

CHAUTAUQUA COUNTY LEGISLATURE

11/20/19

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR WILFONG

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 10/23/19 & 11/7/19

PRIVILEGE OF THE FLOOR

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

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

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO

NO VETOES FROM 10/23/19

COMMENDATION:

County Executive George M. Borrello

By

Chairman Paul M. Wendel, Jr.

COMMUNICATIONS:

1. Letter – County Executive Borrello – Amendment to Administrative Code – Re: Section 3.02(b)
 2. Report – Finance Director Crow – Investment Report – September 2019
 3. Letter – Department of Public Service – Winter Outreach & Education Campaign
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LOCAL LAW INTRO. 6-19 – A Local Law Continuing an Additional Mortgage Tax

LOCAL LAW INTRO. 7-19 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees

RESOLUTIONS:

260-19 Authorize Continued Participation in the Lake Erie Watershed Protection Alliance

261-19 Authorize County Executive to Enter into Amended Municipal Agreement with the Energy Improvement Corporation (“EIC”) for Sustainable Energy Loan Program of Chautauqua County

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- 262-19 Amend Resolution 21-18 – Confirming User Charges: Portland Pomfret Dunkirk Sewer District**
- 263-19 NCLSD Administrative Board – Membership Reduction**
- 264-19 Amend Resolution 125-18 – Confirming User Charges: North Chautauqua Lake Sewer District**
- 265-19 Confirming User Charges: North County Industrial Sewer District No. 1**
- 266-19 Amend Resolution 45-15 – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts**
- 267-19 Amend 2019 Budget for Public Facilities Maintenance of Roads and Capital Highway Improvements**
- 268-19 Adjust 2019 Budget for Public Facilities Parks Division**
- 269-19 Authorize Lease Agreement with Sam Kohler Enterprises, Inc. for Oil and Gas Production on Reforestation Property No. 9 in the Town of North Harmony**
- 270-19 Adjust 2019 Budget for Public Facilities Airports Division**
- 271-19 Authorize Supplemental Agreement No. 2 with NY State DOT for Performance of Federal-Aid Project PIN 5762.26, Dale Drive Shoulder Expansion**
- 272-19 Amend 2019 Budget Appropriations–Information Technology Services**
- 273-19 Amend 2020 Budget Appropriations and/or Revenues – Public Defender**
- 274-19 Authorize Lease Agreement with Celebration Hall, LLC, for Office Space for the Chautauqua County Probation Department.**
- 275-19 Authorize Execution for New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program**
- 276-19 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for School Resource Officers**
- 277-19 Authorize Agreement with Town of Stockton for Court Security Detail FY20**
- 278-19 Authorize Agreement with Town of North Harmony for Court Security Detail FY20**
- 279-19 Authorize Agreement with Town of Ellery for Court Security Detail FY20**
- 280-19 Authorize Agreement with Town of Mina for Court Security Detail FY20**
- 281-19 Authorize Agreement with Town of Kiantone for Court Security Detail FY20**
- 282-19 Authorize Agreement with Village of Silver Creek for Court Security Detail FY20**
- 283-19 Authorize Agreement with Town of Harmony for Court Security Detail FY20**
- 284-19 FY2018 Hazardous Materials Grant Program**
- 285-19 Emergency Management Preparedness Performance Grant for Fiscal Year 2019**
- 286-19 Amend 2019 Budget Appropriations and Revenues –Emergency Services – CME**
- 287-19 Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award**
- 288-19 Budget Modification for Actual Youth Bureau Allocations Received**

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- 289-19 Amend 2019 Budget for Additional Capital Project – Chadwick Bay Industrial Park Expansion**
- 290-19 Authorize Extension of Lease Agreement for Department of Planning & Development - Division of Economic Development at the BWW Center**
- 291-19 Authorize Agreement with Small Business Development Center at Jamestown Community College**
- 292-19 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion**
- 293-19 Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses**
- 294-19 Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program**
- 295-19 Cancellation of Delinquent Tax Liens**
- 296-19 Distribution of Mortgage Taxes**
- 297-19 A Resolution Authorizing the Issuance Pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, New York, to be Designated Substantially “Public Improvement Refunding (Serial) Bonds”, and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby**
- 298-19 Making Appropriations for the Conduct of County Government for Fiscal Year 2020**
- 299-19 Authorize Tax Levy**
- 300-19 Authorize Levy of Town Taxes**
- 301-19 Authorize Levy of Unpaid Town Charges**
- 302-19 Authorize Levy of Omitted Taxes**
- 303-19 Authorize Tax Levy – North Chautauqua Lake Sewer District**
- 304-19 Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer District**
- 305-19 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts**
- 306-19 Fixing Equalization Rates for 2020**

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

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

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

LOCAL LAW
INTRODUCTORY NO. 6-19
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

1. Purpose. The purpose of this Local Law is to continue without interruption the additional mortgage tax previously imposed and continued pursuant to Local Laws 6-05, 8-08, 3-11, 4-14, 1-17 of the County of Chautauqua.

2. Additional Mortgage Tax. Pursuant to Section 253-o of New York State Tax Law and other applicable law, there is hereby continued an additional tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within the County of Chautauqua and recorded on or after the date upon which such tax takes effect and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be, secured by such mortgage is less than one hundred dollars.

3. Administration, Collection, and Payment of Additional Mortgage Tax. The additional mortgage tax continued pursuant to this Local Law shall be administered, collected, and paid over to the County of Chautauqua in the manner provided in Section 253-o of New York State Tax Law and other applicable law.

4. Effective Date. This local law shall take effect January 1, 2020, and applies to the period beginning January 1, 2020, and continuing through, and including, October 31, 2022. A certified copy of this local law shall be mailed by certified mail to the New York State Commissioner of Taxation and Finance and shall be filed with the County Clerk and the Office of State Comptroller.

Sponsor: Legislator Scudder

LOCAL LAW
INTRODUCTORY NO. 7-19
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN
FOR COUNTY OFFICERS AND EMPLOYEES

BE IT ENACTED, by the Chautauqua County Legislature of the County of Chautauqua,
New York, as follows:

Section 1. 2020 Adjustment of Salary Ranges.

Effective January 1, 2020, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be further adjusted to reflect an increase of 2%, except for positions with designated flat salaries. The maximum level of the salary range shall be a cap on the amount which may be paid for a full year of service.

