

Regular Meeting
Chautauqua County Legislature
Wednesday, April 24, 2019 6:30 p.m.
Mayville, N.Y. 14757

Clerk Tampio called the meeting to order at 6:34 p.m.

Clerk Tampio: If there are no objections, Chairman Wendel has designated Legislator Chagnon to act as Chairman in his absence.

Clerk Tampio called the roll and announced a quorum present. (Absent: Wendel, Wilfong, Vanstrom)

Acting Chairman Chagnon: I would like to ask for a moment of reverent silence in memory and recollection of Legislator Himelein who passed away recently and former Legislator Don Ahlstrom. So, please join me in a moment of reverent silence.

Acting Chairman Chagnon: Thank you.

Legislator O'Connell delivered the prayer followed by the Pledge of Allegiance

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (03/27/19)

1st Privilege of the Floor

Acting Chairman Chagnon: Is there anyone to address the Legislature at the Privilege of the floor? Anyone?

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

COMMENDATIONS:

**DUNKIRK MARAUDER BOWLING TEAM
STATE CHAMPIONSHIP**

**By
Legislator Kevin Muldowney
Legislator Robert Bankoski**

6:35 P.M.

PUBLIC HEARINGS**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**

Clerk Tampio: (6:42 p.m.) I have a statement to read preliminary to the comments. The purpose of this hearing is to solicit public comments on the County of Chautauqua's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 program year. The CDBG program is administered by the New York State Office of Community Renewal (OCR), and will make available to eligible local governments approximately \$10 million for housing, economic development, public facilities, public infrastructure, public facilities, microenterprise and community planning activities, with the principal purpose of benefitting low/moderate income persons. Cities/towns/villages with a population under 50,000 and counties with populations under 200,000 are eligible to apply. All activities within the CDBG program must meet an eligible national objective as defined by the Housing and Community Development Act of 1974. Households at or below 80% of the area median income are defined as low-and moderate income. Current income limits are as follows:

Family of One	\$36,050
Family of Two	\$41,200
Family of Three	\$46,350
Family of Four	\$51,540
Family of Five	\$55,600
Family of Six	\$59,700

Income limits continue to increase as family size increases.

One current proposal being considered is to request \$204,500 to provide assistance with the repair or replacement of existing household septic systems and/or install treatment on water wells for eligible low-income homeowners. Assistance will be provided to eligible homeowners to make repairs to septic systems that are found to be in violation of the Sanitary Code of the Chautauqua County Health District. Additionally assistance will be provided to eligible homeowners to upgrade water wells with insufficient water supply or wells that are contaminated with bacteria. This proposal not only protects the health and safety of the residents and their neighbors, but also reduces the nutrients that enter the watershed from inadequate septic systems and contribute to harmful algal blooms in our lakes.

Acting Chairman Chagnon: Is there anyone wishing to comment on this public hearing? Anyone wishing to address this public hearing? Hearing none, I will close the public hearing and we will move to the second public hearing. (6:45 p.m.)

6:35 P.M.

**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**

Clerk Tampio: *(6:46 p.m.)* The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title 1 of the Housing and Community Development Act of 1974 and administered by the United States Department of Housing and Urban Development (HUD). Funds are provided directly by HUD to large municipalities (generally over 50,000 in population for cities, villages, and towns and 200,000 for counties) through the Formula Entitlement program. For all other municipalities, the New York State Office of Community Renewal (OCR) is New York State's designated agency for distributing CDBG funds through the Small Cities program. The CDBG program provides grants to municipalities in order to ensure safe, decent, and affordable housing; assist businesses and activities that will create and retain employment opportunities; and provide improved public facilities and services. The OCR generally only funds projects or activities where at least 51% of the activity beneficiaries are low-to moderate-income persons (LMI). A low- or moderate-income person is one who is a member of a family whose income is at or below 80% of the area median income established by the U.S. Department of Housing and Urban Development.

Municipalities intending to apply for CDBG funding are required to hold a public hearing prior to submitting the application. The hearing is for the purpose of (i) soliciting public input regarding community development and housing needs in the municipality; and (ii) soliciting public comment regarding any specific activities proposed for submission.

If funding is awarded, a second public hearing will be required during the implementation phase of the project or activity the CDBG funds are supporting.

