

Minutes

Audit & Control Committee

December 13, 2018, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

Members Present: Chagnon, Nazzaro, Niebel, Gould, Muldowney

Others: Tampio, Ames, Dennison, Abdella, Almeter, Bentley, Griffith, McCoy, Crow, Hartley, Hewitt, Gregory, Kneer, Wisniewski, Rettig, Cresanti, Geise, Schuyler, Lis, Boria, Melquist, G. Macdonald, A. Derosa

*Chairman Chagnon called the meeting to order at 8:35 a.m.*

Approval of Minutes (11/15/18)

MOVED by Legislator Nazzaro, SECONDED by Legislator Gould

*Unanimously Carried*

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Privilege of the Floor

*No one chose to speak at this time*

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Proposed Resolution- Authorize Agreement for Purchase and Removal of Standing Timber From County Airport Property at the Chautauqua County Jamestown Airport

Mr. Almeter: The resolution we have brought to the Committee is to authorize the County Executive to approve a purchase contract for standing timber on the airport property, provided that we receive bids that meet the minimum fair market value that our forestry consultant has determined that the timber should sell for- \$40,000. We have- the County has Forecon engaged in a five year contract as our independent forest management consultant. That contract is specific to the County's reforestation parcels. They've agreed to provide that same service for the County airport property so that we get the benefit of that competitive source selection. The forestry consultant collects a 7% fee on the gross value of the contract.

There's mature timber on this land that's been evaluated both by our forestry consultant and by Dave Spann back when the Soil and Conservation Services had the contract for forest management in the County. So, we got two independent assessments of the property.

The other reason for doing this at this point is that the airport has some obstructing trees that are of solid timber value. So, in selling this timber, rather than paying someone to come in and remove it as an obstruction, we get a win-win out of it. We get the revenue and we deal with an obstruction that we would have to otherwise pay someone to remove.

The reason we're looking for approval from the Legislature for the County Executive to enter into an agreement upon receipt of the bids is because our forestry consultants have advised us that the timber market place is pretty volatile due to a number of factors. So, we put this property- this timber out for bid back in the summer and we had no bids. The consultant advised us that prospective bidders are reluctant to bid on county contracts because of the time delay from when they submit their bid until the time they are actually under contract to harvest the timber. So, we're trying to shorten that cycle by getting prior legislative approval so that the County Executive can sign the contract as soon as we've determined that the bidder is technically responsive.

Chairman Chagnon: OK. Good explanation Ron. Questions?

Legislator Niebel: As far as the timber, this would be like a thin cut- you'll take timber in excess of twelve inches in diameter?

Mr. Almeter: Yes. The only trees they can cut are marked trees. There are about 500 trees.

Legislator Niebel: Forecon has already marked them?

Mr. Almeter: Yes.

Chairman Chagnon: Any other questions or comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Authorizing Lease Agreement for Development of Renewable Natural Gas at Chautauqua County Landfill

Chairman Chagnon: From the County Attorney, we have a recommendation to amend by substitution from the Public Facilities Committee meeting.

Mr. Abdella: You have in front of you the amended resolution which would be an amendment by substitution, which is now titled "Supporting the Development of a Renewable Natural Gas Facility at the Chautauqua County Landfill." Per the request of the Public Facilities Committee, this would in essence authorize the County Executive and request him to go forward with negotiating the final terms of the lease and any other necessary agreements for the

renewable natural gas facility. We would come back to the Legislature with that negotiated lease for approval at a later date- hopefully in January.

I'll just reference a couple things regarding the payment terms that are listed. There were some questions about the administrative costs associated with monetizing the environmental credits and the offsets. Working with the budget director and looking at the draft agreement at this point, I did change some of the language in there. I'll just highlight that in years one through ten it's a base payment of a million dollars per year, which roughly corresponds to the remaining debt service on the electric plant. Separate from that is the 12% royalty. That arises from the sale revenues of which only one portion is the revenues from the environment credits and/or offsets. The current terminology, just to continue the discussion with Legislator Nazzaro, is that the allowable administrative costs are those that are reasonable and documented. We can look at further definition of what those costs might be. Those would only be an offset to the environment credits and offsets themselves. In any event we'll provide greater detail when we come back to you for final approval. This lays out kind of the general parameters of the proposed agreement.

Chairman Chagnon: OK. Brad, anything to add?

Mr. Bentley: I think there's been a lot of good discussion on it. I think what Steve has explained has been representative of what we're asking to do.

Chairman Chagnon: OK. Questions? Comments?

Legislator Nazzaro: Very brief- I appreciate the changes you've made. I think appreciate the Public Facilities Committee listening to me and I like the changes that have been made. As Steve pointed out, currently we have about \$4.9 million in debt and the first ten years will pay the debt and there's about \$2.4 million in the reserve for the plant. We had budget loss of \$28,000 in 2019 for the operation of the plant, but we also recognized \$750,000 of the million payment in the 2019 budget. That's just a quick overview. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you for your hard work on this one. Other questions or comments? We need a motion to amend this proposed resolution by substitution.

Legislator Nazzaro: I'll make a motion to amend the resolution by substitution as presented to us.

Legislator Gould: Second.

Chairman Chagnon: OK. Discussion on the motion to amend by substitution? All those in favor please say aye? Opposed?

*Unanimously Carried to Amend by Substitution*

Chairman Chagnon: A motion to approve the amended proposed resolution?

Legislator Gould: I'll make that motion.

Legislator Muldowney: Second.

Chairman Chagnon: Discussion? All those in favor please say aye. Opposed?

*Unanimously Carried as Amended*

Chairman Chagnon: I made that more difficult than I needed to, didn't I?

*(Cross-laughter)*

Proposed Resolution- Amend 2018 Budget Appropriations and Revenues –Emergency Services

Mr. Griffith: Good morning. This is a resolution to increase the monies in our CME or Continuing Medical Education Program and reduce our Safety Income Program. The CME program is a program that allows our EMT's to refresh online without having to sit for a New York State test.

Legislator Niebel: Why didn't you have this 20 years ago?

*(Cross-laughter)*

Mr. Griffith: The CME program is working out extremely well. As I mentioned last night at the meeting, we've lost 25% of our EMT's in the County in the last three years. If this will help save some of them it will be a great program for the County moving forward.

Chairman Chagnon: Questions? Comments? All those in favor please say aye? Opposed?

*Unanimously Carried*

Proposed Resolution- Setting Salary for Emergency Medical Technician

Mr. Griffith: Establishing the position of basic EMT in the County- this is a position we've not had before. I've been working with the HR Department to get this done. I believe Jessica has some information on the pay grades.

Ms. Wisniewski: Good morning. So, the original resolution said that HR supported a grade 4. Unfortunately, that wasn't accurate and the finalization of the grade was not complete at this time. Since then, we've been able to get this information from John and finalize our recommendation for the grade of the EMT and it would be a grade 6. We looked at compatibilities of titles amongst the County- other titles and what the responsibilities are and also, we always look at the BLS- the Bureau of Labor Statistics and where the averages fall. Based on that, we would recommend that it be a grade 6. These are part time positions that we feel would be difficult to recruit based on a grade 4. That is what the HR Department would support.