Section 3. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

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RES. NO. 260-19

Authorize Continued Participation in the Lake Erie Watershed Protection Alliance

By Planning & Economic Development Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, Lake Erie provides a fresh water resource to New York State residents and visitors for drinking water, energy production, agriculture, industry, recreation and other uses that greatly affect the New York State economy and health of users; and

WHEREAS, this resource is threatened by point and non-point source pollutants within the watershed and along the Lake Erie shoreline within New York State; and

WHEREAS, pursuant to Resolution 24-15 of the Chautauqua County Legislature, the County of Chautauqua, County of Erie, and County of Cattaraugus (the “Member Municipalities”) established the Lake Erie Watershed Protection Alliance as the means by which the counties work collaboratively to address the issues confronting Lake Erie; therefore be it

RESOLVED, That the County Executive is authorized to extend the inter-municipal agreement with the County of Erie and the County of Cattaraugus to continue the Lake Erie Watershed Protection Alliance, for an extension term to commence January 1, 2020 and terminating December 31, 2024.

Signed: Odell, Chagnon, Starks, Proctor

RES. NO. 261-19

Authorize County Executive to Enter into Amended Municipal Agreement with the Energy Improvement Corporation (“EIC”) for Sustainable Energy Loan Program of Chautauqua County

By Planning & Economic Development Committee:

At the Request of County Executive George M. Borrello and Legislator Mark Odell:

WHEREAS, pursuant to Local Law 7-17 and Local Law 4-18, the County established a Sustainable Energy Loan Program whereby the Energy Improvement Corporation (“EIC”), acting on the County’s behalf, may provide funds to qualified property owners; and

WHEREAS, the County has adopted Local Law 6-19 to amend its Sustainable Energy Loan Program in conformance with EIC’s new “Open C-PACE” program; and

WHEREAS, the County must enter into an amended municipal agreement with EIC in order to implement the amended Sustainable Energy Loan Program pursuant to Local Law 6-19; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into any and all agreements with the Energy Improvement Corporation, and its successors, to implement and amend, as necessary, a Sustainable Energy Loan Program in Chautauqua County.

Signed: Odell, Chagnon, Starks, Proctor

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RES. NO. 262-19

Amend Resolution 21-18 – Confirming User Charges: Portland Pomfret Dunkirk Sewer District

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, in 2018 the Board of Directors of the Portland Pomfret Dunkirk Sewer District (“the District”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 21-18 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the District has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to address omitted charges and to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the District’s collection system; now therefore be it

RESOLVED, That the schedule of user charges of the Portland Pomfret Dunkirk Sewer District adopted by the Board of Directors of the Portland Pomfret Dunkirk Sewer District as the Administrative Body of such Sewer District and previously confirmed by Resolution 21-18 of the Chautauqua County Legislature, is hereby amended to add new subsections C and D in Section VI, and is confirmed by this County Legislature as follows:

**CHARGES BY THE
PORTLAND POMFRET DUNKIRK SEWER DISTRICT**

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

SECTION II

DEFINITIONS

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

A. **District:** The Portland Pomfret Dunkirk Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

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

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

SECTION III

CHARGE AREAS

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

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

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**SECTION IV
UNITS PER PARCEL**

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

- A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries, shall consist of one unit.
- B. Each separate dwelling unit within one building shall consist of one unit.
- C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.
- D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 12,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.
- E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxicity as to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to ensure a proportional distribution of operation and maintenance cost to each user or user class. At a minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

**SECTION V
SCALE OF CHARGES**

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

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

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

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SECTION VI

BILLING

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

1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).
2. The actual or estimated water use of such parcel in gallons multiplied by \$0.0120 determined in accordance with Section V B hereof

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section VI A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the Administrative Head may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VII

APPEALS

In accordance with Section 266 of the County Law and Resolution 235-03 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Board of Directors of the Portland Pomfret Dunkirk Sewer District shall respond by either notifying the property owner of its agreement

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with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board of Directors shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to Chairman, Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his/her discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board of Directors by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

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

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his or her appeal.

**SECTION VIII
SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

**SECTION IX
EFFECTIVE DATE AND REPEALER**

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

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

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RES. NO. 263-19

NCLSD Administrative Board – Membership Reduction

By Public Facilities Committee:

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, pursuant to County Resolution 38-76 a County Sewer Board consisting of seven (7) members was appointed and established as the administrative body of the North Chautauqua Lake Sewer District in accordance with the provisions of §261 of New York State's County Law; and

WHEREAS, as a result of the resignation of one Board member and the passing of a second Board member, the Board currently consists of five (5) members; and

WHEREAS, the current Board members have found that a five member board is appropriate and suitable for the size and activities of the District, and have recommended to the Legislature that the number of Board members be officially reduced from seven (7) to five (5) to alleviate potential difficulties in securing a quorum; now therefore be it

RESOLVED, That the first Resolved clause of Resolution 38-76 setting the size of the District's administrative body is amended to provide that the Board of the North Chautauqua Lake Sewer District consist of five (5) members.

Signed: Hemmer, Nazzaro, Wilfong, Gould

RES. NO. 264-19

Amend Resolution 125-18 – Confirming User Charges: North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, in 2018 the Board of Directors of the North Chautauqua Lake Sewer District ("the District") adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 125-18 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the District has requested that the County Legislature confirm the Districts' proposed amendment to the user charge schedule to address omitted charges and to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the District's collection system; now therefore be it

RESOLVED, That the schedule of user charges of the North Chautauqua Lake Sewer District adopted by the Board of Directors of the North Chautauqua Lake Sewer District as the Administrative Body of such Sewer District and previously confirmed by Resolution 125-18 of the Chautauqua County Legislature, is hereby amended to add new subsections C and D in Section V, and is confirmed by this County Legislature as follows:

**CHARGES BY THE
NORTH CHAUTAUQUA LAKE SEWER DISTRICT**

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers of the North Chautauqua Lake Sewer District.

SECTION II

DEFINITIONS

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

A. **District:** The North Chautauqua Lake Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. **Administrative Head:** The Administrative Head or body of the North Chautauqua Lake Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

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

SECTION III

UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers of the District shall be determined as follows:

A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries shall consist of one unit.

B. Each separate dwelling unit within one building shall consist of one unit.

C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.

D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for

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the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 6-94 to justify increasing a unit allocation.

SECTION IV

SCALE OF CHARGES

Pursuant to Section 266 of the County Law, charges for collection, conveyance, treatment and disposal of sewage shall be as follows.

