

Regular Meeting
Chautauqua County Legislature
**Meeting was Held Virtually due to Social Distancing Guidelines
And Live Streamed on Social Media**
Wednesday, July 22, 2020 6:30 p.m.
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Clerk Tampio called the roll and announced a quorum present (Absent: Lawton)

Legislator Niebel delivered the prayer and pledge of allegiance.

Chairman Chagnon: At this time it gives me pleasure to recognize Legislator Scudder.

Legislator Scudder: Thank you, Mr. Chairman. Like many of you, the man I would like to honor tonight I had the privilege of knowing personally. He was a great servant of his community of Fredonia, of Chautauqua County, of New York State and of the United States. I had someone share with me a saying that goes something like this, it's been said better and it's been said before, yet I believe it bears repeating. So, with that being said, I would like to take a moment to read from the obituary of the honorable David A. Prince.

“The Honorable David A. Prince, a life-long resident of Fredonia, N.Y., passed away on July 2, 2020, at the age of 77. He was born Sept. 20, 1942, in Brooks Hospital, to the late Arthur F. and Charlotte (Schwertfager) Prince English.

David is survived by his loving wife, caregiver and best friend for over 30 years, Susan Marsh; his son, David A Prince II (Sheryl) of Minneapolis, Minn.; grandson, Joseph David (JD) Prince; and his dog, Hunter.

He was preceded in death by his parents; and his sister, Patricia A Logan of Fredonia, N.Y.

David graduated from Fredonia Central High School, class of 1961, and, after his military service, from the Chautauqua County Sheriff's academy. David grew up helping to run his family business, a local service station, where he worked after school and weekends from the age of 10 until his father's untimely death when he was only 18.

David was drafted into the U.S. Army in 1964, where he served as a MP (Military Policeman). He was stationed at Fort Hood, Texas, until his first assignment as a bodyguard to Martin Luther King and marchers during the 1965 legendary march for civil rights, from Selma to Montgomery, Alabama. Soon after, he was deployed to Vietnam (1965-66). While there, along with his normal duties, he was assigned to escort and protect General William Westmoreland and Vice President Hubert Humphrey during their visits to Saigon.

After returning from the service in 1966, David began his long-time career with the Dunkirk and Fredonia Telephone Company where he worked for 35 years. On July 1, 1967 he was appointed as the Town of Sheridan's police officer. He worked the next 23 years, nights and weekends, as their chief of police. In 1970, David was appointed as a special deputy sheriff for the County of Chautauqua by Sheriff John Bentley. He was the first Chautauqua County police officer to be certified as an EMT.

In 1990 David was elected as the Town of Pomfret Justice, a position he held until 2015. In 1997, he was also elected as the Village of Fredonia Justice, a position he held until shortly before his death.

David was a volunteer fireman with D.R. Barker Hose Co. since 1962 and the Sheridan Fire Department, when he lived in Sheridan. He was a member of the Fredonia United Methodist Church. David was a charter and life member of the Sheridan Veterans of Foreign Wars, a life member and past president of the Chautauqua County Deputy Sheriff's Association, and a member and past president of the Van Buren Bay Association. He was also a member of the Shorewood Country Club, the Dunkirk Exempt Firemen, the Elks Club, the NYS and Chautauqua County Magistrates Associations, and a past member of the Dunkirk Yacht Club. David has never been afraid of hard work, working two to three jobs all his life. Even with failing health, he still continued to work until he was no longer able. He took his work to heart and always gave it all he had. His greatest joy was helping someone turn their life around. David will be missed dearly by his friends, family and all who knew him."

Thank you.

Chairman Chagnon: Thank you. At this time I have the pleasure of recognizing Legislator Ward.

Legislator Ward: Thank you. The Chautauqua Community, including this Legislature, recently received a beautiful letter; a tribute for Jared Jacobsen from the Chautauqua president Michael Hill. A long time Chautauqua organist and choir director, Jared lost his life in an automobile accident shortly after the 2019's conclusion. As a long time Chautauquan and a friend of the great Jared Jacobsen I can easily add my name to the long list of humans blessed to have known him, let alone participate in his art. Jared will be remembered not only as the standard bearer for the positions he held, but also he'll be remembered for the deposit he left on this earth as a lover of all things good. His gift to all of us is his tremendous mark of decency and excellence in all that he touched. It's my honor to recognize Jared in these chambers tonight.