Chairman Chagnon: Jessica, when this proposed resolution was reviewed by Public Safety it had not had the benefit of your new recommendation?

Legislator Niebel: It had not.

Chairman Chagnon: OK.

Legislator Niebel: We approved it last night at the grade 4 subject to change at some point.

Ms. Wisniewski: And the same with Administrative Services.

Chairman Chagnon: OK.

Mr. Griffith: It was discussed to go to a grade 6, but was never changed.

Chairman Chagnon: OK. Kevin, could you speak for the Administrative Services Committee?

Legislator Muldowney: The question was brought up that the grade 4 seemed to be a little low and that we'd like to see it- Jessica mentioned that they were looking at a grade 6 and the Committee seemed to be in support of that. We passed it as a grade 4 to move it along.

Chairman Chagnon: Thank you for that. Terry, could you speak for Public Safety?

Legislator Niebel: Same as what Kevin had mentioned. We approved it at a grade 4, but there was discussion last night of altering that and changing it to a grade 6. We did not have the grade 6 hourly figures or the yearly figures.

Chairman Chagnon: Thank you gentleman for that. That helps clarify- I was concerned that this hadn't gone before your Committees for review. So, apparently it was discussed in some length. Questions or comments on the proposed resolution and the proposed amendment to resolution?

Legislator Niebel: Mr. Chairman, I'm in favor of the proposed amendment. The salary at grade 4 for EMT's- I'm voting for a pay increase here and that's unusual for me, but I do think under the circumstances for EMT's that grade 4 is a little bit low. If Jessica and John are in favor of the grade 6 for the EMT's, I would be in favor of that.

Chairman Chagnon: Kathleen, you've joined us?

Mrs. Dennison: I do have a comment, Mr. Chairman, which I did make at the other committees. Just to advise you that the 2019 budget is based on the grade 4. The budget includes 13 positions. Each of them are a .49 FTE, or 19.5 hours per week. So, there is an annual wage budget for 2019 of approximately \$191,000. If all those positions were a grade 6 the

expenditures for the wages would be approximately \$203,000 or an increase of \$12,000 if all of the positions work all of the hours that are budgeted.

Chairman Chagnon: Thank you for that. You were reading my mind. John my question at this point is does this give you any concerns for being able to operate the Fly Car Program within budget next year?

Mr. Griffith: No, and the reason being is I think that by going to this grade it's going to make a smoother operating system. I think at the grade 4 we would have more of a rotating door, which means more orientation time, more training time to get people more up to speed. If you have it a grade 6 I think people would be longer term employees and you'll forget that overlap where two people have to work together to train. It would actually reduce the hours by not having to train as many people on a rotating door process.

Legislator Niebel: Retention.

Mr. Griffith: Yes, without a doubt.

Chairman Chagnon: Any further questions or comments?

Legislator Muldowney: You don't think it will affect the budget?

Mr. Griffith: I do not. I think we can work with it.

Chairman Chagnon: OK, I would entertain a motion to amend the proposed resolution?

Legislator Niebel: So moved.

Legislator Muldowney: I'll second that.

Legislator Nazzaro: Do we need the information-

Chairman Chagnon: Jessica, you can provide the details of the grade 6 to Olivia to incorporate in the amended resolution that will be presented to the Legislature?

Ms. Wisniewski: Yeah, I can send that to her.

Chairman Chagnon: OK. We have a motion and a second to amend the resolution to a grade 6. Any discussion on that amendment? All those in favor please say aye. Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Discussion on the proposed resolution as amended? All those in favor please say aye. Opposed?

*Unanimously Carried as Amended*

Proposed Resolution- Amend Budget Appropriations and Revenues Associated with Vehicle Purchases by the District Attorney

Mr. Gregory: Good morning.

Mrs. Dennison: Would you like me to take the lead on this one?

Mr. Gregory: Yes please.

Mrs. Dennison: As you can see, there's a lot of accounting information going on in this resolution. So, I'll give you a summary. The 2018 capital budget for vehicles was based on net purchase prices or the purchase prices minus expected trade in amounts. What has been the case throughout this year and actually last year as well, in most cases the vehicles are purchased at full price- no trade in and then the vehicles are sold at auction. So, that means that the purchase price is higher and then there is a revenue at a different time when the vehicle is sold at auction. We are proposing to amend the capital vehicle budget for the District Attorney because his purchase price was higher than budgeted because of the lack of trade in. So, it would increase the capital vehicle expenditure and the corresponding revenue in the capital amount-

Chairman Chagnon: By?

Mrs. Dennison: \$27,168.

Chairman Chagnon: And that all relates to the District Attorney's vehicles?

Mrs. Dennison: Correct.

Chairman Chagnon: OK.

Mrs. Dennison: In the classification the H.1997.999.4, it is a unique classification because that classification includes budgets for vehicles for the District Attorney as well as some other operating departments. So, we would increase the capital expenditures and there is a corresponding increase in the operating contractual cost because the vehicle purchases are charged to the operating department's over a four year period as part of a vehicle purchase allocation, which is a contractual operating expense. Since the vehicles cost more, the allocation is more. That allocation is going up \$6,792 in 2018 and also in 2019. That higher allocation expense will carry forward into 2020 and 2021 as well. We're proposing to increase the vehicle purchase allocation, but then there is corresponding revenue from the sale of equipment. So, there will be an increase in the operating appropriations in 2018, increase in the revenue and the same thing will happen in 2019 because one of the vehicles was sold at auction this year and one is pending and expecting to be sold in 2019.

Chairman Chagnon: In 2018?

Mrs. Dennison: One vehicle sold this year and one next year.

Ms. Kneer: They actually both sold.

Mrs. Dennison: Oh. In that case we would propose to defer some of the revenue from that sale into 2019. I didn't know- last time we talked the second vehicle hadn't sold.

Ms. Kneer: I'm sorry.

Legislator Nazzaro: How can you defer?

Mrs. Dennison: Yeah, we can't defer because it's already happened.

Legislator Niebel: Both vehicles sold in 2018?

Ms. Kneer: Yes.

Mrs. Dennison: That is going to change the resolution because we were expecting that one wouldn't sell this year.

Legislator Niebel: Kathleen that will change the \$6,792?

Mrs. Dennison: It will. There will be- what was the sale price?

Ms. Kneer: \$3,250 and then \$11,000-

Mrs. Dennison: I'm sorry, say that again?

Ms. Kneer: \$14,250 total.

Mrs. Dennison: Well, we're going to have a surplus in revenue in 2018, but that will create a situation for a District Attorney because he was planning to use some of that revenue to cover the additional budget for next year.

Legislator Niebel: That will affect this resolution?

Mrs. Dennison: It does because in the last resolved clause the contractual cost is definitely going up next year for the District Attorney. We know what the allocations will be, but there will be no revenue next year. There will be no sale of equipment. So, I'm reluctant to put in the revenue that we know is not going to be received.

