

Regular Meeting
Chautauqua County Legislature
Wednesday, November 28, 2018, 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:30 p.m.

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

Legislator Chagnon delivered the prayer followed by the Pledge of Allegiance.

Chairman Wendel: If we could please, I would like everyone to remain standing to give a moment of silence for Henry R. Weiler, known to many, particularly his family, as “Ike” and who served two terms as Chautauqua County Clerk from 1986-1993. Later in his career, he was an employee of the 8th Judicial District while working here in Chautauqua County Supreme Court Chambers based in Mayville. Thank you.

MOVED by Legislator Bankoski SECONDED by Legislator Wilfong, the minutes were approved. (10/24/18)

1st Privilege of the Floor

My name is Peggy Newell and I live at Chautauqua Place in Celoron, Burtis Bay section in Chautauqua Lake. The section that was deeply affected by the fish kill and seaweed vegetation build up that occurred in early November of this year. On behalf of the residents in this area we would like to thank the Alliance and this Legislature for their support in addressing this problem. While we were hopeful that the cleanup would be done this fall, Mother Nature had other ideas. It is our understanding that this cleanup will happen in the spring. It’s imperative that it be done immediately after the ice is out of the southern basin in order to remove this decaying weed and the staggering number of dead fish that are entangled in the masses found along our shore. It is already starting to breakdown turning into muck. With this decomposition an alarming amount of phosphorus is being added to the lake. If this vegetation is not removed as soon as the weather breaks in the spring, the potential for it to become a health risk to the residents is a definite concern, not to mention the adverse and long term effects to our lake. With money from the County and the generous donations from the Sheldon Foundation and the Chautauqua Region Community Foundation, the funding will hopefully be in place for an early spring cleanup. A total bit of over \$73,000 has been submitted by the Chautauqua Lake Association in order to handle this cleaning, that’s a lot of money. We’re hopeful that over the winter, due diligence will be done and a specific and effective plan will be readied so that as soon as the ice is out, cleanup can begin. We are also hopeful that this money will be wisely and efficiently spent doing a complete cleanup in the designated areas. We, government, the organizations working on and for the lake, the residents, we all should be concerned about the health of Chautauqua Lake. What has happened in Burtis Bay this fall is something that we should all be very concerned about. The future of our County is closely tied to the future and the quality of Chautauqua Lake. We all need to be stewards of our lake. We look to our County and other government officials as well as to the alliance to lead us in looking for long term solutions. Something needs to be done to

ensure the future of our lake. If not, we may look back on this time as the beginning of the end of Chautauqua Lake. Thank you.

My name is Kristen Lee Yaw and I'm here on behalf of the Jamestown Bar Association with regard to the request to permit four Assistant District Attorneys to reside in adjoining counties. I am not here with a formal opinion of the Bar Association because we didn't know some of the items that were cited by District Attorney Patrick Swanson at the meeting of the Public Safety Committee on November 14th. So to address a couple of those points. He said that he hasn't received a lot of applications. The Jamestown Bar Association has not received a posting from the District Attorney's office since December of 2016. We regularly post them for Health and Human Services, the Public Defender's office, and Law New York. In addition, our membership, in the minutes it was stated that the North County Bar had 15 to 20 active members. I reached out prior to appearing this evening and they have approximately 50. The Jamestown Bar Association he stated had 30 active members and we have approximately 120. The pictures that are hung around that you can see at the Bar Association are not representative of the members. That's if you want your picture taken and to be included. That's how you get on that. In addition, not all of the practicing attorneys in Chautauqua County are members of either the North County Bar Association or the Jamestown Bar Association. To be fair, some are members of both. So, the 120 and the 50 may have some duplicates but it's also leaving some practitioners out. There was also a conversation about not being able to bring practitioners from private practice to the County. I'm a private practice attorney and what I actually see happening is a lot of our private practice attorneys are going to the County. Things like health insurance are a huge bonus. In addition, I personally practice in Real Property law and we do have people moving here and looking for jobs here. I don't know why he's not reaching beyond just us, if he was reaching to us, I think that would be beneficial but beyond that posting that outside. Actually a lot of attorneys get a New York State license because New York State law is relevant everywhere. Additionally, we would love to have obviously job postings from the District Attorney's office but also we're trying to partner and continue to partner with the Higher Learning, Fredonia State, and U.B., in trying to bring in interns just to keep people generally interested in legal practice but also to tie future attorneys to opportunities here. Chautauqua County is a great place to live, you can make some money and live really well down here as an attorney so we'd love to work with the District Attorney's office in helping bring young talent and also established talent into our Bar Association and into our County. Thank you.