Chairman Chagnon: Thank you. Alright, the next item on our agenda is approval of the minutes of the Legislature meeting on June 24, 2020.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (06/24/2020)

1st Privilege of the Floor

Chairman Chagnon: Were there any submitted comments for the first privilege of the floor?

Clerk Tampio: No, I have not received any emailed submittals.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 06/24/2020**

PRESENTATION:**Planning Board's Review of
2021 Capital Projects
By Doug Bowen**

Mr. Bowen: County Executive Wendel, Mr. Chairman, County Legislators, ladies and gentlemen: My name is Douglas Bowen, and I am Chairman of the Chautauqua County Planning Board. The County Administrative Code charges the County Planning Board with the responsibility of annually reviewing capital requests from county departments and making recommendations to County Government with respect to estimated costs, project justification, and priority. This evening I am here on behalf of the Chautauqua County Planning Board to present the Board's report, with recommendations for the 2021 Capital Budget, and the 2022-2026 Capital Plan.

The capital project review process is challenging in normal times. The last few months have been anything but normal. This year, capital project requests were reviewed and discussed by the Planning Board members remotely through teleconferencing, while many of us were working from home. Typically, the Planning Board holds a capital projects meeting in May, where each project is presented to the Board. Throughout these presentations, the Board can gain insight from someone's body language, facial expressions, and by making eye contact. This social interaction helps the Board to understand the project nuances and gives them the ability to ask clarifying questions. With the circumstances we are under this year, it was not possible to hold this meeting as we have done in the past. Instead, the Planning Board's review was based on the information provided with each project request. On a positive note, I feel the current circumstances forced the Planning Board members to review the written Capital Requests more thoroughly, since they knew an in-person presentation would not occur. This, however, placed a much greater reliance on a complete and accurate capital request forms.

Based upon the Board's review process, a few key suggestions came to light in 2020. The following are items the Board would like you as policy makers to consider as we move forward:

- 1.) The County Planning Board has continually stressed the importance of the Multiyear Capital Plan. The Multiyear Capital Plan should be a critical piece of the County's overall financial plan. A Multiyear Capital Plan should identify all capital and major equipment needs, incorporate a process for prioritizing projects, and include a maintenance cycle to sustain current capital assets. However, the Board noticed that numerous capital projects presented for the first time were not mentioned in past Multiyear Capital Plans. It is the Board's opinion that the best time to begin planning for 2022 Capital Projects is the day after 2021 Capital Projects have been approved.

- 2.) The Planning Board understands that circumstances may change between the time the project rankings are compiled, the time they are submitted to the County Legislature and the time the Legislature makes its final decision as to what projects

are funded. The priority of a project also may change from year to year as well. The Legislative Chambers A/V upgrade is a perfect example of this. This project was submitted this year for the second time. The project was not considered a critical project to be funded when it was reviewed in 2019. However, with the onset of the COVID-19, the need for video conferencing to help maintain social distancing has made this a critical project. The County Planning Board has recommended this project be moved from a 2021 Capital request to a 2020 project.

3.) The new uncertainty in revenue streams has placed a greater emphasis on the future operating costs of capital projects. The outcome of past and future projects must be measured. Did the project meet expectations? Were the additional services provided? Were the anticipated operational savings achieved? If not, why not? As an example, the SCOB First Floor Renovations project has stated an estimated \$150,000 in annual operational savings. Given the expected reduction in operational costs the County Planning Board believes this project is worth pursuing. However, the Planning Board also strongly suggests that the projected project savings be tracked on an annual basis to gauge the success of the project and help the County understand the potential for future savings.

The stakes are high. Many capital investments are large and it is important to plan and ensure that projects are needed, well designed, and efficiently implemented. Clearly, decisions made today will have an influence for years to come on our citizens. This year the planning board reviewed 54 county funded capital projects for the 2020 capital budget and an additional 11 projects for the 2022 - 2026 capital plans. These projects were submitted by 15 various Chautauqua County departments. If you separate out the sub-departments that are under the umbrella of "Public Facilities" there were submissions from 19 different departments.

