

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

Chairman Wendel called the meeting to order at 6:40 p.m.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (1/23/19)

Legislator Nazzaro delivered the prayer followed by the Pledge of Allegiance

1st Privilege of the Floor

No one chose to speak at this time.

**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 01/23/19**

COMMUNICATIONS:

1. Letter –Resignation - L.J. Foster as Deputy Clerk/Chaut. Co. Legislature
 2. Letters(4) – County Executive – Appointments to Various Boards
 3. Report – Fn. Director Crow – Investment Report – December 2018
 4. Report – Fn. Director Crow – Investment Report – January 2019
 5. Letter – District Attorney – Re: Succession of Powers & Duties within DA’s Office in Event of Vacancy or Absence
 6. Annual Report for Chautauqua County Land Bank Corporation
 7. Annual Report – Small Business Development Center – 2018
 8. Quarterly Report – Small Business Development Center – 10/1/18 - 12/31/18
 9. Orange County Legislature – Re: Res. 45-19; Calling for NYS Legislative Action to Classify as Controlled Substances Certain Fentanyl “Analogues” that are Responsible for Opioid Overdose Deaths
 10. Letter – NYS Dept. of Public Service – Re: Granting of Ball Hill Wind Energy, LLC, (Ball Hill) Approval for a Wind-Powered Electric Generation Facility Letter – NYS Department of State – Re: Ack. Receipt of LL 1-19 (Amending Code of Ethics)
 11. Letter – NYS Department of State – Re: Ack. Receipt of LL 1-19 (Amending Code of Ethics)
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STATE OF THE COUNTY ADDRESS
By
COUNTY EXECUTIVE BORRELLO

(See link below)

<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/2629>

RESOLUTIONS:

RES. NO. 24-19 Confirm Re-Appointments – Parks Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 25-19 Confirm Re-Appts. – Chaut. Co. Soil & Water Conservation District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 26-19 Confirm Re-Appointments - Chautauqua County Planning Board, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 27-19 Confirm Appointments - Chautauqua County Land Bank Board of Directors, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 28-19 Appoint Jail Medical Director, by Public Safety and Human Services Committees – UNANIMOUSLY ADOPTED

RES. NO. 29-19 Authorizing Public Hearing Regarding Second Modification of Improvements for North Chautauqua County Water District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 30-19 NCLSD Chautauqua Shores I & I Study Grant, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 31-19 NCLSD Chautauqua Shores I & I Study SEQR Determination, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 32-19 Acceptance of CARTS 5311 2017-2018 Consolidated Grant & 2017 Accelerated Transportation Capital Grant, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 33-19 Process for Designation of Tax Foreclosed Properties for Potential Transfer to Chautauqua County Land Bank Corporation, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 34-19 Authorize Fire Service Loan to Findley Lake Fire Department, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 35-19 2017 Hazardous Materials Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 36-19 Fiscal Year 2018 Hazardous Materials Emergency Preparedness (HMEP) Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 37-19 Amend Budget Appropriations & Revenues Associated w/ Vehicle Purchases by the District Attorney, by Public Safety and Audit & Control Committees

Legislator Vanstrom: Thank you Chairman Wendel. I'll be voting no this evening on resolution 37-19 based on the fact that this purchase was an unbudgeted expense and it was an inappropriate purchase as was stated from the original budget we passed in 2018. Thank you.

Legislator Odell: Thank you, Mr. Chairman. In simplest terms, if a contractor is working on your house and they want to do an upgrade to your project- maybe a gold plated door, they're going to ask permission first. They can't just go and bill you for that. Budgets and departmental plans are all expected to be adhered to by all the various department heads. If there is a perceived need to adjust, there is a process to request these adjustments by the Legislature before the action is taken; not after the fact, barring emergencies, of course. As you'll all recall our esteemed County Executive brilliantly and with great zeal demonstrated the bushel full of pennies business theory in his budget presentation last fall. This resolution demonstrates, in my opinion at least, pennies coming out of the basket that appear to be unwarranted. As a steward of the public trust I cannot support this resolution.

Chairman Wendel: Thank you.

Legislator Wilfong: Thank you, Mr. Chairman. Once again we have another example of an indiscriminate spending by the government entity. The DA's Office should be held accountable for the overages that were acquired when purchasing vehicles that were not on budget. It's just simple math. You can't spend more than you have. I'm asking each one of my fellow legislators to vote no on this resolution and make the DA's Office absorb this vehicle overcharge into its budget, where it should be. Thank you.

Legislator Niebel: I understand the concerns raised by Mrs. Vanstrom, Mr. Odell, and Mr. Wilfong, but look, this resolution is basically an accounting function that really doesn't have an effect on his overall budget. Now, as far as the DA exceeding his capital budget, this is really an oversight that will be addressed going forward. Therefore, I will be voting yes on this resolution.

Chairman Wendel: Thank you. Anyone else to speak to this resolution?