My name is Mike Newell and I live on Chautauqua Place in Celeron, New York, with my wife Peggy who spoke earlier. I wish to echo my wife's previous thanks and comments while adding the following. While the fish kill may have been an unusual and painful event, the continuing buildup of floating weeds along lake shorelines during the September through October timeframe happens every year. Sometimes in greater amounts as it did this year, sometimes less, but always significant. Significant because all the weed that floats into a shoreline after the last cleanup of that shoreline, lays there decomposing until the start of the shoreline cleanup operations in mid-June of the following year. By that time, it is greatly decomposed. When examined lake wide, this results in very significant amounts to sediment and phosphorus being added to the lake which in turn feeds more weeds and harmful algae blooms. When the 2012 total maximum load for phosphorus in Chautauqua Lake document was prepared by the EPA and the DEC, it states, approximately 3,300 pounds of wet plants needs to be

harvested to remove one pound of phosphorus. On the surface it sounds like a lot of weeds until you take time to actually do the math for the master weeds that currently exists along the shorelines and the areas by the Chautauqua Harbor Hotel. I won't go through all the math and bore you with it but if allowed to full decompose it would add well over a thousand pounds of phosphorus to the lake and a pound of phosphorus will feed 500 pounds of algae. So, I hope that we have all learned the painful but valuable lesson from this event. One, if we are really serious about reducing the phosphorus loading then the active lake management season needs to start earlier in the spring and extend well into the fall. Two; we should be thinking outside of the box for ways to help keep floating weeds from reaching our shorelines in the first place. We should be improving currently management techniques and adding new tools to help manage the invasive weeds in our lake. Whatever entity is ultimately chosen to preform cleanup of this mass of weeds and dead fish in the spring, I will echo what my wife said, it must be ready to begin as soon as the ice is out of the south basin so that further decomposing of the material is minimized. Thank you very much for your time and attention.

My names is Paul Johnson, I live in Bemus Point and I am here tonight representing the Chautauqua Lake Partnership. The Chautauqua Lake Partnership helped Burtis Bay residents bring the lake bottom to surface weed mass to the attention of the DEC on October 16th. When the situation, with many thousands of fish, of all types, were trapped against the shoreline, the Partnership brought this unfortunate and unnecessary environmental tragedy to the attention of the New York State DEC on November 5th, and to the attention of the Chautauqua Lake and Watershed Alliance on November 8th. The Jamestown Post Journal ran a front page story on November 9th and an onsite meeting was organized including the New York State DEC on November 13th. We are very pleased that the Alliance has organized funding for a cleanup of the Burtis Bay and Harbor Hotel shoreline and appreciate the quick response of the Sheldon Foundation, the Chautauqua Region Community Foundation, and Chautauqua County. We hope the same attention and urgency will be applied from now on to prevent the proliferation of weeds and fragments which are the source of these problems. It is unfortunate that the late fall, early winter, Chautauqua Lake Association plan, on which the \$74,000 funding is based cannot be implemented as hoped. We understand the Chautauqua Lake Association will now consider a variety of cleanup methods and a new price and schedule. Considering the change in urgency and conditions, we now expect a price significantly lower and a work start in early to mid-April. The Chautauqua Lake Partnership supports the cleanup and the generosity of the funding organizations, however since the cleanup will now be delayed four to five months, we recommend the Alliance take advantage of the delay to prepare a request for proposals and a list of qualified contractors and solicit competitive cleanup plans, costs, and schedules. This will allow the creativity of the contractor community to be applied to an operation which is certain to be repeated in Chautauqua Lake in the future. And, competition will ensure County taxpayers and foundation contributors get the best price and schedule. We hope the Alliance will seriously consider the Partnership's recommendation. Thank you very much.

Chairman Wendel: Anyone else to speak to the 1st privilege of the floor? Seeing none, we'll close the 1st privilege of the floor.

**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 10/24/18**

COMMENDATIONS:

JAMESTOWN MARCHING BAND

By

LEGISLATORS

WHITFORD, NAZZARO, RANKIN, WILFONG, VANSTROM

(Postponed until December meeting)

AWARD FOR EXCELLENCE

By

SHERIFF GERACE

For

**DEPUTY ADAM MCDOO
DISPATCHER STEVEN JAGODA**

Chairman Wendel: I know that I speak from experience that trying to save someone's life is difficult but when it's a child, it's even more difficult. So hats off to all of our distinguished members of not only dispatch but our Sheriff's Department and EMT qualified deputies that are out on the road every day helping us.

COMMUNICATIONS:

- 1. Letter – Co. Executive – Appmt. to Chaut. County Land Bank Board**
 - 2. Letter – R. McDonald – Resignation from Chautauqua Lake Sewer Board**
 - 3. Report – Small Business Development Center – Quarterly (7/1-9/20/18)**
 - 4. Letter – Depart. of Public Service–Re: Winter Outreach & Education Prgm.**
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RENEW & AMEND RES. NO. 193-18 – Authorize Lease of Cage and Office Space at 201-209 East Fourth Street, Jamestown for the Chautauqua County Sheriff

Chairman Wendel: At this time, we need a motion to renew resolution 193-18.

