

CHAUTAUQUA COUNTY LEGISLATURE

1/24/18

# Chautauqua County Legislature

**6:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**PRAYER BY LEGISLATOR NAZZARO**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 1/2/18**

**PRIVILEGE OF THE FLOOR**

(Members of the public may speak on any subject relating to any local law, resolution, or motion appearing on the agenda.

An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

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**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO  
NO VETOES FROM 1/2/18**

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**COMMENDATION:**

**SHERMAN CENTRAL SCHOOL BUS DRIVER  
DAVID TENPAS**

**By**

**LEGISLATORS STARKS & HIMELEIN**

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**COMMUNICATIONS:**

- 1. Letters (11) – Co. Exec. Borrello – Appmts. To Various Boards**
- 2. Letter – Farm Bureau - Apptmt. Recommendation to Soil & Water Bd.**
- 3. Letter – Co. Exec. Borrello – Designation of Acting Co. Executive**
- 4. Report – Fn. Director Crow – November/2017 Investment Report**
- 5. Notice of SEQRA: Lead Agency Designation – Town of Ellery – Re: Chaut. Lake Herbicide Treatment**
- 6. Resolution – Orange County Legislature – Exempt County Tuition Chargeback Obligations for the Fashion Institute of Technology**
- 7. Letter – Senator Young – Re: Thanking for meeting minutes throughout 2017**
- 8. Letter – NYSAC – Re: Ack. Receipt of Motion 8-17**

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**RESOLUTIONS:**

- 7-18 Confirm Re-Appmts. - Chautauqua County Airport Commission**
- 8-18 Confirm Re-Appmts. – NY Fish & Wildlife Management Bd.**
- 9-18 Confirm Re-Appmts. – Chaut. County Soil & Water Conservation Dist. Bd.**
- 10-18 Confirm Re-Appmts. - Chautauqua County Ethics Board**
- 11-18 Confirm Re-Appmts. - Chautauqua County Historian's Advisory Board**

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- 12-18 Confirm Re-Appmts. - Chautauqua County Traffic Safety Board**
- 13-18 Confirm Apptm. & Re-Appmts. – STOP DWI Advisory Board**
- 14-18 Confirm Re-Appmts. - Chautauqua County Fire Advisory Board**
- 15-18 Confirm Re-Appmts. - Chautauqua County Aging Advisory Council**
- 16-18 Confirm Appmt. - Chautauqua County Youth Board**
- 17-18 Confirm Apptms. & Re-Appmt. – Southern Tier West Regional Planning & Development Board**
- 18-18 Confirm Re-Appmts. - Chautauqua County Sports Fishery Advisory Board**
- 19-18 Amend Personal Services & Employee Benefit Appropriation Accounts – Environmental – Landfill**
- 20-18 Close Capital Projects**
- 21-18 Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District**
- 22-18 Continuation of Interim Funding for North Chautauqua County Water District**
- 23-18 Authorize Supplemental Agreement No. 2 w/ NYSDOT for PIN 5758.45**
- 24-18 Amend 2017 Budget for Juvenile Detention and OCFS Custody**
- 25-18 Amend 2018 Budget for NYS Community Development Block Grant Wells and Septic Replacement Program Application Not Selected for Funding**
- 26-18 Auth. Extension of Lse. Agrmt. For Depart. Of Planning & Economic Development at the BWB Center**
- 27-18 Auth. Agrmt. w/ County of Chaut. IDA for Attraction & Development of Tourism Related Businesses**
- 28-18 Auth. Agrmt. w/ County of Chaut. IDA for Industrial Development and Promotion**
- 29-18 Auth. Agrmt. w/ County of Chaut. IDA for Business Assistance Program**
- 30-18 Auth. Agrmt. w/ Small Business Development Center at JCC**
- 31-18 Setting Salary for Network Infrastructure Supervisor**

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**MOTION:**

- A. Proclaiming February Black History Month**

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**ANNOUNCEMENTS**

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**PRIVILEGE OF THE FLOOR**

(A member of the Legislature or the public may speak on any subject.  
An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

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WHEREAS, County Executive George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Soil and Water Conservation District Board.