The total cost requested for the 54 capital projects reviewed, without FAA/State funded airport projects, was 38,212,606. The county share of these projects was 15,641,120.

The Capital Project Report is broken into multiple tables for your use. Table A, on page 6 lists a total cost, and total County share, of the 2021 capital project requests received by department. Table 8, on page 8, lists the Board's prioritization of County funded capital projects. The table contains corresponding page numbers to allow easy reference to project information.

Table C, on page 12, lists the prioritization of the requested enterprise funded capital projects for 2021. Again, the table contains corresponding page numbers to allow easy reference to project information.

Table D, on page 12, lists the prioritization of the requested airport capital projects and the County vehicle requests are listed on page 14. This follows the same format that many of you have seen in past years. I hope you find the Board's comments enlightening.

Before I leave, I would like to thank the County Executive and the County Legislature for the appointments made to the County Planning Board. You have provided the Planning Board with a group of dedicated and knowledgeable individuals with diverse backgrounds who provide valuable insight to future planning for Chautauqua County. That said I would like to thank all the members of the Chautauqua County Planning Board who volunteered many hours reviewing the Capital Projects. I commend them for their efforts

Thank you. Are there any questions?

Chairman Chagnon: Thank you. Are there any questions for Mr. Bowen?

Legislator Odell: Thank you very much for that great presentation. We'll look forward to seeing this and discussing this further in our Planning & Economic Development Committee. Again, thank you for your time and the volunteer work (*inaudible*) taking the time to put this together to give us the best advice possible. Thank you again.

Chairman Chagnon: Thank you. Anybody else? Doug, I would just echo Mark's comments. Thank you very much. You do a fine job each year and we're indebted to you and your board members for the service that you provide to Chautauqua County. Thank you very much.

Mr. Bowen: Thank you for that. I have one last comment. We do still have a couple vacancies.

Chairman Chagnon: O.K., PJ and I will work on that.

Mr. Bowen: Thank you.

COMMUNICATIONS:

1. Letter – Chautauqua Institution – Honoring Memory of Organist Jared Jacobsen
2. Minutes – Conewango Watershed Commission – Meeting Minutes
3. Report – NYS Department of Taxation and Finance – 2020 State Equalization Rates
4. Report – Chautauqua County Planning Board – Re: 2021 Capital Budget & 2022-2026 Capital Plan
5. Report – County of Chautauqua Industrial Development Agency – Re: Notice of Coordinated Review and Intent to Re-Establish Lead Agency Status
6. Report – Land Bank – Annual Report
7. Report – Fn. Director Crow – Investment Report – July 2020

RESOLUTIONS:

RES. NO. 157-20 Adopt Records Retention and Disposition Schedule for County Government, by Administrative Services Committee - **UNANIMOUSLY ADOPTED**

RES. NO. 158-20 Amend 2020 Budget Appropriations and Revenues – Landfill, by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 159-20 Adjust D5112-Capital Improvement Accounts, by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 160-20 Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2020-2021, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 161-20 Amend 2020 Budget for State Homeland Security Program (SHSP) Grant Award, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 162-20 Reallocation of 2018 2% Occupancy Tax Funding, by Planning & Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 163-20 Authorize ELECTIONS CYBERSECURITY REMEDIATION Grant Award from the New York State Board of Elections, by Audit & Control Committee - UNANIMOUSLY ADOPTED

RES. NO. 164-20 Authorizing 2021 Levy of Participant's Share of Chautauqua County Self-Insurance Plan (Workers' Compensation) Costs, by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 165-20 Authorizing Contract for 2021 Administration of Chautauqua County Self-Insurance Plan (Workers' Compensation), by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 166-20 Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York, by Administrative Services and Audit & Control Committees

Legislator Nazzaro: Thank you, Mr. Chairman. My comments are more directed to the public as opposed to the legislators here because I know the legislators understand the importance of this resolution, but I want to make sure that the message is understood by our good taxpayers of Chautauqua County.