REGION 1, which includes all properties
whose waste is treated by the
North Chautauqua Lake Sewer District: \$135.00 per unit per quarter.

REGION 2, which includes all properties
whose waste is treated by the
Chautauqua Utility District: \$185.00 per unit per quarter.

SECTION V

BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers of the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof for quarters ending on the last day of February, May, August and November, and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the tenth day of the following month, which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late

payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VI

APPEALS

In accordance with Section 266 of the County Law and Resolution 19-79 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within forty-five (45) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent.

B. Within forty-five (45) days of the receipt of the appeal, the Board shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

SECTION VII

SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII

EFFECTIVE DATE AND REPEALER

This law shall be effective June 1, 2018. The law confirmed by Resolution 155-13 of the Chautauqua County Legislature shall be repealed prospectively as of May 31, 2018.

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

RES. NO. 265-19

Confirming User Charges: North County Industrial Sewer District No. 1

By Public Facilities and Audit & Control Committees:

At the Request of Legislative Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the North County Industrial Sewer District No. 1 (District), the Administrative Body of the District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the District; and

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

RESOLVED, That *Charges by the North County Industrial Sewer District No. 1* adopted on October 5, 2019 and amended on October 29, 2019 by the Board of Directors of the North County Industrial Sewer District No. 1 as the Administrative Body of such District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

CHARGES BY THE NORTH COUNTY INDUSTRIAL SEWER DISTRICT NO. 1

SECTION I - Purpose

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

SECTION II - Definitions

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

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- A. *District*: North County Industrial Sewer District No. 1, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.
- B. *Administrative Head*: The Administrative Head or body of the North County Industrial Sewer District No. 1 as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.
- C. *User*: The assessed owner of a parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III – Charge Area

Real property within the District shall be classified as all property located within the bounds of the District established by Chautauqua County Legislature Resolution Nos. 302-76 and 388-75, all of which is served by a sewer constructed by the District.

SECTION IV – Calculation of Water Use

A. Water use shall be calculated using the metered water volume figures established by the municipality providing water service to the District or its designee, rounded to the nearest tenth. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

B. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for purposes of determining the per gallon charge. Such wastewater shall be measured by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District. The sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation, which charge shall be listed separately on a subsequent quarterly sewer charge bill.

SECTION V - Scale of Charges

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

- A. Per acre charge of \$2.26 per acre of land owned within the District.
- B. Per gallon charge of \$0.00055 (\$.55 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined in accordance with Section IV herein.

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- C. A sewage treatment charge equal to that part of the sewage treatment bill issued by the City of Dunkirk which is attributable to the User.

SECTION VI – Billing

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

1. the number of acres attributable to each owner of property multiplied by the charge per acre set forth in Section V A hereof;
2. the actual or estimated water use of such parcel in gallons multiplied by \$0.00055 determined in accordance with Section V B hereof; and
3. that portion of the City of Dunkirk sewage treatment charge which is attributable to the User

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the fifteenth day of January, April, July or October for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed. A penalty of ten percent (10%) of the unpaid amount of the bill shall be added to any bill which remains wholly or partially unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

D. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section VI A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the Administrative Head may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VII - Appeals

Procedures for appeals shall be in accordance with Chautauqua County Legislature Resolution No. 53-13 as the same may be amended from time to time.

SECTION VIII – Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this Resolution are hereby declared to be severable.

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SECTION IX - Effective Date

This law shall be effective January 1, 2020 and shall supersede all prior charge resolutions.

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

RES. NO. 266-19

Amend Resolution 45-15 – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, in 2015 the Board of Directors of the South and Center Chautauqua Lake Sewer Districts (“the Districts”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 45-15 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the Districts has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the Districts’ collection system; now therefore be it

RESOLVED, That the schedule of user charges of the South and Center Chautauqua Lake Sewer Districts adopted by the Board of Directors of the South and Center Chautauqua Lake Sewer Districts as the Administrative Body of such Sewer Districts, and previously confirmed by Resolution 45-15 of the Chautauqua County Legislature, is hereby amended to add a new subsection D in Section 5, and is confirmed by this County Legislature as follows:

**CHARGES BY THE
SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICTS**

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

**SECTION II
DEFINITIONS**

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

A. **District:** The South and Center Chautauqua Lake Sewer Districts, county sewer Districts of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. **Administrative Head:** The Administrative Head or body of the Districts as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

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

SECTION III
UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

A. A single family dwelling which contains facilities which generate or are capable of generating wastewater associated with activities of a household, and defined as a structure that contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for a private or separate entrance and containing facilities to generate wastewater associated with activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, shall consist of one unit.

C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site. Charges with respect to such site shall not commence until the initial occupancy of the site by a facility which generates sewage as long as the sewer line extended to the site is sealed to prevent the entry of any water.

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

E. In the event any user's discharge to the sewer owned by District is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the facilities of the District, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to

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each user or user class. At minimum, the District can utilize criteria identified in the Sewer Use Law including Chautauqua County Local Law 6-94, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

SECTION IV

SCALE OF CHARGES

Pursuant to Section 266 of the County Law, \$354 per Unit per year is established as the charge for collection, conveyance, treatment and disposal of sewage.

SECTION V

BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof divided by four (4) and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The finance director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VI

APPEALS

In accordance with Section 266 of the County Law and Resolution 222-97 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to South & Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Administrative Head shall respond by either notifying the property owner of its agreement with the result requested or by notifying the

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property owner in writing of its reasons for denying the appeal. In the latter case, the Administrative Head shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to "Chairman, Chautauqua County Legislature, County Office Building, Mayville, New York 14757".

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint ad hoc committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Administrative Head by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

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

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to either the South and Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 or the property owner at the address stated in his appeal.

SECTION VII

SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII

EFFECTIVE DATE AND REPEALER

This law shall be effective with respect to periods beginning after April 30, 2015. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after April 30, 2015.