Fred Croscut  
7804 Freeman Rd.  
Sherman, N.Y. 14781  
Term Expires: 12/31/20

Allen Peterson  
3030 Strunk Road  
Jamestown, N.Y. 14701  
Term Expires: 12/31/20

Legislator Frank J. Gould  
70 Hoag Road  
Ashville, N.Y. 14710  
Term Expires: 12/31/18

Legislator Lisa Vanstrom  
55 Plummer Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Scudder, Wilfong

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RES. NO. 10-18

Confirm Re-Appointments - Chautauqua County Ethics Board

By Administrative Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, George M. Borrello, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Ethics Board.

Susan Crossett Dilks  
8320 Shumla Rd.  
Cassadaga, N.Y. 14718  
Term Expires: 1/31/21

John B. Lloyd  
4 Houston Court  
Jamestown, N.Y. 14701  
Term Expires: 1/31/21

Signed: Scudder, Himelein, Davis, Starks, Muldowney

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RES. NO. 11-18

Confirm Re-Appointments - Chautauqua County Historian's Advisory Board

By Administrative Services Committee:

At the Request of County Executive George M. Borrello:

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WHEREAS, George M. Borrello, County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Historian's Advisory Commission.

Traci Langworthy 51 Pleasantview Dr. Jamestown, N.Y. 14701 Term Expires: 12/31/20	Amanda Shepp 3759 Bard Rd. Cassadaga, N.Y. 14718 Term Expires: 12/31/20
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Signed: Scudder, Himelein, Davis, Starks, Muldowney

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RES. NO. 12-18

Confirm Re-Appointment - Chautauqua County Traffic Safety Board

By Legislator Terry Niebel:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Chautauqua County Traffic Safety Board.

Legislator Lisa Vanstrom  
55 Plummer Ave.  
Jamestown, N.Y. 14701  
Term Expires: 7/31/20  
Signed: Niebel, Whitford

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RES. NO. 13-18

Confirm Appointment and Re-Appointment – STOP DWI Advisory Board

By Legislator Terry Niebel:

At the Request of County Executive George M. Borrello:

WHEREAS, George M. Borrello, County Executive, has submitted the following appointment and re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointment to the STOP-DWI Advisory Board:

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Re-Appointment

Legislator Elisabeth Rankin  
4 Arlington Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/19  
Signed: Whitford

New Appointment

Legislator Terry Niebel  
3199 E. Main Rd.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/19

Replacing George Borrello

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RES. NO. 14-18

Confirm Re-Appointments - Chautauqua County Fire Advisory Board

By Legislator Terry Niebel:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive, George M. Borrello, has submitted the following re-appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Fire Advisory Board.

1<sup>st</sup> Battalion

Lawrence Barter  
9 Pine Drive  
Fredonia, NY 14063  
Term Expires: 1/31/19

Jeffrey Griewisch  
26 Burgess Street  
Silver Creek, NY 14136  
Term Expires: 01/31/19

Steve Lehnen  
9791 Route 60  
Fredonia, NY 14063  
Term Expires: 1/31/19

Allen Parker  
8562 Shumla Road  
Cassadaga, NY 14718  
Term Expires: 01/31/19

Brian Purol  
3681 New Road  
Dunkirk, NY 14048  
Term Expires: 01/31/19

Christopher Wichlacz  
3381 Tarbox Road  
Cassadaga, NY 14718  
Term Expires: 1/31/19

2<sup>nd</sup> Battalion

Al Akin  
5984 Manor Drive  
Chautauqua, NY 14722  
Term Expires: 1/31/19

Lyle Holland  
47 Clinton Street  
Westfield, NY 14787  
Term Expires: 1/31/19

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Matthew Oehlbeck  
159 Park Street  
Sherman, NY 14781  
Term Expires: 1/31/19

Mark Smith  
9437 E. Main Road  
Ripley, NY 14775  
Term Expires: 1/31/19

Ronald Trippy  
6755 S. Portage Road  
Westfield, NY 14787  
Term Expires: 1/31/19  
Signed: Niebel, Whitford

Burl Swanson  
6168 Wright Road  
Dewittville, NY 14728  
Term Expires: 1/31/19

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RES. NO. 15-18

Confirm Re-Appointments - Chautauqua County Aging Advisory Council

By Human Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Aging Advisory Council.