At present, the County is considering the submission of a CDBG application to provide a grant to the Chautauqua Region Economic Development Corporation for the purpose of providing financing in support of new commercial operations at the Lodge at Chautauqua Lake, to be located on Route 394, Chautauqua Lake in Mayville, New York. The commercial capital budget is estimated to be \$3 million and the project will create over 30 full-time equivalent jobs, the majority of which will be made available to low- and moderate- income individuals.

Any person wishing to make comments regarding community needs or the proposed project is now invited to do so.

Acting Chairman Chagnon: Is there anyone wishing to address this public hearing at this time? Anyone wishing to address the public hearing? Hearing none, I will close the public hearing. *(6:48 p.m.)*

COMMUNICATIONS:

Clerk Tampio: The Legislature is in receipt of the seven communications as listed on the agenda this evening and there are three additional communications that we received today and I will list them for you. One is a letter from the New York State Ag and Markets regarding a notice to conduct a review of county ag district number 13. The second is a communication for the election commissioner certification in regards to one of the resolutions being presented tonight for the democratic election commissioner. The third one is the investment report for March of 2019. Are there any items you wish to be read aloud? If you'd like copies of any of these items, please let our office know.

Acting Chairman Chagnon: Thank you.

- 1. Letter – Appointment to Cornell Cooperative Extension Board**
- 2. Letter – District Attorney - Re: Succession of Powers and Duties within DA's Office in event of Vacancy or Absence**
- 3. Letters(2) – District Attorney – Oath of Office**
- 4. Report – Fn. Director Crow – Investment Report – February 2019**
- 5. Report - Chautauqua County Land Bank Corporation – Annual Report**
- 6. Certificate to fill Vacancy on County Legislature – District 18**
- 7. Certificate of Acceptance to Fill Vacancy – Martin J. Proctor**

- 8. Letter – New York State Ag & Market – Re: review of Ag District 13**
- 9. Certificate – Election Commissioner**
- 10. Report – Investment Report - Fn. Director Crow**

RESOLUTIONS:

Legislator Nazzaro: We have two emergency resolutions on our desk tonight and I would like to make a motion to take one of them out of order. The one I would like to take out of order is the appointment of Martin J. Proctor as Legislator from District 18 to fill the vacancy of the untimely death of Mr. Himelein.

Acting Chairman Chagnon: Thank you.

Legislator Bankoski: I'd like to second that.

Acting Chairman Chagnon: OK. Discussion on the emergency resolution? Any questions or comments? At this time we will have a vote to bring this emergency resolution to the floor. All those in favor please say aye? Opposed?

Unanimously Carried

RES. NO. 122-19 Appointment of Martin J. Proctor as Legislator from District 18, Towns of Chautauqua Districts-1,2,3, Mina, Sherman and the Villages of Mayville and Sherman, NY- R/C Vote: 15 Yes; 3 Absent - UNANIMOUSLY ADOPTED

Acting Chairman Chagnon: Mr. Proctor, would you join us please? Now you get to vote.

RES. NO. 102-19 Confirm Appointment - Norman P. Green (D) Commissioner of Elections

Legislator Niebel: Mr. Chairman, I'll be voting in favor of this resolution for a number of reasons. This year we've seen some of the most significant changes in the State election law in the past 50 years. We'll have a June primary, we'll have early voting, we'll have changes in the absentee balloting procedure- I don't think there is any question that Mr. Green is qualified for the position of election commissioner. He's been doing the job since 1999. He's been on the State Election Commissioners executive committee for a number of years. In fact, he's even been the past president of the State Election Commissioners Association, which is a real honor. He does a very good job as election commissioner. Look, this resolution is a result of a recommendation from the Democratic County Committee. My position in the past has been to honor the recommendation of political parties. I don't believe that we should be interfering in the internal workings of political parties and for those reasons I'll be voting in favor of resolution 102-19.

Acting Chairman Chagnon: Thank you. Other questions or comments on the proposed resolution?