Legislator Nazzaro: At the end of the day all this has already happened. So, we have to make the accounting of this correct and recognize the revenue.

Mrs. Dennison: So, I think we're going to have to amend the resolution and take out the last resolved clause. Eventually, we would- because we can leave the contractual budget for the District Attorney in 2019 as it is with the understanding that his vehicle purchase allocation is going to exceed its budget. So, he will have to have a savings of \$6,800 in some other area.



Chairman Chagnon: And then would you also like to change the revenue in 2018 since we know exactly how much that is?

Mrs. Dennison: We could, but then the corresponding increase- there would be an increase in his contractual budget.

Legislator Nazzaro: I think you're going to-

Chairman Chagnon: It would just be a budget surplus in 2018.

Mrs. Dennison: Yes, it would be a surplus.

Chairman Chagnon: So, your recommendation is that we remove the last resolve clause and the two accounting entries to it?

Mrs. Dennison: Yes, and strike “ ; and be it further”- strike all of that from the resolution.

Chairman Chagnon: OK.

Legislator Gould: I have a question. Why are these vehicles not covered in the capital budget?

Mrs. Dennison: Why are they not covered?

Legislator Gould: Yes. Why are most of the County vehicles covered in a capital account, but these plus a couple other ones aren't?

Mrs. Dennison: These are in a capital vehicle account. There are actually three capital vehicle departments – one for the Sheriff's organization, one for Emergency Services, and one for other operation departments. So, there's- the capital budget includes an approval of specific vehicles and those funds are put into these three different categories.

Legislator Gould: Why does the resolution not say “capital” someplace?

*(Cross-talk)*

Chairman Chagnon: It's listed as the H account.

Mrs. Dennison: It does say changes to the 2018 operating and capital budgets. As far as the title, it only says increase appropriation accounts because that first one is a mixed bag of capital and operating.

Legislator Niebel: Kathleen, the reason for this resolution here is because we'd only budgeted \$48,000 for the vehicle and the actual cost came in at \$75,000?

Mrs. Dennison: That's correct.

*(Cross-talk)*

Mrs. Dennison: The difference is because it was budgeted with a trade in allowance and no revenue from sale of equipment.

Mr. Gregory: Just to clarify, this is for two vehicles.

Mrs. Dennison: Yes. Maybe I shouldn't speak for the District Attorney, but in speaking with Rachel, I know that his hope is that since there would be a revenue surplus this year that he may be able to amend his budget in 2019 to use fund balance because he'll be contributing to fund balance because of the surplus revenue for the cars both being sold in this year.

Chairman Chagnon: I'm sure the Committee will take that into consideration next year, but we tend to have very short memories in this committee.

*(Cross-talk)*

Chairman Chagnon: Further discussion on the concept of amending the resolution? I would entertain a motion.

Legislator Niebel: So moved.

Chairman Chagnon: To amend as we indicated by striking from " ; and be it further" down. We have a motion.

Legislator Gould: Second.

Chairman Chagnon: Discussion on the motion to amend?

Legislator Nazzaro: Kathleen you're clear?

Mrs. Dennison: Yes.

Legislator Nazzaro: I just wanted to make sure. I was reading your facial expressions.

Chairman Chagnon: All those in favor please say aye. Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Discussion on the proposed resolution as amended? All those in favor please say aye. Opposed?

*Unanimously Carried as Amended*

Proposed Resolution- Authorize Acceptance of the Crimes Against Revenue Program Grant ("CARP") Funds for 2019

Mr. Gregory: This resolution requests a renewal of the grant. The grant started in 2014. We're actually going into the sixth year. The Division of Criminal Justice Services along with the Department of Taxation and Finance has renewed the grant and it pays for a part time (*inaudible*) and benefits.

Chairman Chagnon: And this is included in the 2019 budget?

Mr. Gregory: Yes.

Chairman Chagnon: Discussion on the proposed resolution? Comments? Questions? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Authorize Acceptance of the 2019 Stop Violence Against Women (VAWA) Grant Program

Mr. Gregory: This is a resolution to approve the Violence Against Women grant for the fifth year of operation. Originally when we'd submitted the grant, we had a number of budget categories for travel, training, equipment and we share this grant with the Sheriff's Department. That's where the increase in revenue was derived from.

Chairman Chagnon: So, there is an excess of revenue from the grant award beyond what was included in the 2019 budget.

Mr. Gregory: That's correct, yes. We're going to use that for salary and benefits for the ADA assigned to the grant.

Chairman Chagnon: Discussion? Questions? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Authorize Acceptance of the 2018-2023 Victim Assistance Through Attorney Services Program Grant

Mr. Gregory: Law New York is here- Lyn Hartley and Robert Hewitt along with Valerie Rettig. This resolution requests approval to accept the \$600,000 grant. It's \$120,000 per year for five years. The DA's Office has a Victim Assistance Program. In order for Law New York to qualify for the program they had to go through our program as an umbrella program. It's going to essentially be a pass through. They're going to administer the grant and be responsible for it and hold the County harmless, essentially. It will allow us to make outside referrals for victims of crime to deal with civil matters.

Chairman Chagnon: Anything to add?

Mr. Hartley: This had to be done this way because Law New York was not an original grantee of the Office of Victim Services. We were made aware of this program and contacted the District Attorney's Office and worked with them to submit the grant proposal which has been accepted, subject to your approval.

Legislator Niebel: Just a comment. Law New York is providing up to 20% of the grant, but some of it is in-kind services?

Mr. Hewitt: That is correct.

Chairman Chagnon: Yes. Other questions or comments?

Mr. Hewitt: We think there's a real need to represent victims of crime in Chautauqua County. This is great opportunity. We're really happy to work with the District Attorney and it would be money on the table if you're willing to accept it. Thank you for your time.

Chairman Chagnon: Thank you. Other questions or comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Amend 2018 Budget for Office of the Sheriff

Ms. Cresanti: Good morning. Mr. Chairman, this resolution is fairly simple. It's one of deputies in the Stop DWI sub account. His health insurance was budgeted as a single and he changed to a family of three. So, that's where this difference came into play. It's a change within the budget, so it's budget neutral.

Chairman Chagnon: You know the right words.

Ms. Cresanti: I do.

Chairman Chagnon: Questions or comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Authorize Execution of Statewide Interoperability Communications Grant (SICG) Award FY18

Ms. Cresanti: Mr. Chairman, this is we've gotten for at least the last few years. This is for the purchase and maintenance of various communication equipment that we use at the Sheriff's Office, such as mobile and portable radios for example. It is a no local share grant and it's already included in the 2019 budget.

Chairman Chagnon: Questions or comments on the proposed resolution? All those in favor please say aye. Opposed?

*Unanimously Carried*

Chairman Chagnon: Legislator Nazzaro has a recommendation.

Legislator Nazzaro: Mr. Chairman, I would like to make a motion that we block resolutions eleven through nineteen since they all relate to enhanced police protection services or court security. They're all similar; it's just a difference of schools and municipalities.

Chairman Chagnon: OK. We have a motion to block. Do we have a second?

Legislator Niebel: I'll second that. We did that last night in Public Safety.