Ellen Coffaro  
92 W. Fairmount Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/19

Marie Carrubba, Esq.  
19 Widrig Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/19

Russell E. Diethrick Jr.  
153 Hallock Street  
Jamestown, N.Y. 14701  
Term Expires: 12/31/19

Dan Girts  
4911 Baker St. Ext. Lot 24  
Ashville, N.Y. 14710  
Term Expires: 12/31/19

Mary Anne Johnston  
3784 Victoria Rd.  
Ashville, N.Y. 14710  
Term Expires: 12/31/19

David L. Larson, PhD.  
3101 Straight Rd.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/19

Max Martin  
PO Box 371  
Dewittville, N.Y. 14728  
Term Expires: 12/31/19

Elizabeth Turzillo  
6 Alpine Dr.  
Silver Creek, N.Y. 14136  
Term Expires: 12/31/19

Signed: Rankin, Whitford, Pavlock, Wilfong O'Connell

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RES. NO. 16-18

Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Youth Board.

Jacob Brock  
54 S Allegheny Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/20

Diane Miraglia  
4066 Baker St.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/20

Signed: Rankin, Whitford, Pavlock, Wilfong, O'Connell

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RES. NO. 17-18

Confirm Appointments & Re-Appointment – Southern Tier West Regional Planning & Development Board

By Planning & Economic Development Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George W. Borrello has submitted the following appointments and re-appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointment to the Southern Tier West Regional Planning Board.

George M. Borrello  
1014 South Shore Dr.  
Irving, N.Y. 14081  
Term Expires: 12/31/20

Replacing Vincent W. Horrigan

Don McCord  
116 S. Portage St.  
Westfield, N.Y. 14787  
Term Expires: 12/31/20

Replacing Kevin Sanvidge

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Re-Appointment

Legislator Frank J. Gould

70 Hoag Road

Ashville, N.Y. 14710

Term Expires: 12/31/20

Signed: Odell, Chagnon, Himelein, Starks, O'Connell

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RES. NO. 18-18

Confirm Re-Appointments - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello has submitted the following re-appointments to the Chautauqua County Legislature for action; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Sports Fishery Advisory Board.

Michael Cluchey

79 Jefferson St.

Westfield, N.Y. 14787

Term Expires: 12/31/17

Monte Kennedy

5154 Bly Hill Rd.

Ashville, N.Y. 14710

Term Expires: 12/31/17

Zenon Olow

23 Bennett Dr.

Fredonia, N.Y. 14063

Term Expires: 12/31/17

Eugene Pauszek

66 W. Doughty St.

Dunkirk, N.Y. 14048

Term Expires: 12/31/17

Charles Spiesman

73 Chautauqua Ave.

Jamestown, N.Y. 14701

Term Expires: 12/31/17

James Tunney

1086 West Erie St.

Irving, N.Y. 14081

Term Expires: 12/31/17

Signed: Odell, Chagnon, Himelein, Starks, O'Connell

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RES. NO. 19-18

Amend Personal Services & Employee Benefit Appropriation Accounts – Environmental Landfill

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some expenses within the landfill organization have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it



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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.6000.1	Personal Services-Environment—Closed Landfills	\$15,250
EL.8160.6000.8	Employee Benefits- Environment—Closed Landfills	\$ 7,600
	Total	\$22,850

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.1	Personal Services-Environment—Landfill	\$15,250
EL.8160.1000.8	Employee Benefits- Environment—Landfill	\$ 7,600
	Total	\$22,850