RES. NO. 102-19 - R/C Vote: 15 Yes; 1 No; 3 Absent – (No: Scudder) - ADOPTED

RES. NO. 103-19 Confirm Re-Appointment - Portland-Pomfret-Dunkirk Sewer District Board, by Public Facilities Committee - UNANIMOUSLY ADOPTED

RES. NO. 104-19 Confirm Re-Appointments - Chautauqua County Youth Board, by Human Services Committee - UNANIMOUSLY ADOPTED

RES. NO. 105-19 Authorize Supplemental Agreement No. 3 with NYSDOT for PIN 5758.45, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 106-19 Amend 2019 Budget Appropriations and Revenues – Capital Improvements, Funded Bridges & Road (D Fund) , by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 107-19 Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.26, Dale Drive Shoulder Expansion, by Public Facilities and Audit & Control Committees

Legislator Odell: Thank you, Mr. Chairman. Almost two years ago to the day we learned of this funding award through the State Transportation Alternatives Program and authorized the engineering portion of the project, which was completed back in 2018. I'd like to commend the DPF and our Planning and Community Development teams for their internal collaboration, as well as their external collaboration with the Village of Cassadaga and the Citizens for a Better Cassadaga in making a strong and very sound proposal in order to win this funding award for a growing jewel within the County. This is a great leverage dollar project- I know we're all in favor of leveraging dollars and it's going to enhance the safety and well-being not only for our county citizens, but also for the 30,000 plus and growing number of tourists that are venturing down this pathway by car, bike and now by foot. Thank you.

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

RES. NO. 107-19 – UNANIMOUSLY ADOPTED

RES. NO. 108-19 Abolish Petty Cash Funds That Are No Longer Needed, by Public Facilities, Public Safety, and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 109-19 Amend 2019 Budget Appropriations–Vehicle Purchase Allocations, by Public Facilities, Public Safety, Human Services, and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 110-19 Amend 2019 Budget Appropriations–Depreciation Expenses for Enterprise Funds, Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 111-19 Amend 2018 Budget for Year End Reconciliations – Information Technologies and Communications System, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 112-19 Authorize Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 113-19 Authorize Extension of Voter Education/Poll Worker Training and the New York State Poll Site Access Improvement Grant, by Administrative Services and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 114-19 Authorize Memorandum of Understanding with Cattaraugus County Sheriff's Office, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 115-19 Amend 2018 & 2019 Budgets for Grant Equipment Revenue – Office of the Sheriff, Public Safety Communications Network, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 116-19 Amend Chautauqua County Health & Human Services 2019 Budget for Rollover of Public Health Emergency Preparedness Program Opioid Crisis Funding, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 117-19 Amend 2019 Budget for Equipment Purchases for Environmental Health Childhood Lead Poisoning Primary Prevention Program, by Human Services and Audit & Control Committees **-UNANIMOUSLY ADOPTED**

RES. NO. 118-19 Authorize Grant Application for 2019 Community Development Block Grant Funding through the New York State Office of Community Renewal, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 119-19 Establishment of a Chautauqua County Food Policy Council, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 120-19 Town of Busti Stormwater Project - Confirm Prior Match Commitment, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 121-19 Amend 2018 Budget for Year End Reconciliations – Final Adjustments, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

Legislator Nazzaro: Thank you Mr. Chairman. I would like to make a motion to bring to the floor the second emergency resolution to authorize a grant application for 2019 community development block grant funding for which we had a public hearing at the beginning of the meeting.

Legislator Bankoski: I'd like to second that.

Acting Chairman Chagnon: Thank you very much. At this point we will vote to bring this to the floor. All those in favor of bringing this emergency resolution to the floor please say aye? Opposed?

Unanimously Carried

RES. NO. 123-19 Authorize Grant Application for 2019 Community Development Block Grant Funding through the New York State Office of Community Renewal – Septic and Wells Program – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS

Acting Chairman Chagnon: Are there any announcements?

Legislator Odell: I have one. We have a big (*inaudible*) trust from Albany out here for tomorrow's training at the MTI Institute of Jamestown Community College. I'd like to thank Dan DeMarte for hosting our delegation tomorrow as we do some training for (*inaudible*) New York Program with the New York State Energy Research and Development Authority. Thank you to JCC and all of those that helped put it together.

Acting Chairman Chagnon: Thank you.

2nd Privilege of the Floor

Acting Chairman Chagnon: Anybody wishing to address the second privilege of the floor?

My name is Peggy Newell and I live in Burtis Bay in the Village of Celeron. My husband Mike wanted to be here very much tonight, but he's home sick and didn't want to spread his germs. We have been advocating for the last 6 months- many of you are aware that I spoke here back in November about the concern we had for what was happening in our bay. There was a massive fish kill in the fall, weeds accumulated and we were very concerned. Several others have spoken before this body as well and other municipalities.

Mr. Borrello has just informed us that a plan is in effect and for that, we are eternally grateful for all of you who made that possible. Thank you so much.

Acting Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Whitford and duly carried the meeting was adjourned. (7:05 p.m.)

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