Chairman Chagnon: Thank you. All in favor of the motion to block proposed resolutions eleven through nineteen please say aye. Opposed?

*Unanimously Carried to Block*

Chairman Chagnon: Jennifer, do you have anything in general to enlighten us about the blocked resolutions? Like, the fact that they're all included in the 2019 budget?

Ms. Cresanti: They are included in the 2019 budget, so there are no budgetary changes needed. These are annual contracts.

Chairman Chagnon: Questions or comments on the blocked resolutions?

Legislator Niebel: Pierre, just for a point of clarification resolutions fourteen through nineteen are all at an hourly rate of \$30.10 per hour. The amounts of the tentative agreement with each one of the townships vary a little bit, but the hourly rate remains the same.

Chairman Chagnon: Thank you for that clarification. Other questions or comments on the blocked resolutions?

Legislator Gould: All of the resolutions have Charlie Holder's name on them. Why isn't there somebody current on them?

Ms. Cresanti: Mr. Holder is actually still the Undersheriff until January 1<sup>st</sup>.

Legislator Gould: OK, I thought he was retiring.

Ms. Cresanti: Not yet.

*(Cross-talk)*

Chairman Chagnon: Any other comments or questions on the proposed resolutions that are blocked? We will now vote on the blocked proposed resolutions eleven through nineteen. All in favor please say aye? Opposed?

Proposed Resolution- Authorize Agreement with Village of Silver Creek for Enhanced Police Protection Services FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Town of Ripley for Enhanced Police Protection Services FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Chautauqua Lake Central School District To Provide Enhanced Police Protection Services FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Town of Ellery for Court Security Detail FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Town of Kiantone for Court Security Detail FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Town of Mina for Court Security Detail FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Town of North Harmony for Court Security Detail FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Village of Silver Creek for Court Security Detail FY19

*Unanimously Carried*

Proposed Resolution- Authorize Agreement with Town of Stockton for Court Security Detail  
FY19

*Unanimously Carried*

Proposed Resolution- Amend 2018 Budget for Computer Purchases for Public  
Health and Jail Nurses

Mrs. Schuyler: This resolution is amending the budget so that we can utilize some of our family planning grant funds to purchase computers for our nurses. The medical supply budget underneath the family planning grant is now projected to be under budget and the State Health Department has approved our idea to modify the grant budget so that we could purchase computers. This also enables us to get new computers for the nurses in the jail. We believe it's a win-win.

Chairman Chagnon: Christine, the wording in the resolution is not completely clear. It says the expenses- the computer purchases are projected to be in excess of budget, but it's your intent to purchase additional computers beyond what is in the budget because of this approval on the grant. Is that correct?

Mrs. Schuyler: I believe that's correct. I wish Val was here, but she's not.

Chairman Chagnon: Your explanation helped clarify, it's just that you haven't already purchased over the budget and now you're trying to have a budget amendment to straighten that out. It's that you've gotten approval to purchase additional computers?

Mrs. Schuyler: Yes. So, we can move this money around in order to use it more appropriately.

Chairman Chagnon: Questions or comments on the proposed resolution? Just to clarify my question, it would make one wonder how you purchased more capital equipment than was in the budget and are now asking to approve that-

Mrs. Schuyler: Right.

Chairman Chagnon: So, you're asking for approval to take this action because of the additional change in the grant.

Mrs. Schuyler: Right. We'll make sure we word that better.

Chairman Chagnon: Alright. All those in favor of the proposed resolution please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Compensation for County Coroners

Mrs. Schuyler: This resolution is actually in follow up to our budget discussions and where we were at when we went into the 2019 budget. As the resolution explains the history of the compensation for the coroners and the method that the coroners can be paid can be either by salary, hourly, per diem, case rate, or any other method that the County Legislature approves. As we discussed in the budget and what was put into the budget, we would like to have a base rate for coroners plus the \$150 case rate. So, this resolution is asking that the compensation be set at a management salary plan. Hopefully you are all familiar with it- it already exists out there- and a non-scheduled range of \$5,000- \$15,000 annually plus \$150 per coroner case. We are within the 2019 budgeted amount. So, this is merely changing the method and not any financial amount.

Chairman Chagnon: Thank you for that clarification. So, this is not a change to the budget, it's a change to the method of compensation?

Mrs. Schuyler: Yes. When we discussed at the budget hearings the Human Services Committee, and even last night had said they were fine with us deciding how the coroners had to be paid and here's the amount of money to pay them. Without this resolution officially changing the method, then we can't do that.

Chairman Chagnon: Right, thank you. Questions or comments? Terry?

Legislator Niebel: Christine, you mentioned the budget- going back to the 2019 budget.

Mrs. Schuyler: Yes.

Legislator Niebel: OK, so this management salary plan establishes the range as far as the \$5,000- \$15,000.

Mrs. Schuyler: Yes.

Legislator Niebel: But in the budget we budgeted \$15,000 for one coroner and \$5,000 for three coroners? Was that what we ended up with?

Mrs. Schuyler: I don't know how it ended up.

Legislator Niebel: I'm trying to think-

Chairman Chagnon: Kathleen can help us, I'm sure.

Legislator Niebel: Just for clarification.

Mrs. Dennison: One of the coroners the base salary is \$10,000 and three coroners have a base salary of \$5,000.



Legislator Niebel: OK.

Mrs. Dennison: Then, three of the coroners- it's anticipated that they would service 90 cases per year and one of them 60 cases per year. So, for the base salary plus the \$150 per case- 330 cases, comes to a budget of \$74,500.

Legislator Niebel: OK, but Kathleen, I guess my question is if in the budget for next year we decided on \$10,000 for one coroner and \$5,000 for the other three coroners, why is this \$5,000- \$15,000? Why isn't it \$5,000- \$10,000?

Mrs. Schuyler: I feel it prudent moving forward to have a range that's reflective of the future in case there is a need to go-

Legislator Niebel: But our budget for 2019 – the top one is \$10,000.

Mrs. Schuyler: Yes.

Legislator Niebel: I'm just asking.

Mrs. Schuyler: I will fully disclose that when you have a range you are giving some leeway to the County Executive and to management to be able to put someone's salary within a range- no different than the rest of our managers.

Legislator Niebel: OK.

Mrs. Schuyler: As long as we're within budget.

Legislator Niebel: But that discretion would be to you guys in Health and Human Services to possibly put somebody at \$15,000?

Mrs. Schuyler: In the future, I suppose. If we thought it was warranted and needed-

Chairman Chagnon: And budgeted.

Mrs. Schuyler: And budgeted- to start someone for some reason at the top of the range, then we would. I don't typically start anyone at a top of a range, but that's-

Legislator Niebel: I guess I'm just more comfortable with a range of \$5,000- \$10,000 because that's what we budgeted for next year.

Mrs. Dennison: As with any department-

Legislator Nazzaro: Can you provide the numbers again?