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Niebel

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RES. NO. 20-18  
Close Capital Projects

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the following capital projects have been completed and can be closed:

H.2490.00862 Community College Tuition—JCC Carnahan Ctr Renova (2011)  
H.2490.550 Community College Tuition—JCC Capital (1996)  
H.2490.688 Community College Tuition—JCC Science Bldg Constrct (2009)  
H.3110.06759 Sheriff—County-Wide Radio Project  
H.3110.06964 Sheriff—Prop & Evid Rm/Proc Lab (2016)  
H.3110.06966 Sheriff—Next Generation 911 Sys (2015)  
H.3150.06894 Jail—Jail Maintenance (2013)  
H.1620.25820 Buildings & Grounds—SCOB Cooling Tower (2015)  
H.1620.25926 Buildings & Grounds—SCOB Lighting (2014)  
H.5130.25811 Road Machinery—Mobile Data Collect Syst (2010)  
H.5610.25671 Chautauqua County Airport—Acquire Snow Rem Eqp-DNK (2015)  
H.8020.37913 Planning—Harris Hill Bike Trail (2014)  
H.3010.14690 Emergency Services—Station Seven Improvements (2017)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

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RESOLVED, That, upon completion of audit and reconciliation of the closed capital projects, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.  
Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Niebel

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RES. NO. 21-18

Confirming User Charges: Portland-Pomfret-Dunkirk 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 Portland Pomfret Dunkirk Sewer District, the Administrative Body of the Portland Pomfret Dunkirk Sewer District, has, pursuant to Section 266 of the County Law, and after a Public Hearing held on December 12, 2017, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the Portland Pomfret Dunkirk Sewer District; and

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

RESOLVED, That the *Charges by the Portland Pomfret Dunkirk Sewer District* adopted by the Board of Directors of the Portland Pomfret Dunkirk Sewer District as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

CHARGES BY THE PORTLAND POMFRET DUNKIRK 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.

SECTION II

Definitions

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

A. *District*: The Portland Pomfret Dunkirk 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 Portland Pomfret Dunkirk Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

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

SECTION III  
Charge Areas

Real property within the District shall be classified as follows for the purpose of making charges hereunder.

- A. Property served by a collector sewer to which
  1. Sewer service from the sewer system of the Van Buren Point Association, Inc. was available prior to 1984.
  2. Sewer service from the sewer system formerly owned by the Shore Acres Association, Inc. was available prior to 1984.
- B. Property served by a collector sewer which was constructed by the District.

SECTION IV  
Units Per Parcel

The number of units attributable to each parcel of property served by public sewers within 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.
- 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 12,500 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

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charge bill. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which 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 toxicity as 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 ensure a proportional distribution of operation and maintenance cost to each user or user class. At a minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

SECTION V

Scale of Charges

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

A.	CHARGE AREA	ANNUAL RATES PER UNIT
	A1	\$ 440.00
	A2	440.00
	B	400.00

B. \$0.0120 per gallon (or \$12.00 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined under the same criteria as is stated in Section IV D hereof.

SECTION VI

Billing

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by adding the following two items:

1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).

2. The actual or estimated water use of such parcel in gallons multiplied by \$0.0120 determined in accordance with Section V B hereof.

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and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding 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 VII

Appeals

In accordance with Section 266 of the County Law and Resolution 235-03 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 sixty (60) 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 Portland Pomfret Dunkirk 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. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Board of Directors of the Portland Pomfret Dunkirk Sewer District 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 of Directors shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to Chairman, Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757.

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 to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his/her 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

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concerning the appeal, it shall notify the property owner and the Board of Directors 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 District Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

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, without interest, 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 Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his or her appeal.