Legislator Bankoski: So moved.

Legislator Chagnon: Second.

Unanimously Carried

Chairman Wendel: Now the renew and amend is on the table.

Legislator Chagnon: I would like to make a motion to amend resolution 193-18 as indicated in the document before us.

Legislator Bankoski: Second.

Chairman Wendel: All those in favor of the amendment?

Unanimously Carried

Chairman Wendel: At this time do we have any discussion on the resolution as amended?

RENEW & AMEND RES. 193-18 – UNANIMOUSLY ADOPTED

TABLED RES. NO. 229-18 - Acceptance of Funds from NYSDOT for the Hangar J Door Replacement Design and Construction Project at the Chautauqua County Jamestown Airport

Legislator Chagnon: I would like to make a motion to renew removed 229-18 from the table and bring it up for consideration.

Legislator Bankoski: Second.

Unanimously Carried

Chairman Wendel: Is there any discussion or debate on resolution 229-18. Madam Clerk, would you read the resolution title please?

Clerk Tampio: Yes. Acceptance of Funds from New York State DOT for the Hangar J Door Replacement Design and Construction Project at the Chautauqua County Jamestown Airport

Chairman Wendel: Any discussion or debate? Seeing none, all those in favor?

TABLED RES. NO. 229-18 – ADOPTED w/ Legislator Scudder voting “no”.

LOCAL LAW INTRO. 9-18 – Amending Local Law 6-01 Regarding Budget Procedures After Issuance of Annual Tentative Budget

Chairman Wendel: Any discussion on the local law as presented? Just for clarification, that local law will be reducing our annual meeting in October on the budget from two meetings to one, conducted in the evening. Any discussion?

LOCAL LAW INTRO. 9-18 – UNANIMOUSLY ADOPTED - R/C Vote: 17 Yes; 2 Absent

RESOLUTIONS:

RES. NO. 248-18 Confirm Appointment – North Chautauqua Lake Sewer District Board, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 249-18 Confirm Appointment - Chautauqua County Land Bank Board of Directors, by Planning & Economic Development Committee– **UNANIMOUSLY ADOPTED**

RES. NO. 250-18 Amend 2018 Budget – North Chautauqua Water District, by Public Facilities and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 251-18 Amend 2018 Budget Appropriations – South & Center Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 252-18 Approving SEQRA Findings for the Dale Drive Shoulder Expansion Project, by Public Facilities and Planning & Economic Development Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 253-18 Amend 2018 Budget for Landfill Gas Well Maintenance, by Public Facilities and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 254-18 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 255-18 Approving Consolidation of Vital Statistics Registrar Districts Between Town of Sherman and Village of Sherman, by Administrative Services Committee– **UNANIMOUSLY ADOPTED**

RES. NO. 256-18 Requesting State Legislature to Permit up to Four (4) Assistant District Attorneys to Reside in Adjoining Counties, by Administrative Services and Public Safety Committees

Legislator Bankoski: Seems like there are still a lot of questions that need to be answered on this topic and I would like to make a motion to TABLE this so that we can get some further information so we can make a quality educated decision next month.

Legislator Nazzaro: Second.

Chairman Wendel: All those in favor of tabling the resolution.

RES. NO. 256-18 – TO TABLE – R/C Vote – 5 Yes; 12 No; 2 Absent (No’s: Chagnon, Davis, Gould, Himelein, Hemmer, Muldowney, Niebel, Odell, Scudder, Vanstrom, Wilfong, Wendel) – DEFEATED

Chairman Wendel: Moving on, any discussion or debate on resolution 256?

Legislator Niebel: Mr. Chairman, we heard earlier from a member of the Jamestown Bar Association and I would just like to echo her remarks. Before we fill good paying jobs in the District Attorney's office with people from outside Chautauqua County, I think that we need to do everything possible to recruit people locally. Currently the District Attorney is not utilizing the Human Resource's Department. Human Resource would do posting for these positions throughout the County and they would recruit via the Internet and job search sites and they would advertise in the Post Journal and Observer. Right now there is very little contact with law schools with the exceptions of U.B. Law School and the last contact with them was 2016. Apparently there is no contact at this time with a State Law School such as Albany, Cornell, or Syracuse. Mr. Swanson has a website but nowhere does it tell how to apply for jobs within his office. When you consider a salary of \$60 to \$65,000 per year, health benefits, sick and vacation days, we're talking about jobs that pay about a \$100,000 per year. I firmly believe that Chautauqua County taxpayers would like to see us keep these good paying jobs right here in Chautauqua County. Thank you.