Mrs. Dennison: Sure. There are- we have in the budget four coroner positions. We actually at one time during the budgeting process had five coroner positions and one of those five

positions is not funded. So, we have one coroner who is a base salary of \$10,000 and he's anticipated to service 90 cases. His compensation- the base of \$10,000 and his total case compensation for the year is \$13,500 for a total of \$23,500. That's one position. We have two positions that have a base salary of \$5,000 and are expected to service 90 cases. So, they're-

Legislator Nazzaro: 90 each?

Mrs. Dennison: 90 each. So, their case compensation- each of them is \$13,500 for a total of \$18,500. Two positions at that level and one position at a base salary of \$5,000 and 60 cases for a base compensation of \$9,000 and a total compensation of \$14,000. Those four positions is a total of \$74,500. In the coroner department there is also a cost for a portion of the medical directors. So, there's additional salary budgeted in the coroners department.

Legislator Nazzaro: And that adds up to \$74,500- OK.

Mrs. Dennison: \$74,500 just for the coroners. That does not include the physicians. What I was going to mention earlier as with any department, the budget is adopted on a dollar basis- a total dollar amount for personal services for each department. Generally, the department has the discretion within that dollar amount to assign the salaries as he or she sees fit.

Legislator Muldowney: Was there talk about some type of training? (*Inaudible*)

Mrs. Schuyler: That was part of the rationale for requiring a base salary being needed. We do- the coroners do have to go to mandatory State trainings, there is administrative work, they are also on call. Two of them are on call at all times.

Legislator Muldowney: So, that's part of the base.

Mrs. Schuyler: That is the base salary, so that when they come in for meetings or they have to do training- the State just went to an electronic system that they've had to be trained on. So, that base salary is what covers all of that, which really isn't a lot of money for what they do. \$150 per case- a standard case may take four hours but then you get in cases that- such as the one in Fredonia yesterday that will take days before that's sorted through.

Legislator Nazzaro: I appreciate all the information, but I'm with Legislator Niebel. If we discussed the 2019 budget with the numbers that you gave, Kathleen, \$10,000 would be for one of the coroners- I guess I just don't understand the range and why it's \$5,000 to \$15,000. I think it should be \$5,000 to \$10,000 because that's what we have in the budget. Later on if for whatever reason it needs to be amended, it can come to this committee to be amended. By doing that- if we set it \$5,000 - \$15,000 then a coroner could be paid \$15,000.

Legislator Niebel: It gives them discretion.

Legislator Nazzaro: Discretion. I guess I need to know more- understanding why it needs to be \$15,000 unless there is a valid reason other than discretion. I recommend \$5,000- \$10,000 and then it can be amended if further information is provided.

Mr. Abdella: I just wondered- aside from what would be on the (*inaudible*) as far as the cap on the budget which would act as a limit on the use of those funds. I know there has been some difficulty keeping these positions filled. We're hoping to have that become more- have more continuity. In the event of a vacancy, would there be a scenario where a remaining coroner would have to step up to additional responsibilities. The \$5,000 and \$10,000 are presuming that you're going to have those four intact, but we've dropped to as few as two at one point. I'm just throwing that out there as a rationale for having some wiggle room on-

Legislator Niebel: Steve, I think that was a very unusual case. We had a couple coroners- one retired and one quit at the same time, but I mean I think the last time we had a vacancy we had three or four applicants, as I recall. So, I don't know that we've had a lot of trouble filling vacancies in the past. I'm just concerned that we discussed this quite a bit at the budget hearings here a few weeks ago- like Chuck mentioned, if we go to the higher range it does give the discretion to the department head to put somebody up to the higher level. I would feel more comfortable going with the \$5,000 to \$10,000 at this time and then having somebody come back later on if there's a problem and we can amend this to the \$15,000 later on.

Mrs. Schuyler: With all due respect, I am a department head and you are entrusting me with over \$100 million of taxpayer dollars. We have salary ranges for professional positions and that is why. There is some discretion. We're not talking hundreds of thousands of dollars here, we're talking a range of \$5,000 to \$15,000 for professional work that I feel I am very capable of managing.

Legislator Niebel: Christine, you are a department head and you do a very good job, but this is the Legislature and we decide the finances for departments. OK? That's the way it is.

Mrs. Schuyler: I understand that.

Mr. Abdella: In a scenario where there needed to be a temporary change, it would be very temporary until a position were filled. By the time you would bring a change to the Legislature on that range, the scenario may be over and it's hard to make any sort of retroactive change.

Mrs. Dennison: Mr. Chairman, I just want to add a little more information on this topic. If you look at the managers that are in our budget as we discussed, they all- there is a management salary grade for all of those positions and all of them are in the budget and assigned a wage for every position. That salary is somewhere in that range and usually the range is quite broad. A lot of those salary ranges the span is \$40,000. There are a lot of positions that the department heads have the discretion to assign a salary within a particular range and generally people are not assigned at the top of the range.

Legislator Muldowney: That range that goes to \$15,000 is included in the 2019 budget, right?

Mrs. Dennison: Well, there is no one at the \$15,000. The salaries that are budgeted- no one is at \$15,000. To stay within the budget if someone were to go to \$15,000, one of the other positions would have to decrease.

Legislator Muldowney: OK.

Chairman Chagnon: Further discussion or comments on the proposed resolution?

Legislator Nazzaro: After hearing all the information I'm comfortable leaving this as is as long as we- I was going to put in some kind of language that the salary piece of it could not exceed \$25,000 in total because we're- that's what we had budgeted, really. I don't want to get that restrictive because in the \$74,500 budget the breakdown was \$25,000 for the fixed component?

Mrs. Dennison: The fixed component is \$25,000.

Legislator Nazzaro: I just don't want that component to exceed \$25,000.

Legislator Niebel: Chuck, I think we're talking about two different things. We're talking about the budget. This resolution is actually for the salary management plan to change the- to set that range for the coroners. Look, I'm still more in favor of changing this to \$10,000 to have it correspond to the 2019 budget. So, that's the motion that I would like to make- to have the last resolved changed from \$5,000 to \$10,000.

Chairman Chagnon: OK, we have a motion to amend the proposed resolution. Do we have a second?

Legislator Gould: Second.

Chairman Chagnon: Seconded by Mr. Gould. Discussion on the motion to amend?

Legislator Muldowney: So, what we're talking about is discretion of \$5,000 by a department head? (*Inaudible*) and have the ability to scramble and stay in that \$74,500. I don't see a problem with that.

Chairman Chagnon: Further discussion on the motion to amend? All in favor of the motion to amend please say aye. Opposed?

*Motion to Amend is Defeated with Legislators Chagnon, Niebel, and Muldowney Voting No*

Chairman Chagnon: Further discussion on the proposed resolution? All those in favor please say aye. Opposed?