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

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RES. NO. 267-19

Amend 2019 Budget for Public Facilities Maintenance of Roads and Capital Highway
Improvements

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Maintenance of Roads and Capital Highway Improvements are anticipated to exceed initial budgetary estimates, as well as some appropriations in Capital Improvements County Bridge Program and Public Facilities Administration have a surplus; and

WHEREAS, the Public Facilities Maintenance of Roads has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5110.----.4	Contractual - Maintenance of Roads	\$152,165
D.5112.391.4	Contractual-Capital Improvements, Highway Improvements	<u>\$150,000</u>
	Total	\$302,165

DECREASE APPROPRIATION ACCOUNTS:

D.5010.----.4	Contractual - Public Facilities Admin	\$10,000
D.5110.----.1	Personal Services - Maintenance of Roads	\$30,000
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	\$2,000
D.5112.390.4	Contractual - Capital Improvements, County Bridge Program	<u>\$250,000</u>
	Total	\$292,000

INCREASE REVENUE ACCOUNT:

D.5110.----.R270.1000	Miscellaneous-Refunds: Prior Yr Exp Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Niebel	\$10,165
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RES. NO. 268-19

Adjust 2019 Budget for Public Facilities Parks Division

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Parks Division are anticipated to exceed initial budgetary estimates, as well as some appropriations in Engineers and ~~Parks~~ Jamestown Airport have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

<u>A.7110.----.4</u>	<u>Contractual—Parks</u>	<u>\$ 2,500</u>
A.7110.----.8	Employee Benefits—Parks	<u>\$12,000</u>
	Total	<u>\$14,500</u>

DECREASE APPROPRIATION ACCOUNTS:

A.1440.----.4	Contractual—Engineers	\$10,000
<u>A.5610.5610.4</u>	<u>Contractual—Chautauqua County Airport,</u> <u>Jamestown Airport</u>	<u>\$ 4,500</u>
A.7110.----.4	Contractual—Parks	\$ 2,000
	Total	\$12,000 <u>\$14,500</u>

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Niebel (A.C.: Amended by Substitution”)

RES. NO. 269-19

Authorize Lease Agreement with Sam Kohler Enterprises, Inc. for Oil and Gas Production on Reforestation Property No. 9 in the Town of North Harmony

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County is the owner of Reforestation property in the Town of Harmony, County of Chautauqua, State of New York, identified as Reforestation Property No. 9, SBL 364.00-1-35; and

WHEREAS, County is authorized by County Law § 219 to lease Reforestation property for the purpose of aiding in discovery and removing oil and/or gas from such reforested land; and

WHEREAS, this property was the subject of a previous, now expired oil and gas lease, and the previous operator’s infrastructure is being sold to Sam Koehler Enterprises, Inc.; and

WHEREAS, the County desires to enter into an oil and gas lease authorizing Sam Kohler Enterprises, Inc. (“Lessee”) to produce oil and gas utilizing the existing infrastructure, with Lessee assuming responsibility for end-of-lease well closure; and

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WHEREAS, the revenue received from Lessee will first be reserved used to defray the expense the County incurs for real estate taxes on reforestation properties, and ~~at year-end any revenue in excess of expenditures in Forestry Department A.8730 will be~~ and any excess will be assigned ~~utilized~~ for capital projects to benefit the Chautauqua County Parks ~~Department~~; now therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Sam Kohler Enterprises, Inc. upon the following terms and conditions:

- 1) Leased Property. Approximately 173 acres of reforestation property known as Reforestation Property Number 9;
- 2) Term. December 1, 2019 through November 30, 2029;
- 3) Rent. Gas and Oil royalty payments equal to 12.5% of the value of the gas and oil or, in the event of non-production, a quarterly non-production payment of \$2,500; and
- 5) Other. As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Niebel (*P.F & A.C. Amended by strike through and new text indicated by underline*)

RES. NO. 270-19

Adjust 2019 Budget for Public Facilities Airports Division

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Airports Division are anticipated to exceed initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.8	Employee Benefits—Chautauqua County Airport, Dunkirk Airport	\$12,000
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DECREASE APPROPRIATION ACCOUNT:

A.5610.5610.4	Contractual—Chautauqua County Airport, Jamestown Airport	\$12,000
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Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Niebel

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RES. NO. 271-19

Authorize Supplemental Agreement No. 2 with NY State DOT for Performance of Federal-Aid Project PIN 5762.26, Dale Drive Shoulder Expansion

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Resolution No. 164-17 authorized the Department of Public Facilities to proceed with the Dale Drive Shoulder Expansion, Transportation Alternative Program project, PIN 5762.26 (the "Project"), Resolution No. 203-17 approved funding for the Preliminary Engineering (Design I-IV) phase of the project, and Resolution No. 107-19 approved funding for the Construction phase of the project PIN 5762.26; and

WHEREAS, the project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua has advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the project PIN 5762.26 of \$735,000; and

WHEREAS, the Preliminary Engineering (Design I-IV) phase is complete and has \$19,445.42 remaining and it is desired to move that remaining amount to the Construction/Construction Inspection phases of the project PIN 5762.26 by entering into Supplemental Agreement No. 2 with NYSDOT; and

WHEREAS, the total agreement costs remain unchanged; therefore be it

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

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

RESOLVED, This Resolution shall take effect immediately.

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

CHAUTAUQUA COUNTY LEGISLATURE

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RES. NO. 272-19

Amend 2019 Budget Appropriations—Information Technology Services

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution No. 219-19, amendments were made to the 2019 budget for Information Technology Services to reflect expected savings in the communications and print shop departments; and

WHEREAS, the amendments related to the communications departments were made in error to the office services department; and

WHEREAS, the expected savings in expenditures in the print shop will have a negative effect on revenue in the print shop and this effect was not included in the amendments in Resolution No. 219-19; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$65,000

;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1 Personal Services—Office Services \$25,718

A.1610.----.8 Employee Benefits—Office Services \$15,282

Total \$41,000

DECREASE APPROPRIATION ACCOUNTS:

A.1650.----.1 Personal Services—Office Services \$25,718

A.1650.----.8 Employee Benefits—Office Services \$15,282

Total \$41,000

DECREASE REVENUE ACCOUNT:

A.1670.----.R221.0002 Shared Services—Shared Services Printing \$65,000

Signed: Muldowney, Davis, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

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RES. NO. 273-19

Amend 2020 Budget Appropriations and/or Revenues – Public Defender

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, sub-department A.1170.1172 Public Defender, Aid to Defense was established to separate grant appropriations and revenues from A.1170, the primary department for the Public Defender; and

WHEREAS, the grant does not require the appropriations and revenues associated with the grant be recorded in a separate sub-department, and it would be expeditious to consolidate all appropriations and revenues for the Public Defender into one department; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Budget:

INCREASE APPROPRIATION ACCOUNTS

A.1170.----.1	Personal Services—Public Defender	\$72,627
A.1170.----.4	Contractual—Public Defender	\$ 103
A.1170.----.8	Employee Benefits—Public Defender	<u>\$22,451</u>
	Total	\$95,181

DECREASE APPROPRIATION ACCOUNTS:

A.1170.1172.1	Personal Services—Public Defender, Aid to Defense	\$72,627
A.1170.1172.4	Contractual—Public Defender, Aid to Defense	\$ 103
A.1170.1172.8	Employee Benefits—Public Defender, Aid to Defense	<u>\$22,451</u>
	Total	\$95,181

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1170.----.R308.9000	NYS Aid—Other State Aid	\$14,000
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DECREASE REVENUE ACCOUNT:

A.1170.1172.R308.9000	NYS Aid—Other State Aid	\$14,000
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 274-19

Authorize Lease Agreement with Celebration Hall, LLC, for Office Space for the Chautauqua County Probation Department.

