

**CHAUTAUQUA COUNTY LEGISLATURE**

**4/25/18**

**CHAUTAUQUA LAKE CENTRAL SCHOOL**

**100 N. Erie Street, Mayville, N.Y.**

# Chautauqua County Legislature

**6:30 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**PRAYER BY LEGISLATOR ODELL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 3/28/18**

**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)

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**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO**

**NO VETOES FROM 3/28/18**

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**COMMENDATION:**

**EMILEE HANLON**

**NYS INDOOR HIGH JUMP CHAMPION**

**By Legislators Bankoski and Muldowney**

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**PROCLAMATION:**

**CHILD ABUSE AWARENESS MONTH**

**PRESENTED to CHRISTINE SCHUYLER**

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

**By COUNTY EXECUTIVE BORRELLO**

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**STATE OF THE COUNTY ADDRESS**

**BY**

**COUNTY EXECUTIVE GEORGE M. BORRELLO**

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**COMMUNICATIONS:**

- 1. Letter – County Exec. Borrello – Re: Amendmt. To Chaut. Co. Admn. Code**
- 2. Reports (3) – Fn. Dir. Crow – 2018 Investment Reports – Jan.-Feb.-March**
- 3. Motion – N. Chaut. Co. Water District – Extend Capital Prjt. Interim Funding**
- 4. Res. – N. Chaut. Co. Water District – Re: Inter-Municipal Agrmt. Between NCCWD and Village of Brocton**
- 5. Chaut. Co. Historian 2017 Annual Report**

**CHAUTAUQUA COUNTY LEGISLATURE**  
**4/25/18**  
**CHAUTAUQUA LAKE CENTRAL SCHOOL**  
**100 N. Erie Street, Mayville, N.Y.**

6. Chaut. Co. Soil & Water Conservation District 2017 Annual Report
7. Notice – Town of Ellery – Re: Completion of Final SEIS
8. Letter – Maple Springs Volunteer Fire Co., Inc. – Re: Fly Car Program
9. Letters (2) – Orrick Bond Council – Re: Ack. Receipt of Documents for Bonds
10. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 4-18

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**TABLED LOCAL LAW INTRO. 4-18 – A Local Law Authorizing the Creation of an Animal Abuse Registry**

**LOCAL LAW INTRO. 7-18 – A Local Law Amending the Chautauqua County Charter**

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**RESOLUTIONS:**

- 102-18 Confirm Appmts. – Chautauqua County Coroners
- 103-18 Adjust CARTS 2018 Budget to Reflect Additional Grant Funding
- 104-18 Accept NY Voting Access for Individuals w/ Disabilities, Polling Place Access Improvmt. Grant Funds to Enhance Voting Opportunities to Persons w/ Disabilities
- 105-18 Close Capital Projects
- 106-18 Amend 2017 Budget for Year End Reconciliations – Capital Projects
- 107-18 Close Capital Projects and Amend 2018 Budget – Landfill
- 108-18 Amend 2018 Budget Appropriations & Revenues – NCLSD, NCIW&SD #1
- 109-18 Amend 2018 Budget Appropriations & Revenues Due to Changes in Occupancy and the Sale of the South County Office Building
- 110-18 Auth. Agrmts. for Purchase & Removal of County Owned Timber from Property #10 on County Rt. 474 in Town of Clymer
- 111-18 Continuation of Interim Funding for North Chaut. County Water District
- 112-18 Approval of Inter-Municipal Agrmt. Between No. Chaut. Co. Water District and Village of Brocton
- 113-18 Authorizing Agrmts. w/ NYS Office of Parks, Recreation & Historic Preservation for use of State Owned Motorized Boats
- 114-18 Auth. Execution of NYS Office of Homeland Security Funding Grant – Operations Stonegarden FY 17
- 115-18 Auth. Execution of NYS Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY17
- 116-18 Auth. Execution of Statewide Interoperability Communications (SICG) Grant Award FY17
- 117-18 Auth. Execution of Lease Agrmt. w/ Conterra Ultra Broadband, LLC for Tower Space

**CHAUTAUQUA COUNTY LEGISLATURE**  
**4/25/18**  
**CHAUTAUQUA LAKE CENTRAL SCHOOL**  
**100 N. Erie Street, Mayville, N.Y.**

- 118-18 To Approve NYS Environmental Facilities Corporation Agrmt. For Septic System Replacement Program**
- 119-18 Accept Family Planning Grant Funding**
- 120-18 Auth. Acceptance of Funds from the Health Foundation for WCNY and P2 Collaborative of WNY for the Aging Master Program**
- 121-18 Amend 2018 Budget to Accommodate New Position of Deputy County Executive for Economic Development**
- 122-18 Establishing Energy Benchmarking Requirements for Certain County Buildings**
- 123-18 Quit Claim Deeds**

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**ANNOUNCEMENTS**

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**PRIVILEGE OF THE FLOOR**

(A member of the Legislature or the public may speak on any subject.  
An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

LOCAL LAW  
INTRODUCTORY NO. 4-18  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE CREATION  
OF AN ANIMAL ABUSE REGISTRY

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

Section 1. Legislative Findings.