SECTION VIII

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 IX

Effective Date and Repealer

These user charges shall be effective February 1, 2018. The user charges confirmed by Resolution 54-13 of the Chautauqua County Legislature shall be repealed prospectively as of midnight on January 31, 2018.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Niebel

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RES. NO. 22-18

Continuation of Interim Funding for North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, pursuant to Resolution 175-16, the County Legislature authorized the advance on an "as needed" basis up to \$1 million to the District to be repaid to the County on or before December 31, 2017 at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances; and

WHEREAS, it is necessary for the District to extend the interim funding from the County through 2018 until the long-term bonding is completed; therefore be it

RESOLVED, That the County Executive is authorized and empowered to continue to advance on an "as needed" basis up to \$1 million to the District to be repaid to the County on or before December 31, 2018, at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earning rate during the term of the advances.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Niebel

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RES. NO. 23-18

Authorize Supplement Agreement No. 2 with NYSDOT for PIN 5758.45

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, a project for the Replacement of the County Route 18 Bridge over Prendergast Creek, in the Town of North Harmony, Chautauqua County, PIN 5758.45 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals and Acquisition phases of the Project PIN 5758.45; now therefore be it

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

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals and Acquisition phases exceeds the amount appropriated, \$204,350, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid and/or NY State Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, That the sum of \$10,650.00 is hereby removed from funds previously appropriated via County Resolution Number 87-12 adopted April 25, 2012 and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right of Way Incidentals and Acquisition phases of the Project; and it is further

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

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual - County Bridge Program	\$ 10,650
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DECREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid--Surface Transp Program	\$ 8,520
D.5112.390.R358.9003	NYS Aid—Marchiselli Funds	\$ 1,348
D.5112.390.R503.1000	Interfund Transfers—Interfund Transfer	\$ 782
	Total	\$ 10,650

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Niebel

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RES. NO. 24-18

Amend 2017 Budget for Juvenile Detention and OCFS Custody

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature allocated certain monies for Juvenile Detention and for State Training School in the 2017 Budget; and

WHEREAS, several juveniles in OCFS custody stepped down to housing at voluntary agency facilities rather than at OCFS facilities during 2017; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.6129.----.4	Contractual-State Training School	\$125,000
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INCREASE APPROPRIATION ACCOUNT:

A.6123.----.4 Contractual-Juvenile Delinquent Care \$125,000  
Signed: Rankin, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Niebel

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RES. NO. 25-18

Amend 2018 Budget for New York State Community Development Block Grant Wells and Septic Replacement Program Application Not Selected for Funding

By Human Services and Audit & Control Committees:  
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County's application for renewal of its New York State Community Development Block Grant Wells and Septic Replacement Program has not been selected for funding by the New York State Housing Trust Fund Corporation's Office of Community Renewal; and

WHEREAS, the Health and Human Services Department's 2018 budget was prepared with the expectation that this funding would be approved; now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.4090.----.4 Contractual-Environmental Health \$100,000

DECREASE REVENUE ACCOUNT:

A.4090.R478.9WSA Federal Aid – Wastewater & Well Assist \$100,000  
Signed: Rankin, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Niebel

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RES. NO. 26-18

Authorize Extension of Lease Agreement for Department of Planning & Economic Development at the BWB Center

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Department of Planning & Economic Development ("CCPED") and Chautauqua County Industrial Development Agency ("CCIDA") have shared office space for many years; and

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WHEREAS, CCPED and CCIDA relocated to the BWB Center in downtown Jamestown, a higher profile area that portrays an improved business image and better serves clients; and

WHEREAS, the County entered into a lease agreement with CCIDA for such office space at the BWB Center; and

WHEREAS, County is desirous of extending the lease agreement for an additional year upon the following terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of a lease agreement with Chautauqua County Industrial Development Agency for office space in the BWB Center on substantially the following terms and conditions:

1. Premises: 1,500 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$9,867.96 to be paid monthly at a rate of \$822.33 per month beginning in January of 2018.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve months commencing on January 1, 2018 and terminating December 31, 2018 subject to termination by prior notice.
5. Other: As negotiated by County Executive.