Legislator Nazzaro: I really cannot disagree with what Legislator Niebel said, however, going to why we wanted this tabled was so that we could look at this further and I agree, we still should hire locally always when candidates are available but when they are not available, what the DA is asking for is that we can go outside the County. Keep in mind that the Chief Deputy DA would still be required to live in Chautauqua County, so this will give some flexibility during those times when it is hard to recruit a qualified candidate. But I agree, when possible, we should hire locally and I encourage that and I think the DA made that clear. This just gives more flexibility in times when we cannot hire locally.

Legislator Wilfong: I understand the District Attorney's needs but I cannot in good faith support the idea of allowing people to work in our County, take taxpayer dollars for pay and not invest in our County's future by living here. I will not be supporting this resolution tonight and I encourage others not to also.

Legislator Whitford: I just wanted to say that there are two facets to this issue. One is that we're charged with public safety of the residents of Chautauqua County and we want to maintain the integrity of that and all this does, it doesn't say we will or we have to hire outside the County, it's that when qualified candidates aren't available, we can fill those slots and maintain the integrity of that public safety and representation for our residents.

Chairman Wendel: Anyone else to speak to the resolution?

RES. NO. 256-18 – R/C Vote – 5 Yes; 12 No; 2 Absent (No's: Chagnon, Davis, Gould, Himelein, Hemmer, Muldowney, Niebel, Odell, Scudder, Vanstrom, Wilfong, Wendel) – **DEFEATED**

RES. NO. 257-18 Authorize Execution of Lease Agreement w/ Federal Bureau of Investigation For Tower Space, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 258-18 Authorize Agreement w/ Brocton Central School District for School Resource Officer, by Public Safety and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 259-18 Authorize Agreement w/ Cattaraugus County for Inmate Housing, by Public Safety and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 260-18 Amend 2018 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 261-18 Amend 2018 Budget Appropriations and Revenue Associated with Juvenile Services Team (JST) , by Public Safety, Human Services, and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 262-18 Amend 2018 Budget for SNAP High Performance Bonus Award Allocation, by Human Services and Audit & Control Committees– **UNANIMOUSLY ADOPTED**

RES. NO. 263-18 Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake – **UNANIMOUSLY ADOPTED**

Clerk Tampio: I would comment that there was a typo correction on the original resolution, on the second to the last RESOLVED, it should read That “A” fund balance be appropriated as follows.

Legislator Gould: I would like to make a motion to TABLE this resolution for a couple of reasons. The first reason being the ice is forming on the lake and they can't use the mowing machines until April so it's not an emergency resolution anymore as I first thought it might be when I saw it and the second reason is, it never went through committee and to stay with our policy we should send it through committee so I will make a motion to TABLE it.

Legislator Scudder: Second.

Chairman Wendel: All those in favor?

RES. NO. 263-18 – TABLED -UNANIMOUSLY CARRIED

RES. NO. 264-18 Quit Claim Deed, by Administrative Services and Audit & Control Committees - R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

Legislator Chagnon: I would like to make a motion that we block resolutions 265-18 through 273-18.

Legislator Bankoski: Second.

Unanimously Carried

RES. NO. 265-18 Making Appropriations for the Conduct of County Government for Fiscal Year 2019, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 266-18 Authorize Tax Levy, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 267-18 Authorize Levy of Town Taxes, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 268-18 Authorize Levy of Unpaid Town Charges, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 269-18 Authorize Levy of Omitted Taxes, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 270-18 Authorize Tax Levy - North Chautauqua Lake Sewer District, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 271-18 Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer District, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 272-18 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake and Portland-Pomfret-Dunkirk Sewer Districts, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 273-18 Fixing Equalization Rates for 2019, by Chairman Wendel- R/C Vote: 17 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

Chairman Wendel: At this time you have an emergency resolution on your desk that will be numbered 274-18.

RES. NO. 274-18 Amend 2018 Budget for Public Facilities Snow Removal

Legislator Bankoski: I would make a motion to bring this to the floor.

Legislator Chagnon: Second.

Carried w/ Legislator Davis voting “no”

Chairman Wendel: Is there any discussion on the resolution?

RES. NO. 247-18 – ADOPTED w/ Legislator Davis voting “no”

ANNOUNCEMENTS:

Legislator Wilfong: I would like to invite everybody to Jamestown Holiday Parade that is going on this Friday night. I know that a lot of County Legislators are going to be there. I know that Mr. Whitford is going to be there, Ms. Vanstrom, everyone is welcome to come out and march in the cold with us. It's a great time in the City of Jamestown.

Chairman Wendel: And Legislator Nazzaro.

Legislator Nazzaro: I will be there too.

Chairman Wendel: It might not be cold on Friday so it might not be all that bad. Any other announcements? Seeing none -

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:13 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature