

Regular Meeting
Chautauqua County Legislature
Wednesday, February 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 announce a quorum present. (Absent: Gould)

Legislator Niebel delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Himelein, the minutes were approved. (12/20/17 & 1/24/18)

1st Privilege of the Floor

My name is Bob Ruther and I'm here to speak on Local Law 1-18. I have a prepared statement if you don't mind. I don't think that anyone can question the fact that there is money to be made through energy efficiency upgrades and improvements. The real question that everyone usually asks is where do we get the money to pay for this work? Throughout the country and here in our County, one answer is the PACE program. Energize New York finance is a means to finance energy efficiency and renewable energy upgrades in commercial or nonprofit properties, or multi-family units owned by a corporation. Energize New York finance leverages the property assessed clean energy structure to provide access to capital, extended loan terms, and other benefits. Once the finance parameters have been met, PACE can provide 100% of the needed funds. Examples of PACE finance projects include office buildings, hospitals, airports, hotels, churches, and recreational centers among others. Energy efficiency measures can include any renovation or retrofitting of a building to reduce energy consumption such as windows and door replacement, lighting, insulation, air ceiling, HVAC, and similar improvements. Renewable energy projects can be solar thermal, solar (*inaudible*), wind, and aerobic digester gas or electric systems, and micro-grids among other. Research shows that leaders who make important strides in improving their counties, towns, and cities, no matter their starting point, do three things really well. They achieve smart growth, do more with less, and win support for change. Adopting Chautauqua County's PACE program is an example of smart leadership. In addition to thanking the members of this Legislature, I would like to thank Mark Odell for taking the lead on energy efficiency policy including sponsoring the PACE law. I also want to make mention of George Spanos, Director of Public Facilities, for the recent purchase of two all-electric, Class 8 yard trucks for the landfill transfer stations. We are the first municipality in the country to own this type of vehicle. The purchases were made with no additional cost to the taxpayers above what a diesel truck would have cost. These vehicles are cleaner and cost less to maintain than a diesel truck saving taxpayer dollars and I want to thank you all very much.

Chairman Wendel: Anyone else to speak to the 1st privilege of the floor? Seeing no one, we'll close the 1st privilege of the floor.

**VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 12/20/17**

**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 1/24/18**

PRESENTATION: COUNTY HISTORIAN REPORT
by
MICHELLE HENRY

COMMUNICATIONS:

1. Letter – County Exec. Borrello–Re: Apptmt. to Southern Tier RR Authority Bd.
2. Investment Report – Fn. Director Crow – December/2017
3. Letter - County Exec. Borrello – Promulgating Amendment to Admin. Code
4. Class of 2018 Inductees – Chautauqua Sports Hall of Fame
5. Resolution – Oswego County – Re: No PILOT’s for Big Wind Projects
6. Letter – NYSAC – Re: Partnered with BoardDocs – Paperless Solution
7. Letter – NYS Depart. of State – Re: Ack. Receipt of Local Laws 1, 2, & 3-18

Chairman Wendel: If I could please, item number four.

Clerk Tampio: Yes, I will read you a summary of that. Eight individuals were formally inducted at the Chautauqua Sports Hall of Fame 37th Annual Banquet that was held February 19, 2018 at the Lakewood Rod and Gun Club. The new honorees brought the total number of inductees to 191. The living inductees are Dick Cole, Curt Fischer, Lori Franchina, Sheilah Gulas, Fran Sirianni, Clem Worosz and Phil Young and the deceased honoree was Jim Riggs.

LOCAL LAW INTRO. 1-18 - A Local Law to Amend the Sustainable Energy Loan Program in the County of Chautauqua

Legislator Odell: My friends and esteem colleagues, this Local Law is being brought forth before us again tonight because the New York State Legislature had amended the property assessed clean energy or PACE financing laws and the County just needs to amend this local law that we unanimously passed last July. As most of you will recall and really for the benefit of our new colleagues here with us now, just for their edification, several towns and villages within the County have obtained clean energy community designation by the New York State Energy Research and Development Authority over the course of the past year. They did this by completing four of 10 high impact action items that are designed to save money, realize improved energy efficiency, foster vibrant economies and improve the environment and public health. These communities have received grant awards ranging from \$50,000 to \$100,000 as a reward for innovative leadership, stewardship and dedicated efforts. At our County level and this is what we have been working on diligently, we’re working towards the same designation at the County level for clean energy communities and a \$225,000 grant award with no local cost share,

by the way, that comes with it. Our counties collaborative team from the Executive and Legislative offices, the Department of Public Facilities, and the Department of Planning & Economic Development have identified our four of these 10 high impact items as being number one, a benchmarking of our billing inventories and corresponding energy requirements, which has been done by George and a team at DPF. Number two, County-wide solarized campaign which is currently underway through our Planning Department, number three, clean fleets which Mr. Ruther, if he's still here, no, he's gone, just kind of spoke on it briefly with the new electric vehicles at our transfer stations and lastly, our fourth high impact action here tonight is voting on the low cost PACE financing which is the Local Law before for this evenings action. This law allows for commercial and non-profit entities to take advantage of low interest financing through the New York State Energy Research and Development Authority for energy efficiency upgrades as well as clean energy implementation measures. Everyone's support of this important local law would be great appreciated. Thank you Mr. Chairman.

Chairman Wendel: Any other discussion or debate?

Attorney Abdella: I would just note for the record that in the findings clause, there is a reference to this law and it describes it as this "chapter", whereas everywhere else it refers to this law as actually "this law or this local law". We will view it as a typo the word "chapter" and replace it with the word "law" so it will simply state this "law" establishes a program that will allow the Energy Improvement Corporation and so forth after that.

Chairman Wendel: Seeing no further discussion, roll call please.

LL Intro. 1-18 – R/C Vote: 18 Yes; 1 Absent – UNANIMOUSLY ADOPTED

Legislator Chagnon: I would like to make a motion that we block resolutions 32 through 36.

Legislator Bankoski: Second.

Chairman Wendel: All those in favor?

Unanimously Carried

RES NO. 32-18 Confirm Re-Appointment – South & Center Chautauqua Lake Sewer Districts Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES NO. 33-18 Confirm Appointment – North Chautauqua Lake Sewer District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES NO. 34-18 Confirm Re-Appointments - Chautauqua County Fire Advisory Board, by Public Safety Committee – UNANIMOUSLY ADOPTED

RES NO. 35-18 Confirm Re-Appointment – Southern Tier Extension Railroad Authority Board, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES NO. 36-18 Confirm Re-Appointments - Chautauqua County Visitors Bureau Board, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES NO. 37-18 Public Hearing Procedures for the North Chautauqua Lake Sewer District Scale of Charges, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES NO. 38-18 Authorize Agreement for Purchase and Removal of County Owned Timber from Property #9 on Warner Road in Town of North Harmony, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 39-18 Establish Multiyear Parks Capital Improvement Accounts, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

40-18 Close Capital Projects & Amend 2018 Budget – South Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 41-18 Authorize Supplemental Agreement No. 3 w/ NYSDOT for PIN 5761.00, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 42-18 Authorizing the Sale of Curtis Street Residential Property Owned by JCC, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 43-18 Authorize Lease Agreement w/ Celebration Hall, LLC for Office Space for the Public Defender Office- Family Court Division, by Public Facilities, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 44-18 Amend 2018 Budget Appropriations – Real Property Tax Office, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 45-18 Amend 2018 Budget to Consolidate Costs Associated with Health Insurance Administration, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 46-18 Authorize Agreement with Silver Creek Central School District for School Resource Officer, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 47-18 Amend 2018 Budget for Statewide Interoperability Communications (SICG) Formula Grant Award, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 48-18 Authorize Acceptance of Funds from the New York State Department of Health for Alzheimer’s Caregiver Support Initiative, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 49-18 Authorize Execution of Attestation for 3.25% Funding Increase to Support Annual Salary and Salary-Related Fringe Benefit Costs of Direct Care Staff, Direct Support Professionals, and Clinical Staff at Not-for-Profit Providers through the Department of Mental Hygiene OASAS Programs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 50-18 Authorize Execution of Attestation for 3.25% Funding Increase to Support Minimum Wage and Workforce COLA Salary and Salary-Related Fringe Benefit Costs of Direct Care Staff, Direct Support Professionals, and Clinical Staff at Not-for-Profit Providers through the Department of Mental Hygiene, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 51-18 Accept Grant Funding from New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program for B2CI Easements, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 52-18 Allocation of 3% Occupancy Tax Funding from the 2018 Reserve Account to the Jamestown Renaissance Corporation for “Hello Jamestown” Video Campaign, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 53-18 Government Reduction Initiative (GRI) Assistance for the Town of Cherry Creek, by Planning & Economic Development and Audit & Control Committees

Legislator Niebel: Mr. Chairman, this resolution is part of the County policy adopted last year whereby the County reimburses villages that dissolve or towns that have combined for unexpected expenditures associated with the dissolution or consolidation. I’d like to thank the Legislature for supporting this policy in the past and for supporting this resolution this evening. Thank you.

Chairman Wendel: Any other discussion or debate?

RES. NO. 53-18 – UNANIMOUSLY ADOPTED

Legislator Bankoski: I would like to make a motion to block resolutions 54-18 through 73-18.

Legislator Chagnon: Second.

Unanimously Carried

Chairman Wendel: Just a point of order, at the end of this as we vote, if you are in opposition to any of these, after your opposition vote, just let the Clerk know the resolution that you are opposing.

RES NO. 54-18 Amend 2017 Budget for Year End Reconciliations – Portland-Pomfret-Dunkirk Sewer District, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

55-18 Amend 2017 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 56-18 Amend 2017 Budget for Year End Reconciliations – South & Center Chautauqua Lake Sewer Districts, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 57-18 Amend 2017 Budget for Year End Reconciliations – Public Facilities Transportation Division, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 58-18 Amend 2017 Budget for Year End Reconciliations – Public Facilities Road Machinery Division, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 59-18 Amend 2017 Budget for Year End Reconciliations – Public Facilities, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 60-18 Amend 2017 Budget for Year End Reconciliations–Landfill – Environmental, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 61-18 Amend 2017 Budget for Year End Reconciliations – Clerk, Legislative Board, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 62-18 Amend 2017 Budget for Year End Reconciliations – County Clerk, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 63-18 Amend 2017 Budget for Year End Reconciliations – Finance, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 64-18 Amend 2017 Budget for Year End Reconciliations – Health Insurance Fund (M Fund), by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES NO. 65-18 Amend 2017 Budget for Year End Reconciliations – Board of Elections, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 66-18 Amend 2017 Budget for Year End Reconciliations – Information Technology Services, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 67-18 Amend 2017 Budget for Year End Reconciliations – Unified Courts, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 68-18 Amend 2017 Budget for Year End Reconciliations – Emergency Services, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 69-18 Amend 2017 Budget for Year End Reconciliations – Public Defender, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 70-18 Amend 2017 Budget for Year End Reconciliations – District Attorney’s Office, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 71-18 Amend 2017 Budget for Year End Reconciliations – Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 72-18 Amend 2017 Budget for Year End Reconciliations – Health & Human Services, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 73-18 Amend 2017 Budget for Year End Reconciliations – Planning & Economic Development, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 74-18 Approving SEQRA Determination for New Fuel Farm at Dunkirk Airport, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES NO. 75-18 A Resolution Authorizing the Issuance of \$650,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of a Fuel Farm at the Dunkirk Airport in and for Said County, by Public Facilities and Audit & Control Committees – R/C Vote: 17 Yes; 1 No; 1 Absent – (Himelein voting “no”) – ADOPTED

RES NO. 76-18 Establishment of Capital Accounts for New Fuel Farm at Dunkirk Airport, by Public Facilities and Audit & Control Committees – (Himelein voting “no”) – ADOPTED

RES NO. 77-18 A Resolution Authorizing the Issuance of \$16,888,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County, by Public Facilities and Audit & Control Committees

Legislator Wilfong: It's a great day for Chautauqua County. Our County is again embarking on another large capital project. The leaders of Chautauqua County government are now moving ahead with another sewer project along Chautauqua Lake. This project is long overdue and is a worthwhile investment for the long term growth and prosperity of our County. What I am most proud of is the committed and cooperative leadership the Legislative body has shown on this project. This group has come together and saw the need and worthiness of the project and the good that it will do for our County. This project was made a reality because 19 elected officials from throughout the County saw this need and decided to act. They have shown that bipartisan cooperation, fiscal responsibility can work hand in hand to make projects like this a reality. With corruption trials going on in Albany as we speak, it is my hope that the residents of Chautauqua County will appreciate their County government for the shining example of how government should be run. Chautauqua County government is effective, efficient and fiscally responsible to our County's need. This group of Legislators is a group of people that are unified for one purpose and that is to make Chautauqua County the best place to live in Western New York. Thank you.

Chairman Wendel: Anyone else to speak to the resolution?

RES. NO. 77-18 – R/C Vote: 17 Yes; 1 Absent –ADOPTED ADOPTED

RES NO. 78-18 Establishment of Capital Accounts for South & Center Chautauqua Lake Sewer Districts (S&CCLSD) Extension, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES NO. 79-18 Resolution of Intent to Acquire Town of North Harmony Sewer District Facilities and Property Interest for the Extension of the South Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

Legislator Hemmer: I would like to bring forward this emergency resolution. This is to adjust the DPF large equipment capital account. They are to purchase a truck and to increase the appropriation and the revenue account accordingly.

Legislator Himelein: I will second that.

Unanimously Carried

Chairman Wendel: Any discussion on the resolution as presented?

EMERG. RES. NO. 80-18 – Adjust DPF Large Equipment Capital Account – UNANIMOUSLY ADOPTED

MOTIONS:

A. Proclaiming March 19th–23rd Agricultural Literacy Week in Chautauqua County - UNANIMOUSLY ADOPTED

**B. In Support of State Funding to Support the Treatment and Transition of
Incarcerated Individuals with Substance Abuse Disorders in County Jails-
UNANIMOUSLY ADOPTED**

ANNOUNCEMENTS

No announcement given

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Bankoski, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:14 p.m.)

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