Signed: Odell, Niebel, Himelein, Chagnon, Starks, O'Connell, Nazzaro

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RES. NO. 27-18

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:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities, and has a vibrant tourism economy; and

WHEREAS, the County unanimously adopted its County Comprehensive Plan (*Chautauqua 20/20*) in 2011 which advocates for the preservation and promotion of its natural resources; and

WHEREAS, the County of Chautauqua Industrial Development Agency ("CCIDA") and the Chautauqua County Department of Planning & Economic Development ("CCPED") are working to create secondary tourism attractions and attract tourism-related businesses to take advantage of the County's wealth of natural assets; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

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RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency in the amount of \$50,000.00 to provide service which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County.

Signed: Odell, Niebel, Himelein, Chagnon, Starks, O'Connell, Nazzaro

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RES. NO. 28-18

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion

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 was formed pursuant to Section 895-h of the New York State General Municipal Law to promote, develop, encourage, and assist in economic development throughout Chautauqua County; and

WHEREAS, pursuant to Article 6 and Section 6.01 of the Chautauqua County Administrative Code, the County of Chautauqua Department of Planning & Economic Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth, and capital improvements, as well as seeking funds to be used for development and working with private interests and public agencies of all types; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose for the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of \$145,952.00.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Niebel

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RES. NO. 29-18

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Industrial Development Agency has the

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expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information and establish, enhance, and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its annual budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of \$59,155.00.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Niebel

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RES. NO. 30-18

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County Department of Planning and Economic Development is striving to increase the viability of businesses within the County by providing a technical assistance program for start-up businesses in the County which will track and assist businesses in their early stages of development; and

WHEREAS, Jamestown Community College has established a Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York which is able to provide a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2018 through December 31, 2018.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Niebel

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RES. NO. 31-18

Setting Salary for Network Infrastructure Supervisor

Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County's Chief Information Officer has requested that a salary grade be designated for a new technical supervisory level position with the title of Network Infrastructure Supervisor with the following responsibilities:

1. maintain and advance the countywide network and communications infrastructure;
2. act as lead technical advisor in all projects related to network development and support; lead the investigation of network outages and direct resolutions;
3. develop and maintain cyber-security solutions for all county network connected devices;
4. investigate cyber threats or data breaches; and
5. ensure compliance with policies for network access and use; and

WHEREAS, the Human Resources Department has classified the job as Network Infrastructure Supervisor and supports the request that the salary be set at Grade 23; therefore be it

RESOLVED, That the title of Network Infrastructure Supervisor be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 23.

Grade 23 (2018: \$26.94 - \$34.74) 40 hours per week  
(\$56,035 - \$72,259 per year)

Signed: Scudder, Himelein, Davis, Starks, Muldowney, Chagnon, Nazzaro, Niebel

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_\_\_**



**TITLE:** Proclaiming February Black History Month

**AT THE REQUEST OF:** Chairman Paul M. Wendel, Jr.:

WHEREAS, the idea to observe and honor the accomplishments of Black Americans was first established as Negro History Week in 1926 at the suggestion of one of the greatest Black historians of all time, Dr. Carter Woodson; and

WHEREAS, February was first proclaimed Black History Month in 1979 and sponsored as such by the Association for the Study of Afro-American Life and History; and

WHEREAS, Black Americans contributed to the development of Chautauqua County as slaves and as free men and women since the county's inception and continue to contribute to the richness and vitality of our County community today; and

WHEREAS, the observance of Black History Month affords the special opportunity to become more knowledgeable concerning our Black heritage in this County and our country and to honor the many black leaders who have contributed to the progress of our nation; and

WHEREAS, the knowledge and awareness of the many and varied contributions of Black men and women can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers to equality for minority groups, and the continuing struggle against racial discrimination and poverty; therefore be it

KNOWN, The Chautauqua County Legislature, with great pride, hereby proclaims February 2018 Black History Month in Chautauqua County; and let it be

MOVED, The County Legislature urges all residents to familiarize themselves with the significant contributions made by Black Americans in the field of science, industry, religion, entertainment, and others, and to join together to make this a period when all of us rededicate ourselves to the principles of justice and equality for all people.