The State allows a sales tax rate of 7%. The first 4% goes to the State of New York and the additional 3% goes to the Counties and then every three years we must request in Albany that we can have an extension of our current sales tax rate, which is 8%. So, the state allows 7% and what we're asking tonight is to extend- it's not new- our sales tax from 7% to 8%. Just to frame it- I like to deal with numbers. In the 2020 budget we budgeted \$42 million for sales tax. Of that \$42 million, \$26.8 million comes from the 3% that the state allows us to charge. Then, the additional half percent from 7% to 7.5% generates almost \$9 million in sales tax- (*inaudible*) it was \$6.3 million in sales tax. The final half of a percent generates another \$8.9 million. So, what this resolution does is it generates \$15.2 million in sales tax back to the county. That is a huge number. If we did not extend this sales tax from 7% to 8% we would either have to reduce the expenses by \$15 million or raise property taxes by \$15 million, or a combination of those two. So, I just want the public to understand that we don't like to- we're not raising the taxes, we're

doing this to generate revenue, which is shared with the municipalities and it generates over \$15 million to the county budget. I just wanted to clarify for the public the importance of why we do this. Thank you.

Chairman Chagnon: Thank you. Other comments or questions on the resolution?

Legislator Rankin: Yes. I just wanted to comment that I really appreciate Legislator Nazzaro's explanation. I think that's really helpful for everybody to hear that we're not doing an increase from last year, we're keeping it where it was. In addition to that, all across county government departments and department heads are working very hard to prioritize their expenses and to see where they can efficiently and effectively cut back wherever it's possible and maintain a quality level of service. I think that the combination of those two things is especially helpful given the hit we're taking because of COVID-19. Thank you.

Chairman Chagnon: Thank you for putting that in good perspective. Any other comments or questions on the resolution?

RES. NO. 166 – R/C Vote: 18 Yes; 1 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 167-20 Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C Vote: 18 Yes; 1 Absent – **UNANIMOUSLY ADOPTED**

ANNOUNCEMENTS

Legislator Bankoski: Thank you. I would just like to comment that about a year ago myself and my esteemed colleague, Mr. Muldowney we penned a motion that we brought in front of the Legislature and we're so glad that everyone voted unanimously not to support wind turbines on Lake Erie. Last night the City of Dunkirk piggy backed on our motion and they voted 4 to 1 not to support wind turbines on Lake Erie. The point I'm trying to make is I guess the most important thing right now is the Village of Portland is talking about wind turbines. I don't represent that area, but I would just like to let them know that now is the time for them to get out there and voice their pleasure to have them or displeasure not to have them and for them to be fully aware of what's going to happen so that in a year from now they're not coming to the Legislature every month wanting us to make them take them down and (*inaudible*) the pilot program and all the other stuff that went along with the Arkwright Wind Project. That was just my somewhat of an announcement.

Chairman Chagnon: Thank you. Other announcements?

Legislator Odell: Thank you very much. I would like to thank our Director of Public Facilities, Brad Bentley and his staff for giving some of us legislators a wonderful and insightful tour of our Chautauqua County Landfill and more particularly the phase four expansion (*inaudible*) under construction. It was very (*inaudible*) a number of years and it was very (*inaudible*) so Brad, thank you very much for arranging that.

Chairman Chagnon: Thank you, Brad. Other announcements?

Legislator Rankin: Thank you. I want to acknowledge the department of health. As a member of the board of health and hearing updates from Christine Schuyler and what she and her staff are doing- I just don't want us to forget how hard they're working and what they do (*inaudible*) there is always something new happening. They adapt, they work hard, they keep up with everything that's happening and I just think we can't forget to thank them for how much work they do and what they're doing for the public in keeping us informed.

Chairman Chagnon: Thank you, Elizabeth. Any other announcements?

PRIVILEGE OF THE FLOOR

Chairman Chagnon: Kathy, are there any submittals for the second privilege of the floor?

Clerk Tampio: There are no comments from the public.

MOVED by Legislator Gould, SECONDED by Legislator Rankin and duly carried the meeting was adjourned. (7:07 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Ames, Deputy Clerk/Secretary to the
Legislature