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the State of New York is implementing Raise the Age Legislation which requires swift attendance of Probation staff in the Youth Part of Chautauqua County Court in Mayville; and

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WHEREAS, it is appropriate for the County to lease space from Celebration Hall, LLC, attached to the Town of Chautauqua Office Building, to allow the Probation Department to effectively meet the goals of the Raise the Age legislation; and

WHEREAS, revenues and expenditures associated with this lease are included in the approved State of New York Raise the Age Plan, the 2019 operating budget, and the ~~proposed~~ adopted 2020 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement upon the following terms and conditions:

1. Premises: Approximately 874 square feet in room #4 located at 2 Academy Street, Mayville, New York.
2. Term: Lease shall commence November 1, 2019, and shall terminate on October 31, 2024. Tenant shall have an option to renew this Agreement for one (1) additional term of five (5) years.
3. Rent: \$800.00 per month.
4. Utilities: Paid by Landlord.
5. Other: As negotiated by the County Executive.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould (*P.S. Amended by strike through and new text indicated by underline*)

RES. NO. 275-19

Authorize Execution for New York State Office of Homeland Security and Emergency Services
Grant for Bomb Squad Initiative Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for the FY18 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY18 grant award in the amount of \$100,000, with no local funds, for the contract period from October 1, 2019 to August 31, 2021; and

WHEREAS, this revenue and the corresponding expenditures are included in the 2020 Adopted Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

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RES. NO. 276-19

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for School Resource Officers

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of Chautauqua-Cattaraugus Erie II BOCES and determined that the County and BOCES schools in the region and would benefit by the continuation of the School Resource Officer program; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has agreed to compensate the County of Chautauqua for the cost of providing two (2) Deputy Sheriffs for the period of July 1, 2019 through June 30, 2020, the deputies to be shared between three facilities at a total sum not to exceed \$224,920.00, plus any agreed upon overtime hours compensated at the rate of \$66.29 per hour; and

WHEREAS, expenditures incurred by the County for these positions will not exceed the agreed upon compensation; and

WHEREAS, appropriate portions of the revenue from this agreement are included in the 2019 and 2020 adopted budgets; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for the School Resource Officer program.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 277-19

Authorize Agreement with Town of Stockton for Court Security Detail FY20

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Stockton has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Stockton for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Stockton for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

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RES. NO. 278-19

Authorize Agreement with Town of North Harmony for Court Security Detail FY20

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of North Harmony has requested that the Chautauqua County Office of the Sheriff provide court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$8,000.00 based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of North Harmony for court security as set forth above, with revenues to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 279-19

Authorize Agreement with Town of Ellery for Court Security Detail FY20

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Ellery has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Ellery for court security as set forth above, with revenues to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

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RES. NO. 280-19

Authorize Agreement with Town of Mina for Court Security Detail FY20

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Mina has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Mina for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Mina for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 281-19

Authorize Agreement with Town of Kiantone for Court Security Detail FY20

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Kiantone has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$7,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Kiantone for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

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RES. NO. 282-19

Authorize Agreement with Village of Silver Creek for Court Security Detail FY20

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Silver Creek has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this revenue is included in the 2020 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Village of Silver Creek for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 283-19

Authorize Agreement with Town of Harmony for Court Security Detail FY20

By Audit & Controll Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Harmony has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Harmony for the period of January 1, 2020 through December 31, 2020, for an estimated cost not to exceed \$4,000.00, based on an hourly rate of at least \$31.15; and

WHEREAS, this is a new contract and is not included in the 2020 Budget; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Harmony for court security as set forth above, with revenue to be credited to account A.1162.1110.R226.000; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 budget:

INCREASE REVENUE ACCOUNT:

A.1162.1110.R226.0000 Shared Services – Chrgs: Oth Gov-Pub Safety \$4,000

INCREASE APPROPRIATION ACCOUNTS:

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A.1162.1110.1	Personal Services—Unified Court Costs, Court Officers	\$3,330
A.1162.1110.8	Employee Benefits—Unified Court Costs, Court Officers	<u>\$ 670</u>
	Total	\$4,000

Signed: Chagnon, Nazzaro, Niebel, Gould

RES. NO. 284-19
FY2018 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Office of Emergency Services was awarded a Regional Partnership Grant in the amount of \$94,000 under the 2018 Hazmat Grant Program which runs from August 1, 2019 through August 31, 2021; and

WHEREAS, the 2018 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, and Allegany Counties and from the Seneca Nation of Indians; and

WHEREAS, Resolution 247-19 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2019 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.1	Personal Services—Hazardous Materials	\$ 3,631
A.3640.----.2	Equipment—Hazardous Materials	\$89,300
A.3640.----.8	Employee Benefits—Hazardous Materials	<u>\$ 1,069</u>
	Total	\$94,000

INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$94,000
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

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RES. NO. 285-19

Emergency Management Preparedness Performance Grant for Fiscal Year 2019

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$108,526.00 with a fifty percent (50%) in kind match from the County in the amount of \$54,263.00; and

WHEREAS, the grant is to help manage daily Emergency Management functions and to enhance planning, training, exercises, public preparedness, emergency alert and notification systems; and

WHEREAS, the grant period runs from October 1, 2018 through September 30, 2021, or as may be amended; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the 2020 County budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award and subsequent changes to work plans.