*Resolution is Carried with Legislators Niebel and Gould Voting No*

Proposed Resolution- Acceptance of New York State Municipal Restructuring Fund Grant

Mrs. Schuyler: For those of you that don't know Bill Boria, he's our senior water resource specialist. He's come today to help to tell a little bit more (*inaudible*) about this program. This is a municipal consolidation efficiency competition grant application, which Chautauqua County was awarded. I'll let Bill tell you-

Mr. Boria: Actually in the 2017 competition Chautauqua County was one of three finalists. We submitted- I think there were 12 total projects and the State liked it so much that they came back to us- we did not win that competition, and they say hey, we'd like you to submit this independently. It's a great project that we could use as a model across the state. What it will do is save sixteen municipalities in the County that have water and wastewater municipal systems- save them money by pooling resources including staffing. Right now municipalities have a very difficult time staffing their water and wastewater operator with people that are certified and have the proper credentials. It'll also allow them to pool expenses like laboratory services. They can go out for bids as a group and get better pricing there- pricing on treatment chemicals and things like that.

Also, there's an educational component that will be associated with this. It will provide opportunities for the operators that are here to obtain their continuing education credits and that sort of thing. So, we've got seventeen municipalities who potentially will sign on. This initial part of the project will develop a plan and form the budget to move forward and then work with each municipality to develop memorandums of understanding to participate.

Chairman Chagnon: Bill, you anticipate this program spanning what period of time?

Mr. Boria: Approximately five years total to get things underway. This initial phase- the \$50,000 grant will probably be in the neighborhood of a one year project- maybe a year and a half although, we do have a lot of flexibility in the timeline for that.

Chairman Chagnon: Questions or comments on proposed resolution?

Legislator Muldowney: Do you see this being able to save a lot of municipalities- I know the city of Dunkirk always had problems trying to fill operators.

Mr. Boria: Absolutely. It's really targeting smaller municipalities- populations under 5,000 because they have the biggest problem. Some of the larger ones have that same problem too. The three large municipalities in the County have much higher grade operators required, whereas the smaller ones are lower grade. Still, people just aren't going into that field.

Legislator Muldowney: Right.

Mr. Boria: There are more people retiring than going in. These are good paying jobs and they're very beneficial to the community.

Chairman Chagnon: This is an excellent example of shared services. Other questions or comments on the proposed resolution? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Authorize Agreements and Amend 2019 Budget for the Health Care Proxy Registry

Mr. Melquist: Good morning. Mr. Chairman, this resolution is to accept revenue for the Office for the Aging to take over the health care proxy registry from Chautauqua County Health Network. Currently, they handle it. I think it kind of came from the fact that we have New York Connects already in our office and are able to take this on without much added stress and possibly cheaper than what they were doing.

Our County IT Department will host the database for the health care proxy. Like I said, New York Connects staff will oversee the maintenance and Proxy itself is kind of set up to update healthcare proxies, send notifications to clients and then market it, pretty much. So, we want to accept the revenue to then turn around and cover our New York Connects staff.

Chairman Chagnon: OK. Questions? Comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

Chairman Chagnon: The next proposed resolution we don't need to vote. We'll just have discussion because it will be up for consideration to be taken from the table in the Legislature meeting.

Proposed Resolution- Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake  
(Tabled in Legislature on 11/28/18)

Mr. McCoy: You did a very nice job explaining where we are with this, Mr. Chagnon. This resolution helps to earmark the \$25,000 for the cleanup of weeds and dead fish in Burtis Bay. Importantly though, it's a demonstration of cooperation between the funders that we have here in Chautauqua County. The County would be supplying some funding, the Sheldon Foundation would be supplying some funding, the Community Foundation would be supplying some funding. Working together, hopefully, we can get out there and clean this up. As you look out the window today and everything is white- when we get around to cleaning things up, everything will be green. I think it's important to have some flexibility as we get closer to the time to be able to clean that up because we really don't know what conditions will be like in the spring when we have an opportunity to get back there.

Mrs. Dennison: Mr. Chairman, I have a question. The resolution suggests that we would be amending the 2018 budget, but since the work would not be done until 2019 would you need the appropriation in this year? Would it be better to amend it into the 2019 budget?

Chairman Chagnon: That's up for discussion with the Legislature. That's part of discussion that will entail- since the emergency situation that we are trying to address cannot be

addressed this year. So, the Legislature will now have to decide how they want to go forward with this proposed resolution. There are several options available. I think the short answer is that we don't know yet, Kathleen.

Mrs. Dennison: And the other point with this particular account is that if there is a surplus at the end of the year it would return to the reserve account. So, even if we added to the 2018 budget, the contract is not executed, presumably there is a surplus- that would return to the reserves. So, maybe it's not really a problem either way.

Chairman Chagnon: OK. For perspective, we talked about this at Planning & Economic Development Committee last night. This emergency situation brought forth a big concern from the community and two of the foundations locally, the Chautauqua Region Community Foundation and the Sheldon Foundation, are interested in partnering to try to address the situation. So, both of those foundations offered to contribute funds along with Chautauqua County to address the situation.

As we've just spoke, the emergency situation is not able to be addressed this year because of the change in the weather. That left the two foundations and Chautauqua County a bit up in the air as to how to proceed forward because as Dave pointed out, the situation that is resulting in the spring when the ice comes off the lake is going to be significantly different than it was this fall and the cost to address is going to be less because we're not going to be looking at mobilizing equipment and then re-winterizing and those type of things. So, we know that the cost will be less in the spring, we just don't know how much less.

So, the Chautauqua Region Community Foundation had their meeting yesterday and their board discussed this and understanding the uncertainty of this, they still felt that it was important to continue the cooperation in dealing with this situation. I was informed yesterday afternoon by their executive director that the Chautauqua Region Community Foundation has allocated the funds for whatever is needed in the spring. Whatever isn't needed won't be expended- won't be provided. So, that's where the Community Foundation came down on it and my only perspective on this at this point is that I think it's absolutely wonderful that the County and two foundations have partnered, come together to address a community need and I would like to preserve that cooperation going forward, however we chose to address this.

There are several options available to the Legislature in terms of how we address this. We could allocate the funds to the alliance on a reimbursement basis, we could allocate the funds straight out, we could not take any action and leave the funds in the 2% reserve for action in the spring once the plan and the costs are understood. So, there are options available to the Legislature. I don't have any strong preference for any of those options, but my concern is that we continue the support and the cooperation that has developed.

Mr. McCoy: The important thing is that we position ourselves to act quickly when we have an opportunity to go in.

Chairman Chagnon: Good point. Thank you. Any other discussion?

Legislator Niebel: The cost estimates will be more accurate in the spring?

Mr. McCoy: Of course.

Legislator Niebel: OK. They should be less?

Chairman Chagnon: They should be less. OK, if there is no further discussion we will moved to the next proposed resolution.