Legislator Muldowney: I will also be voting in favor of this resolution. As a member of the Audit & Control Committee, we request department heads to come before us. Sometimes the meetings are rather lengthy- three and a half to four hours. I would have liked to have heard from the District Attorney on why this happened. He did send somebody else and my understanding is that he did send a representative to the Public Safety Committee, also. I just would have liked to have heard from the department head, but I will be in favor passing this.

Chairman Wendel: Thank you. Anyone else to speak to this resolution?

Legislator Hemmer: I also agree that this resolution points out clearly that once again the District Attorney overstepped his bounds and made a mistake. I think that this resolution is structured so that the District Attorney's budget is affected in the future, so I will be voting for this resolution.

Chairman Thank you. Thank you. Anyone else to speak to this resolution?

Legislator Wilfong: Could I ask for a roll call vote?

RES. NO. 37-19 – R/C Vote: 12 Yes; 5 No; 2 Absent - (No: Odell, Rankin, Scudder, Vanstrom, Wilfong) - **ADOPTED**

RES. NO. 38-19 Authorize Use of 3% Occupancy Tax Monies to Repair Decaying Roof on the Sheridan Historical Society Building, by Planning & Economic Development and Audit & Control Committees

Legislator Niebel: Mr. Chairman, passage of this resolution will allow the Sheridan Historical Society to replace the roof on their building. I'd like to thank County officials, Mark Geise, Don McCord, Kathy Tampio and Kathleen Dennison for their assistance and also County Executive George Borrello for co-sponsoring this resolution. I appreciate the Legislatures consideration.

RES. NO. 38-19 – UNANIMOUSLY ADOPTED

RES. NO. 39-19 Authorize Chautauqua County to Enter into Agreement w/ the Town of Chautauqua to Operate Lake Maintenance Equipment, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 40-19 Increase the Membership of the Chautauqua County Sewer Agency Pursuant to Article 5-A of the County Law, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 41-19 Close Capital Projects, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

Legislator Chagnon: Mr. Chairman, I would like to make a motion that we block resolutions 42 through 64.

Legislator Nazzaro: I'll second that.

Chairman Wendel: Any discussion? All those in favor of blocking resolutions 42-64 signify by the usual sign.

Unanimously Carried

RES. NO. 42-19 Amend 2018 Budget for Year End Reconciliations – Public Facilities, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 43-19 Amend 2018 Budget for Year End Reconciliations – Public Facilities Maintenance of Roads and Capital Improvements, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 44-19 Amend 2018 Budget for Year End Reconciliations – Public Facilities Road Machinery, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 45-19 Amend 2018 Budget for Year End Reconciliations – Landfill /Environment, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 46-19 Amend 2018 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 47-19 Amend 2018 Budget for Year End Reconciliations – South & Center Chautauqua Lake Sewer Districts (SCCLSD), by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 48-19 Amend 2018 Budget for Year End Reconciliations – Board of Elections, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 49-19 Amend 2018 Budget for Year End Reconciliations – County Clerk, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 50-19 Amend 2018 Budget for Year End Reconciliations – County Executive, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 51-19 Amend 2018 Budget for Year End Reconciliations – Finance, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 52-19 Amend 2018 Budget for Year End Reconciliations – Human Resources, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 53-19 Amend 2018 Budget for Year End Reconciliations – Information Technology Services, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 54-19 Amend 2018 Budget for Year End Reconciliations – Law Department, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 55-19 Amend 2018 Budget for Year End Reconciliations – Liability Insurance Accounts, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 56-19 Amend 2018 Budget for Year End Reconciliations – Transfer to Capital, by Administrative Services Committee (Tabled by Audit & Control Committee)

Legislator Chagnon: I would like to make a motion that we table resolution 56-19 as this resolution was tabled in the Audit & Control Committee.

Chairman Wendel: So moved.

Legislator Nazzaro: I'll second.

Chairman Wendel: I have a motion that's been made and seconded. All those in favor of tabling resolution 56-19 signify by the usual sign. Opposed?

RES. NO. 56-19 – TABLED - UNANIMOUSLY CARRIED

RES. NO. 57-19 Amend 2018 Budget for Year End Reconciliations – Assigned Counsel/Conflict Administrator, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 58-19 Amend 2018 Budget for Year End Reconciliations – District Attorney's Office, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 59-19 Amend 2018 Budget for Year End Reconciliations – Emergency Services, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 60-19 Amend 2018 Budget for Year End Reconciliations – Probation, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 61-19 Amend 2018 Budget for Year End Reconciliations – Office of the Sheriff, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 62-19 Amend 2018 Budget for Year End Reconciliations – Veterans Service Agency, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 63-19 Amend 2018 Budget for Year End Reconciliations – Office for the Aging, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 64-19 Amend 2018 Budget for Year End Reconciliations – Health & Human Services, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

Chairman Wendel: All those in favor of the resolutions as read with the exception of 56-19, signify by the usual sign. Opposed?