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 286-19

Amend 2019 Budget Appropriations and Revenues –Emergency Services - CME

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some Emergency Services department expenses have exceeded initial budgetary estimates; and

WHEREAS, the Emergency Services has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3989.CME.----.4	Contractual--Emergency Medical Service-	
	Continuing Medical Education	\$9,200

INCREASE REVENUE ACCOUNT:

A.3989.CME.-----R158.9000	Departmental Income—	
	Other Public Safety Income	\$9,200

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

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RES. NO. 287-19

Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$150,000 from the 2018 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY18 grant with no local funds, per Contract #C969580 during the performance period of September 1, 2018 through August 31, 2021; and

WHEREAS, pursuant to Resolution 237-18, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, some revenues and expenditures associated with this grant were not included in the 2019 operating budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2019 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment—Emergency Services	\$13,260
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid—Homeland Security	\$13,260
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Gould

RES. NO. 288-19

Budget Modification for Actual Youth Bureau Allocations Received

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Youth Bureau's New York State Office of Children and Family Services (OCFS) Youth Development allocation and Runaway and Homeless Youth (RHYA) I and RHYA II allocations for calendar year 2019 total \$204,280; and

WHEREAS, the 2019 Youth Bureau budget was prepared based on the total 2018 allocation of \$206,755; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the follow adjustments to the 2019 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.7020.----.4	Contractual – Youth Bureau	\$ 9,254
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INCREASE APPROPRIATION ACCOUNT:

A.7310.----.4 Contractual – Youth Programs \$ 6,779

DECREASE REVENUE ACCOUNT:

A.7020.R382.0000 NYS Aid – Youth Programs \$ 9,254

INCREASE REVENUE ACCOUNT:

A.7310.R382.0000 NYS Aid – Youth Programs \$ 6,779

Signed: Chagnon, Nazzaro, Niebel, Gould

RES. NO. 289-19

Amend 2019 Budget for Additional Capital Project – Chadwick Bay Industrial Park Expansion

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Legislature believes that improving the vitality of the business community will bring benefits to the populace at large in the form of improved job opportunities, a higher standard of living, and a better quality of life; and

WHEREAS, previous investments in the development of land and infrastructure within the County’s industrial parks support the original intention of retaining and attracting businesses in Chautauqua County; and

WHEREAS, limited industrial land with infrastructure exists within the County’s current industrial parks; and

WHEREAS, Local Law 1-16 authorized the County of Chautauqua to assist the County of Chautauqua Industrial Development Agency (CCIDA) in undertaking economic development programs and projects; and

WHEREAS, the intent of this local law is to support CCIDA’s economic development initiatives to actively promote, attract, encourage and develop industry and commerce in order to enhance the safety, health, and well-being of County residents and property; and

WHEREAS, CCIDA seeks to expand the amount of industrial land available for business by pursuing the purchase of land in close proximity to the Chadwick Bay Industrial Park in the northern part of the County; and

WHEREAS, the County Planning Board has recommended capital projects funding in the amount of \$200,000 to be used for this purpose; and

WHEREAS, in order to provide the greatest advantage to the County to meet the goal of supporting, retaining, and attracting business activity, the CCIDA requests that said monies be allocated to the CCIDA for the purchase of said land; and

WHEREAS, the current balance in the Capital Reserve is \$1,469,730; now therefore be it

RESOLVED, That the County Legislature hereby allocates \$200,000 from the Capital Reserve for the aforementioned Project; and be it further

CHAUTAUQUA COUNTY LEGISLATURE

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

1. Premises: 228 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$1,500.00 to be paid monthly at a rate of \$125.00 per month beginning in January of 2020.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve months commencing on January 1, 2020 and terminating December 31, 2020 subject to termination by prior notice.
5. Other: As negotiated by County Executive.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

RES. NO. 291-19

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

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RES. NO. 292-19

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

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of \$101,952.00 for the period from January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

RES. NO. 293-19

Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction
and Development of Tourism Related Businesses

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

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

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

WHEREAS, the County is in the process of forming the “Partnership for Economic Growth,” which has a strong tourism-development component; and

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2020 Adopted Budget; now therefore be it

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RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency to provide services which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County, in the amount of ~~\$75,000.00~~ \$80,000.00, for the period from January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould (*P.E.D. Amended by changing the amount of \$75,000 to \$80,000 in the Resolved Clause*)

RES. NO. 294-19

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

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program in the amount of \$59,155.00 for the period from January 1, 2020 through December 31, 2020.

Signed: Odell, Chagnon, Starks, Proctor, Nazzaro, Niebel, Gould

CHAUTAUQUA COUNTY LEGISLATURE
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RES. NO. 295-19
Cancellation of Delinquent Tax Liens

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the New York Real Property Tax Law Section 1138 provides for the cancellation of delinquent tax liens when the governing body of the municipality determines there is no practical way to enforce the collection of the lien; and

WHEREAS, the City of Jamestown has taken title to 24 North Main Street and 34 North Main Street, both condemned properties which have tax arrears predating the City's acquisition, and

WHEREAS, extensive investigation by the County Real Property Tax Director has determined that demolition costs will be significant and the best interest of the County residents would be served by expediting demolition and redevelopment; therefore be it

RESOLVED, That the Real Property Tax Director is authorized to cancel all delinquent tax liens on the following parcels in the City of Jamestown:

24 North Main Street 387.48-1-18

34 North Main Street 387.48-1-20

Signed: Muldowney, Davis, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

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RES. NO. 296-19
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

TOWNS		CITIES	
Arkwright	8,239.68	Dunkirk	104,018.94
Busti	49,880.72	Jamestown	78,297.65
Carroll	13,555.63		
Charlotte	7,529.66	TOTAL	\$182,316.59
Chautauqua	37,106.07		
Cherry Creek	2,685.58		
Clymer	11,492.34	VILLAGES	
Dunkirk	17,524.28		
Ellery	70,804.01	Bemus Point	4,786.40
Ellicott	147,011.00	Brocton	997.89
Ellington	10,553.48	Cassadaga	2,157.44
French Creek	8,125.97	Celoron	11,426.58
Gerry	3,151.55	Falconer	17,057.28
Hanover	27,523.33	Fredonia	29,458.69
Harmony	5,973.57	Lakewood	14,985.90
Kiantone	10,185.15	Mayville	2,899.85
Mina	16,500.13	Panama	720.62
North Harmony	34,410.29	Sherman	1,244.42
Poland	8,120.04	Silver Creek	3,186.37
Pomfret	58,292.81	Sinclairville	1,130.03
Portland	10,944.85	Westfield	10,259.69
Ripley	11,284.20		
Sheridan	16,618.78		
Sherman	7,103.04		
Stockton	11,917.83	TOTAL	\$100,311.16
Villanova	4,335.89		
Westfield	27,831.91		
	\$638,701.79		
TOTAL			