Proposed Resolution- Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

Mr. McCoy: We've been working very hard to bring federal dollars into Chautauqua County, particularly for our North County harbors of Chautauqua Lake and also to help mitigate some flooding concerns in Cattaraugus Creek and the Village of Silver Creek. Those areas-facilities, if you will, fall under the jurisdiction of the Army Corps of Engineers. They are a large bureaucracy and they are of course in Washington, Buffalo, and Pittsburgh and it's a challenge to deal with those folks at times. We're a small county and we don't have the voice that larger communities have, with respect to these large infrastructure projects (*inaudible*.) So, we've retained in the past, services of NEXUS government relations in Washington, D.C. – base lobbying firm and they have helped us to make some significant inroads into the Army Corps for funding projects, for instance, the dredging of Barcelona Harbor twice, repair of their break water, dredging of Dunkirk Harbor. Now, we're working on a federal interest determination for the extension of the break water in Dunkirk Harbor, which should be of significant economic importance to the success of the marina facilities that are there. We've actually helped to shape federal legislation in the (*inaudible*) bill to make sure we have the language we need to appropriate funds for ice jam flooding mitigation in Cattaraugus Creek in Silver Creek. We probably wouldn't have gotten there without their help. So, we'd like to be able to continue that relationship.

Chairman Chagnon: OK. Questions? Comments? I'll echo the comments I made last night at PED about this resolution. I had firsthand experience with this gentleman from NEXUS. I had the pleasure of accompanying Mr. McCoy and Mr. Borrello on trips to Washington, D.C. the last two springs and it is absolutely clear to me that we could've never established the contacts and the connections that we did without his help and assistance. We would have been absolutely lost going to Washington and trying to figure out who to call, what doors to knock on, and he opened doors that were just unbelievable and have been a tremendous assistance to the County already.

Mr. McCoy: We now have working relationships with the EPA, the Army Corps, and in the offices of our congressional representatives to help us. So, we're much better off today than we were three years ago and the return on our investment is significant.

Chairman Chagnon: Yes. Any further discussion on the proposed resolution? All those in favor please say aye. Opposed?

*Unanimously Carried*



Proposed Resolution- Establish Chautauqua County Sewer Agency Pursuant to Article 5-A of The County Law

Mr. McCoy: We did have a sewer agency for extending the South and Center District expansion up from Ashville to Stowe. It's fulfilled its goal. Now, we're looking at trying to look at the need for sewerage Findley Lake, possibly in cooperation with the Town of Sherman and possibly even with Peek'n Peak. Those are things that we have to figure out and the sewer agency is really designed to wade into that pool of water and make recommendations to the Legislature. Just a note, Findley Lake has a TMDL for phosphorus and the recommendation in that document is to establish a municipal wastewater treatment collection system around Findley Lake. The geology is such- and the development patterns around Findley Lake are such that the cottages and residences are very close to the lake. The lake is in a bowl; everything flows downhill and septic systems are causing significant nutrient contributions into Findley Lake. So, moving forward with a municipal waste water collection system may be the best opportunity to improve water quality and resolve human health concerns associated with Findley Lake.

Chairman Chagnon: Steve, anything to add?

Mr. Abdella: No, other than the makeup of the agency is within the discretion of the Legislature to set. This is similar to patterns used in the past, but it's not the only way we can fill the agency.

Chairman Chagnon: And the appointments would be made by the County Executive and the chairman of the Legislature?

Mr. Abdella: That's right.

Chairman Chagnon: Alright. Discussion? Comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

Proposed Resolution- Amend Capital Budget for New York State Department of Environmental Conservation Water Quality Improvement Project Grants

Chairman Chagnon: This resolution has been amended and a typo recognized.

Mr. McCoy: When I started with Chautauqua County about five years ago, shortly thereafter we got notice of an award for a grant to do water quality improvement projects on Dewittville and Goose Creek and that was a good thing. We put together a resolution to accept those funds, however at that time, it wasn't our practice to establish the accounting for how we would pay our bills and accept our money. That wasn't done. This was the last of the analog grant. The State now uses the grants Gateway and things move along a little faster. It did take

three and half years to get under contract with New York State. It was a difficult process, but the good news is the projects have been installed and now we need to pay some bills. Our subcontractors are Chautauqua County Soil and Water Conservation District and the Chautauqua Watershed Conservancy. It would be great to have these accounts established so we can make payment.

Chairman Chagnon: OK, so for clarification, at the PED Committee last night the budget director pointed out that the dollar amounts which are currently listed as \$220,250, should actually read \$132,750. That is because the local match has already been accounted for. So, that would change both the increase of the capital appropriation account and the increase in capital revenue account. Again, the amount is \$132,750 and the typo is that the second accounting title says "increase capital revenue accounts" and it is actually "account" singular. So, it's just striking the letter "s." That proposed resolution was amended in Planning & Economic Development last night, so we now have an amended proposed resolution in front of us. Discussion on the proposed resolution as amended? All those in favor please say aye. Opposed?

*Unanimously Carried*

Chairman Chagnon: With the agreement of the Committee, I would like to bring up the two proposed resolutions under "other," next.

Other-

Proposed Resolution- Authorize Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist with Developing a Chautauqua Lake Weed Management Consensus Strategy

Mr. Geise: As you know, the state of weed management in Chautauqua Lake has become very contentious and polarized. I guess it's nothing new, but it's really come to a head, primarily due to the fact that the Town of Ellery prepared an environmental impact- a supplemental environmental impact statement and then herbicides were applied in the lake in July of 2018. Consequently, the Institution initiated an article 78 proceeding, which basically they're seeking to invalidate the supplemental environmental statement for the use of herbicides in Chautauqua Lake. The County Executive got involved. He made a pledge that he would seek to develop a consensus strategy and try to bring all the stake holders to the table and reach some type of agreement where everybody can live with the strategy. We've had a number of meetings regarding this issue and the IDA came about to maybe look to insert an independent autonomous firm that had good experience with environmental impact statements and NEPA (?) and had a science base. We reached out to ecology and environment in Lancaster. They're a multinational environmental engineering permitting firm with a lot of scientists, biologists and chemists. It has a lot of experience doing this kind of thing. We met with them. They made us feel secure that they were up to the task of working with us and the DEC and others to try to develop a consensus strategy looking at the (*inaudible*) management strategy and the environmental impact statement and all the other information out there and try to develop this strategy. So, we've got- for a little less than \$10,000 from the reserve, we would like to contract with them and develop this strategy.

Chairman Chagnon: OK. Questions? Comments? The County Executive is not able to be here this morning, but he asked me to express his strong desire to move this forward so that we can progress with his objective of establishing a consensus strategy. I would just elaborate on comments that Mark made by pointing out that Ecology and Environment is a highly respected firm- has done this type of work in other areas, but has not done any work on or near Chautauqua Lake. So, they are an unbiased view of the situation which was important to me to not bring another bias view into the discussion. I think that it's important that we progress discussions on the management of the macrophytes in Chautauqua Lake because Chautauqua Lake is a relatively small, compared to the other major lake in Chautauqua County which is Lake Erie, that has multiple uses and is a Class A drinking water source for a couple of communities. So, there are strong interests and concerns and bringing those all to the table and coming to consensus is a challenge. The County Executive feels that it needs assistance with this to bring in an independent consultant to help with that process. I appreciate the work that Mark has done to bring us to this point.

Mr. Geise: I want to add also, Mr. Chairman- and we talked a little about this last night- is I don't know if this is going to get us all the way to the finish line because we really don't know what we're confronting exactly- what we're going to run into and what kind of pushback, but I think it's definitely going to get us down the road and hopefully it gets us to where we need to be, but we'll have to see. I think this is a really good first step.