RES. NO. 42-55 & RES. NO. 57-64 – UNANIMOUSLY ADOPTED

RES. NO. 65-19 Amend 2019 Budget for Internal Audit, by Administrative Services and Audit & Control Committees

Legislator Nazzaro: Thank you, Mr. Chairman. I just want to make a couple comments on this. The resolution before you is a timing issue. If you'll recall, the State Comptroller's Office recommended a couple years ago that we establish an internal audit program. So, we had budgeted \$100,000 in 2018. We got off to a little bit of a slow start, so the audits were not completed in 2018 and they are actually going to be less than the \$100,000. In the Audit & Control Committee meeting I gave a high level review of two audits that have been completed. We hired the firm Freed Maxick, which is a CPA firm out of Buffalo, New York and they completed the audits of the Sheriff's Department and the County Clerk's Office. I'm happy to report as I did in Audit & Control – we did not have any elevated deficiencies, which is a good thing. We did have some control deficiencies, which we went over in the meeting and some process improvements. Again, I'm happy to report that both the Sheriff's Department and the County Clerk's Office is in the process of implementing the recommended changes. I really would like to thank those in both the Sheriff's Department and the County Clerk's Office and our Clerk Kathy Tampio who was very helpful as well as our Audit & Control Chairman, Pierre Chagnon. This will be an ongoing process and now they're in the process of doing an audit on the Finance Department and Health and Human Services. As those audits are completed, I'll be giving reviews in the Audit & Control Committee meetings. The minutes are quite lengthy, but feel free to read them. If you have any questions, I'll be glad to go over them at any time. Thank you.

Chairman Wendel: I'd like to commend both Legislators Nazzaro and Chagnon for taking this on. This is something we've done for the first in the history of the Legislature and these internal audits are doing nothing but helping us and something that I refer to as limiting our liability and making sure that our processes are running efficiently. It's good to find out that we are doing things properly and efficiently. So again, thank you to both of you for taking this on. It has been nothing short of a large task.

RES. NO. 65-19 – UNANIMOUSLY ADOPTED

RES. NO. 66-19 Amend 2019 Budget – Board of Elections, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 67-19 Amend Chautauqua County Health & Human Services 2019 Budget for Rollover of HUD Lead Hazard Reduction Demonstration Grant Funding, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 68-19 Modify the Department of Planning and Development's 2019 Budget to Accommodate the Barcelona to Chautauqua Institution (B2CI) Trail, Easement Grant, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 69-19 Amend 2019 Budget Appropriations – South & Center Chautauqua Lake Sewer Districts (S&CCLSD), by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 70-19 Amend 2019 Budget Due to Changes in Town Property Tax Warrants, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 71-19 Setting Salaries for Certain Wastewater Treatment Plants Operator Titles, by Public Facilities, Administrative Services and Audit & Control Committees – R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 72-19 Appointing Deputy Clerk/Secretary to the Legislature, by Administrative Services and Audit & Control Committees

Legislator Bankoski: Can we have this person stand up and tell us about herself?

(Cross-laughter)

RES. NO. 72-19 – R/C Vote: 17 Yes; 2 Absent – UNANIMOUSLY ADOPTED

MOTION:

In Support of Additional State Funding For the NYS Office for the Aging

Legislator Rankin: I would like to make a comment about the motion that Legislator Whitford and I asked to be put together. It's to ask on behalf of this Legislative body, our state representatives Assemblyman Goodell and Senator Young and Governor Cuomo to please support and pass a \$15 million budget item in support of senior services. We've had a wait list in Chautauqua County for years and what we'd like to do is- we could see not only here, but across the state, the reduction in that waitlist. In spite of the fact that we have a growing senior population and the studies show that it's more economical to keep seniors in their homes than to let them go onto nursing homes. We really want to help our seniors get off the waitlist, stay at home in comfort and with dignity of being in their own home, save Medicaid money for the County and the taxpayers and make the best of the funding source that we have. We are very fortunate to have Dr. MaryAnn Spanos and the staff from the Office of the Aging helping our

seniors. That's the least they deserve. So, anything you can personally do- write letters to our state representatives or through the Office of the Aging, I encourage you do so. Thank you.

Legislator Starks: Well said, Mrs. Rankin.

MOTION - UNANIMOUSLY ADOPTED

MOTION:

Proclaiming March 18th – 22nd Agricultural Literacy Week in Chautauqua County

Legislator Hemmer: I would just like to say that this program is really a wonderful program put on by the Cooperative Extension. It gives volunteers a chance to go to the schools in the County and read to the kids and help make them a little bit more aware of agriculture in Chautauqua County and how it effects them.

MOTION - UNANIMOUSLY ADOPTED

ANNOUNCEMENTS:

Chairman Wendel: As you heard tonight, resolution 72-19 is appointing a new Deputy Clerk for the Secretary to the Legislature. At this time I would just like to recognize Ms. Lori Foster for 30 years of service for the Chautauqua County Legislature. She's had this position since 1989. She's served 107 legislators and nine legislative clerks. She's been dedicated and thoughtless for her hard work for many, many years. She'll be greatly missed. We will miss you and we wish you well on your future endeavors.

2nd Privilege of the Floor

No one chose to speak at this time

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the meeting was adjourned. (7:35 p.m.)

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