GRAND TOTAL \$921,329.54

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Signed: Muldowney, Davis, Starks, Proctor, Chagnon, Nazzaro, Niebel, Gould

RES. NO. 297-19

A RESOLUTION AUTHORIZING THE ISSUANCE PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF REFUNDING BONDS OF THE COUNTY OF CHAUTAUQUA, NEW YORK, TO BE DESIGNATED SUBSTANTIALLY “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BONDS”, AND PROVIDING FOR OTHER MATTERS IN RELATION THERETO AND THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

By Audit & Control Committee:

At the Request of Audit & Control Committee:

WHEREAS, the County of Chautauqua, New York (hereinafter, the “County”) heretofore issued \$6,500,000 Public Improvement (Serial) Bonds, 2012, pursuant to a bond resolution, to pay the cost of a third dormitory building for the Jamestown Community College, as further described in the bond determinations certificate of the Director of Finance dated January 18, 2012 (hereinafter referred to as the “2012 Bond Determinations Certificate”), such Public Improvement (Serial) Bonds, 2012, being dated February 1, 2012 with remaining maturities on August 1 in the years 2020 through 2032, both inclusive, as more fully described in the 2012 Bond Determinations Certificate (the “2012 Refunded Bonds”); and

WHEREAS, it would be in the public interest to refund all or a portion of the outstanding principal balance of the 2012 Refunded Bonds (the “Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.10 of the Local Finance Law; and

WHEREAS, such refunding will only be undertaken if it results in present value savings in debt service as required by Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. For the object or purpose of refunding the outstanding principal balance of the Refunded Bonds as more fully set forth in the Refunding Financial Plan (hereinafter defined), including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of such Refunded Bonds, (ii) the aggregate amount of unmatured interest payable on such Refunded Bonds to and including the date on which the Refunded Bonds which are callable are to be called prior to their respective maturities in accordance with the refunding financial plan, as hereinafter defined, as well as any prepayment premium, (iii) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the refunding financial plan, as hereinafter defined, compensation to the underwriter or underwriters, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the escrow contract or contracts, as hereinafter defined, and fees and charges of the escrow holder or holders, as hereinafter mentioned, and (iv) the premium or premiums for a policy or policies of municipal bond insurance or cost or costs of other credit enhancement facility or facilities, for the refunding bonds herein authorized, or any portion thereof, there are hereby authorized to be issued not exceeding \$4,900,000 refunding serial bonds of the County pursuant to the provisions of Section 90.10 of the Local Finance Law

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(the “Refunding Bonds”), it being anticipated that the amount of Refunding Bonds actually to be issued will be approximately \$4,180,000, as provided in Section 4 hereof. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially “PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND” together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be numbered with the prefix R-19 (or R with the last two digits of the year in which the Refunding Bonds are issued as appropriate) followed by a dash and then from 1 upward, shall be dated on such dates, and shall mature annually on such dates in such years, bearing interest semi-annually on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Director of Finance pursuant to Section 4 hereof. It is hereby further determined that (a) such Refunding Bonds may be issued in series, (b) such Refunding Bonds may be sold at a discount in the manner authorized by paragraph a of Section 57.00 of the Local Finance Law pursuant to subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, and (c) such Refunding Bonds may be issued as a single consolidated issue. It is hereby further determined that such Refunding Bonds may be issued to refund all, or any portion of, the Refunded Bonds, subject to the limitation hereinafter described in Section 10 hereof relating to approval by the State Comptroller.

Section 2. The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Director of Finance shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the County by lot in any customary manner of selection as determined by the Director of Finance. Notice of such call for redemption shall be given by notice to the registered owners not less than thirty (30) days prior to such date. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be initially issued in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”), which will act as securities depository for the bonds in accordance with the Book-Entry-Only system of DTC. In the event that either DTC shall discontinue the Book-Entry-Only system or the County shall terminate its participation in such Book-Entry-Only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to DTC, or to its nominee, Cede & Co., while the bonds are registered in the name of Cede & Co. in accordance with such Book-Entry-Only System. Principal shall only be payable upon surrender of the bonds at the principal corporate

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trust office of such Fiscal Agent (or at the office of the Director of Finance as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent (as hereinafter defined) to the registered owners of the Refunding Bonds as shown on the registration books of the County maintained by the Fiscal Agent (as hereinafter defined), as of the close of business on the fifteenth day of the calendar month or last day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Director of Finance providing for the details of the Refunding Bonds. Principal shall only be payable upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Director of Finance as fiscal agent of the County for the Refunding Bonds (collectively the "Fiscal Agent").

Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount.

Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America.

The Director of Finance, as chief fiscal officer of the County, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act, in connection with the Refunding Bonds, as the Fiscal Agent for said County, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the County, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Director of Finance is also hereby authorized to name the Director of Finance as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Director of Finance is hereby further delegated all powers of this County Legislature with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

The Refunding Bonds shall be executed in the name of the County by the manual or facsimile signature of the Director of Finance, and its corporate seal shall be imprinted thereon. In the event of facsimile signature, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of the Fiscal Agent. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the Fiscal Agent, and, accordingly, pursuant to paragraph c of

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Section 70.00 of the Local Finance Law, no such charges shall be so collected by the Fiscal Agent.

Section 3. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum period of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for the object or purpose for which such Refunded Bonds were issued is as specified in the 2012 Bond Determinations Certificate which is incorporated herein by reference;

(c) the last installment of the Refunding Bonds will mature not later than the expiration of the respective period of probable usefulness of the objects or purposes for which said Refunded Bonds were issued in accordance with the provisions of paragraph c of Section 90.10 of the Local Finance Law;

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, with regard to the Refunded Bonds is as shown in the Refunding Financial Plan described in Section 4 hereof.

