hemmer: I have a couple announcements that are actually for May, so we're getting a little bit of a jump on it. May 4<sup>th</sup> is a shred it event at Westfield Hospital parking lot. \$10 per container to get your old records shredded. The other one is the 2019 vintage book and paper show and sale. That's also on May 4<sup>th</sup> at 10 a.m. at Eason Hall in Westfield.

Chairman Wendel: Thank you. Anyone else for announcements?

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## **2<sup>nd</sup> Privilege of the Floor**

Good evening and thank you for letting me speak. My name is Paul Wallenhorst I live at 3470 Lakeshore Drive in Dunkirk- physically in the Town of Sheridan. I'm asking a question as an individual and also as a member of the Town of Sheridan board of tax assessment and a former zoning board of appeals member and planning board member for the Town of Sheridan- specifically regarding two resolutions that were approved- 81-19 and 82-19. This specifically affects me as I found orange marker cones in my driveway today and they're going to put in a twelve inch line, which is fine. I have no objections whatsoever. Two questions that come to my mind- one is from the perspective of the board of tax assessment review. Are we going to anticipate any increases or changes in tax assessments and how do we do our job in that regard if there (*inaudible*) questions relative to the amount of an assessment change relative to whatever cost an individual may have sustained. The first part is the tax assessment side, the second side is as an individual, what cost will we be assessed for the work that's being done? I've heard nothing. Can anyone help me on this?

Legislator Niebel: As far as the tax assessment issue, there won't be any tax assessment increase. Kathy, is that correct?

Clerk Tampio: Not to our knowledge. It's just a transmission main that transfers water from our supplier in the City of Dunkirk to all the municipalities.

Mr. Wallenhorst: So the adjustments stay constant?

Clerk Tampio: As far as I know.

Legislator Niebel: I'm in agreement with Kathy. What we're talking about is user fees. Anybody that hooks into the North County Water District down there will of course pay for the usage of the water.

Mr. Wallenhorst: Is there a charge associated with either the line running across ones property-

Legislator Niebel: You mean the hookup, Paul?

Mr. Wallenhorst: Either the fact that when the line is established it's a new line, or the hookup?

Legislator Niebel: There'll be a meter pit and the charge for that- Kathy? \$750?

Clerk Tampio: Approximately.

Legislator Niebel: But as far as the water line running to a residential house- you can either pay a contractor to do that, or you can do it yourself.

Mr. Wallenhorst: I understand that- \$750 for the pit fee, but for the actual cost of the pipe that runs across- the number of linear feet that a person has in their property- there's no attached associated cost with that?

Clerk Tampio: No.

Legislator Niebel: No, I think that's up to the-

Clerk Tampio: That's up to the Town of Sheridan. If you're not already in a Town of Sheridan water district, they would establish a water district. I can't image there would be much of cost because this transmission main is being paid for entirely by the North Chautauqua Water District, which is just a water supplier. So, the District supplies water to the Town of Sheridan and charges them so much money per thousand gallons and in turn, the Town of Sheridan bills their individual home customers based on that cost that they have to pay plus any other costs that are a part of the district.

Mr. Wallenhorst: Understood. Thank you.

Legislator Niebel: Paul, the town can add an operational fee to the charge.

Mr. Wallenhorst: OK.

Legislator Niebel: What was your second question?

Mr. Wallenhorst: It was relative to the infrastructure itself, but I had the answer to that already. There's no infrastructure cost.

Legislator Niebel: It's pretty much covered by grants.

Mr. Wallenhorst: Great, thank you.

Chairman Wendel: Anyone else to speak to the privilege of the floor?

County Executive Borrello: I just wanted to thank you all for your leadership tonight in supporting this consensus strategy- memorandum of agreement. I really want to say that this leadership is a symbol and a sign to all those other folks out there that we

are asking to sign onto this and become part of the solution that is ultimately going to lead to a healthier and more usable Chautauqua Lake. Thank you all for your leadership on this and I also want to thank Pierre for all he has done to be a part of this whole effort, Mark Geise who has really been the architect behind this and Dave McCoy our watershed coordinator and anyone else I'm leaving out. So, I believe this was a historic day and the start of a new era and a positive move forward for us for the entire County. Thank you very much.

Chairman Wendel: Anyone else to speak to the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:25 p.m.)

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