Chairman Chagnon: And as we talked last night, Chautauqua Lake has a long history of legal disputes, lawsuits, and if we can develop a consensus strategy and save the taxpayers the cost of further litigation it would be money well spent in my opinion. Discussing with the Clerk last night, I pointed out to her that my father was the third president of the Chautauqua Lake Association back in the early 50's and when he assumed the position of president, his first task was to hire an attorney to deal with the lawsuit that was filed over some dredging that they were doing. So, lawsuits on Chautauqua Lake go back many decades. If we could develop a consensus strategy and avoid further litigation it would be in all of our best interests.

Further discussion on the proposed resolution? All those in favor please say aye.  
Opposed?

*Unanimously Carried*

Mr. McCoy: I would just like to add that the last five resolutions that we've discussed all share a connection to the 2% Occupancy Tax program for lakes and waterways. I think it goes to demonstrate what a powerful tool it is to accomplish our goals and objectives for both economic development and tourism here in Chautauqua County.

Chairman Chagnon: Thank you.

Proposed Resolution- Establish Capital Accounts for Land Purchase and Avigation Easements at The Dunkirk Airport

Mr. Bentley: Thank you. I'm going to let Ron speak to a lot of the details, but at the high

level what this is for is to get a fully functioning airport with obstruction removals at the end of the runway. It allows commercial air aviation and Ron has all the details. What it does is it makes it more attractive to a fixed base operator to take over our operations. So, the urgency on this is the sooner we can get this- it has to go through a lot of reviews. So, negotiating with the land owners to be able to do the obstruction removals is very important to us. We have some deadlines that we're trying to get to. If we can get things done sooner, that's what we're trying to go after here. It's really an effort to really make the airport attractive to a fixed base operator to take over. With that, I'll let Ron kind of go through a little bit more of the nuts and bolts of the details.

Mr. Almeter: Currently, all four of the approaches to the Dunkirk Airport have restrictions imposed on the type of instrument approaches that can be flown due to obstructions. In most cases it's trees that limit both the type of aircraft and the conditions under which instrument (*inaudible*) can land. Most specifically it affects the two base jet operators at the airport, but it also affects any charter jets or any (*inaudible*) aircraft that are coming in. Again, for the most part these are business use of aircraft that want to be able to fly in all weather conditions. With the existing obstructions, that's not possible. So, it's a deterrent to someone that wants to operate a fixed base operation, but it's also a safety of flight issue. Avigation is the shorthand, I guess (*inaudible*) tax for aerial navigation in and around the airports. Typically when we bring resolutions for grants to the Legislature it is at the point where the County wishes to accept the grant and obligate funds for contract work. This is something of an exception to that because under the FAA grant assurance program the acquisition of land and easements require some pre-acquisition activities and expenses that the FAA expects the airport sponsor to accrue- to incur and accrue those costs prior to the granting of a grant- for the issuance of a grant. So, that's where we are. We have to accrue these land acquisition costs and to do that of course we have to set up the budgets. That's the nature of this resolution. These costs are reimbursable under the standard FAA grant- capital grant program at the rate of 90% FAA funding, 5% State funding and 5% local share. For this specific project, our engineering consultants have agreed to accrue the cost of the appraisal and survey work in expectation of getting the grants and being fully reimbursed. They will perform this work on a cost plus fee basis. That's a little bit unusual as well because the cost of acquiring these easements and survey work and the appraisal work is not tightly bounded. There's a lot of variables, one of which includes negotiations with the FAA on what the extent to which they want us to acquire easements and property acquisitions. Easements are pretty straight forward, but property acquisition- full title to land is a little more problematic and it depends on a number of factors that the FAA ultimately decides.

The reason this is coming to you late in the year- we have been negotiating with (*inaudible*) and Associates to undertake this work for several months and it was only very recently that we got their concurrence to do the work on a cost plus fee basis. We were unable to enter into an agreement on a fixed price basis because of the variables notes. The appraisal work has to be completed and letters of intent with prospective land owners have to be submitted for fiscal year 2019 grant funds have to be submitted by the 31<sup>st</sup> of January, 2019, which doesn't give us a lot of time. We intend to go into this project in a phased manner so that we will focus first on the nine parcels of land that we need to clear obstructions on the primary runway- runway 624, and then we'll pursue the acquisition of easements on the other parcels of land.

There are 24 land owners involved. I think there's about 30 different parcels, some land owners have multiple parcels. So, there's a lot of easements and a handful of land acquisition

contracts to be negotiated.

Mr. Gould, did you get the list of property owners? I emailed it to you yesterday.

Legislator Gould: I haven't looked at my email.

Mr. Almeter: It's a big file. It's about 13 megabits of-

*(Cross-talk)*

Mr. Almeter: It's about 24 different land owners that we'll be working with.

Legislator Nazzaro: As we discussed in Public Facilities, and as you just pointed out here, it's a little unusual. I don't want to say putting the cart before the horse, but we sort of are. There's a very high probability based on our past successes that this grant will be approved because the intent of the grant is to allocate \$30,000 out of fund balance, but the grant has not been applied for-

Mr. Bentley: No.

Legislator Nazzaro: Or-

Mr. Almeter: The grant process is two phased. There is a pre-application, which we did last January. So, the pre-application put this project on the FAA's capital budget program. They've budgeted for it, but the second phase of the grant application cannot occur until we present these letters of intent to acquire the easements.

Legislator Nazzaro: In order to get the grant- to apply you have to get the letters of intent? That's the purpose of this \$30,000-

Mr. Bentley: The pre-application, if you will, is what gives us the reasonable assurances that the money is there, but we still have to go through the formality of the process.

Legislator Nazzaro: There's always a little risk. You never know today-

Mr. Bentley: Until you have the money in the hand, there's always risk. We feel that this is a goal that we should pursue. It's in the best interest of the airports and I think it's a risk worth taking.

Chairman Chagnon: OK. Other questions or comments? Ron does this resolution and these budgetary figures include runway 624 only or does it also include runway 1533?

Mr. Almeter: That's a good question. It includes the land acquisition- easements and land acquisition survey work for all 24 properties- all four approaches, both runways.

Chairman Chagnon: OK, good. Thank you for that clarification. Any other questions or

*Unanimously Carried*

Chairman Chagnon: Just a point of information, my brother in-law was killed at that airport. He flew into a tree, so this is important to me.

Mr. Almeter: Obviously it's necessary. Removing a tree will help all pilots.

*(Cross-talk)*

Legislator Niebel: Was that about 25 years ago?

Chairman Chagnon: Yes, that was the *(inaudible)* crash.

Legislator Niebel: I was there.

*(Cross-talk)*

Discussion- Three+One Firm- Regarding Recommendations from Liquidity and Treasury Analysis- Kitty Crow, Garrett Macdonald, Alex Derosa

MOVED by Legislator Gould, SECONDED by Legislator Niebel to adjourn.

*Unanimously Carried (10:44 a.m.,)*

Respectfully submitted and transcribed,  
Olivia L. Ames, Committee Secretary