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit A attached hereto and made a part of this resolution. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in one series, and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth on Exhibit A attached hereto and made a part of this resolution. This County Legislature recognizes that the Refunding Bonds may be issued in one or more series, and for only portions thereof, that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the County will most probably be different from such assumptions and that the Refunding Financial Plan will also most probably be different from that attached hereto as Exhibit A. The Director of Finance is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the date or dates of such bonds and the date or dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph e of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds and all powers in connection therewith are hereby delegated to the Director of Finance; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Director of Finance shall file a copy of his certificate determining the details of the Refunding

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Bonds and the final Refunding Financial Plan with the Clerk of the County Legislature not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The Director of Finance is hereby authorized and directed to enter into an escrow contract or contracts (collectively the “Escrow Contract”) with a bank or trust company, or with banks or trust companies, located and authorized to do business in this State as said Director of Finance shall designate (collectively the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall be annually levied on all the taxable real property in said County a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Accrued interest on the Refunding Bonds shall be paid to the County to be expended to pay interest on the Refunding Bonds. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the County irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this resolution, so long as any of the Refunding Bonds shall be outstanding, the County shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause the Refunding Bonds to be an “arbitrage bond” as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, in the event such bonds are refunded, the County hereby elects to call in and redeem each Refunded Bond which the Director of Finance shall determine to be refunded at the earliest call date available. The sum to be paid therefor on such redemption date shall be the par value thereof, as provided in the Refunded Bond Certificate, and the accrued interest to such redemption date. The Escrow Holder for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the County in the manner and within the times provided in the Refunded Bond Certificate. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the

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callable Refunded Bonds and the direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Refunding Bonds shall be sold at public or private sale to such underwriter as may be selected by the Director of Finance (the "Underwriter") for purchase prices to be determined by the Director of Finance, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds, subject to approval by the terms and conditions of such private sale the State Comptroller as required by Section 90.10 of the Local Finance Law, the Director of Finance, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the County providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Director of Finance to the Underwriter in accordance with said purchase contract upon the receipt by the County of said purchase price, including accrued interest.

Section 11. The Director of Finance and all other officers, employees and agents of the County are hereby authorized and directed for and on behalf of the County to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.

Section 12. All other matters pertaining to the terms and issuance of the Refunding Bonds shall be determined by the Director of Finance and all powers in connection thereof are hereby delegated to the Director of Finance.

Section 13. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. A summary of this resolution, which takes effect immediately, shall be published in the official newspapers of said County, together with a notice of the Clerk of the Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Chagnon, Nazzaro, Gould, Niebel

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RES. NO. 298-19

Making Appropriations for the Conduct of County Government for Fiscal Year 2020

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2020 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 259-19 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 259-19 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

WHEREAS, in accordance with Section 8.07 of the Administrative Code the Budget Director is authorized to make any corrections in the budget as may be required due to any typographical, mathematical or technical errors, after conditional adoption of the budget; and

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2020; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Wendel

RES. NO. 299-19

Authorize Tax Levy

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, there has been adopted a budget for the fiscal year of 2020 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2020 therefore be it

RESOLVED, That this Legislature hereby levies:

1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;
2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 206-19, adopted August 28, 2019.
5. Upon the property on which school taxes are uncollected as of November 30, 2020, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2020, the amount of such uncollected village taxes;

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Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2020 pursuant to law or resolution of this Legislature.

Signed: Wendel

RES. NO. 300-19
Authorize Levy of Town Taxes

At the Request of Chairman Paul M. Wendel, Jr.:

RESOLVED, That there shall be assessed, levied upon and collected from the taxable real property situated in the Towns of Chautauqua County outside of any incorporated village wholly or partially located therein, the amounts to be raised by taxes for Highway Funds – Outside Village and other Part-Town Functions as specified in the Town Budgets and directed by the Town Boards to be raised; and be it further

RESOLVED, That there shall be assessed and levied upon and collected from the real property liable therefore within the respective Fire, Fire Protection, Fire Alarm, Lighting and Improvement Districts, in said Towns, the amounts for the purpose of such districts as shown and specified in annual budgets; and be it further

RESOLVED, That the amounts to be raised by tax for all other purposes as specified in said annual budgets shall be assessed levied upon and collected from the taxable property of said town as authorized by the Town Boards except as otherwise provided by law; and be it further

RESOLVED, That such taxes and assessments when collected shall be paid to the Supervisor of the several towns, to be distributed by them in the manner provided by law.

Signed: Wendel

RES. NO. 301-19
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Paul M. Wendel, Jr.:

RESOLVED, That the Clerk of the Legislature be directed to include in current tax rolls, all charges which may properly be a lien against real property when certified as due and unpaid by the Town Boards of the various towns in the County.

Signed: Wendel

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RES. NO. 302-19

Authorize Levy of Omitted Taxes

At the Request of Chairman Paul M. Wendel, Jr.:

RESOLVED, That the Clerk of this Legislature be instructed to extend the proper tax for the previous year against any omitted tax properly entered upon any of the assessment rolls for the present year as directed by the respective Town Boards or County Legislature in which said property is located.

Signed: Wendel

RES. NO. 303-19

Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2020 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2020 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Wendel

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RES. NO. 304-19

Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer District

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2020 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2020 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.

Signed: Wendel

RES. NO. 305-19

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Director of Finance has transmitted a list of those residents or property owners within the county who are in arrears in the payment of charges made under Section 266 of the County Law for a period of 30 days or more after the last day fixed for payment of such charges without penalty in accordance with the requirements of Section 266 (3) of the County Law, and civil penalties outstanding pursuant to Chautauqua County Local Law 6-94; and

WHEREAS, this Legislature is mandated to levy such sums against the properties liable; now therefore be it

RESOLVED, That the county sewer charges and civil penalties contained in the list received by this body from the Director of Finance of Chautauqua County are hereby levied against the properties liable and the amount of such charges shall be stated in a separate column in the annual tax rolls of the various municipalities under the name of “County Sewer Charges” or “County Sewer Penalty”.

Signed: Wendel

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RES. NO. 306-19

Fixing Equalization Rates for 2020

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, Pursuant to Resolution #216-96 the County of Chautauqua elected to establish Equalization Rates for the several towns and cities in the County of Chautauqua in accord with Title 2, Article 8 of the Real Property Tax Law; and

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2019 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2020 tax rolls in the following towns and cities:

Arkwright	48%	Harmony	100%
Busti	98.6%	Jamestown, City	98.60%
Carroll	100%	Kiantone	100%
Charlotte	95.3%	Mina	100%
Chautauqua	98.35%	North Harmony	93.75%
Cherry Creek	90.60%	Poland	81%
Clymer	95%	Pomfret	17%
Dunkirk, Town	65.50%	Portland	55%
Dunkirk, City	75%	Ripley	100%
Ellery	90%	Sheridan	59%
Ellicott	80.70%	Sherman	100%
Ellington	85%	Stockton	100%
French Creek	100%	Villanova	52.50%
Gerry	88.50%	Westfield	76%
Hanover	86%		

Signed: Wendel