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Chautauqua County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Chautauqua County Legislature further finds and determines that it is in the best interest of the residents of Chautauqua County and their animals that an online registry be established identifying individuals residing in Chautauqua County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale or other means.

Section 2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

"Animal Abuse Crime" - Any of the following crimes:

(a) A violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:

- Section 351 Prohibition of animal fighting
- Section 353 Overdriving, torturing and injuring animals; failure to provide proper sustenance
- Section 353-A Aggravated cruelty to animals
- Section 355 Abandonment of animals
- Section 356 Failure to provide proper food and drink to impounded animals
- Section 359 Carrying animal in a cruel manner
- Section 360 Poisoning or attempting to poison animals
- Section 361 Interference with or injury to certain domestic animals

Section 362 Throwing substance injurious to animals in public place  
Section 365 Clipping or cutting the ears of dogs  
Section 366 Companion animal stealing  
Section 366-A Removing, seizing or transporting dogs for research purposes

- (b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- (c) Harming a service animal in violation of NYS PL §242.10 and NYS PL §242.15
- (d) Killing or injuring a police animal in violation of NYS PL §195.06
- (e) Harming an animal trained to aid a person with a disability in violation of NYS PL §195.12

"Animal" - Any living mammal (except a human being), bird, reptile, amphibian or fish.

"Animal Abuse Offender" - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

"Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Chautauqua County convicted of an Animal Abuse Crime.

"Animal Shelter" - Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

"Conviction" - An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.

"Farm Animal" - An animal used in the production of human or animal food, feed or fiber.

"Pet Seller" - Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

"Service Animal" - Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

### Section 3. Establishing an Animal Abuser Registry.

The Chautauqua County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Chautauqua County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Office of the Chautauqua County Sheriff and shall be listed on the Chautauqua County official website within the Office of the Chautauqua County Sheriff's webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Chautauqua County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Office of the Chautauqua County Sheriff of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Chautauqua County Animal Abuse Registry within five (5) days following the notification.

### Section 4. Registry Requirements.

(a) All Animal Abuse Offenders who reside in Chautauqua County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Chautauqua County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.

(b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Office of the Chautauqua County Sheriff the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Office of the Chautauqua County Sheriff that the person is required to register with the Animal Abuser Registry.

(c) Each person required to register with the Animal Abuser Registry shall submit to the Office of the Chautauqua County Sheriff:

- i) Their name and any aliases they may be known by;
- ii) Their residence address;
- iii) Their date of birth; and
- iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Office of the Chautauqua County Sheriff at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.

(f) The Chautauqua County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

#### Section 5. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.

No Animal Shelter, Pet Seller, or other person or entity located in Chautauqua County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Chautauqua County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed. This section shall not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.

#### Section 6. Penalties.

(a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).

(b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal, except for Farm Animals for farmers and Service Animals for people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).

(c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 5 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Chautauqua County Animal Abuser Registry and the name did not appear thereon.

#### Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the

other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.



**LOCAL LAW  
INTRODUCTORY NUMBER 7-18  
CHAUTAUQUA COUNTY**

**A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER**

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

**Section I. Amendments to County Charter.**

A. Section 2.05(h) of the Chautauqua County Charter regarding the powers and duties of the County Legislature is hereby amended as follows:

(h) To appoint a Public Defender ~~and up to six (6) Coroners~~ to serve as provided by law. The Public Defender ~~They~~ shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her ~~them~~ by applicable law, and be directly responsible to the County Legislature.

B. Section 3.02(a) of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended as follows:

(a) Be the chief executive officer and administrative head of the executive branch of county government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, Comptroller, County Clerk, and Board of Elections; (2) the internal functions of the County Legislature; and (3) the administration of the public defender ~~and coroners~~, which shall be the responsibility of the County Legislature.

C. Section 3.02(c) of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended as follows:

(c) Exercise supervision and control of all executive branch entities, and shall prescribe, within budget appropriations, the staffing, internal organization and reorganization of such entities, including appointment of any heads of such entities, provided, however, that the appointment of the chief fiscal officer of the County, up to six (6) coroners, and the Special Assistant for Medicaid shall be subject to confirmation by the County Legislature. In this connection, the Executive shall have the power to determine who shall perform such duties and have such powers not otherwise clearly defined by the Charter.

**Section II. Effective Date.**

This Local Law shall take effect sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Sponsored by Chairman Paul M. Wendel

CHAUTAUQUA COUNTY LEGISLATURE

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RES. NO. 102-18

Confirm Appointments – Chautauqua County Coroners

By Public Safety Committee:

At the Request of Chairman Paul M. Wendel:

WHEREAS, Local Law 8-18 amended the Chautauqua County Charter to increase the number of Coroner positions to up to six; and

WHEREAS, three of the six offices of Coroner in Chautauqua County are vacant; and

WHEREAS, the County Charter has vested in the County Legislature the power to appoint Coroners henceforth as the offices become vacant; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following persons as Chautauqua County Coroner for terms to expire as listed.

Daniel Tyler  
4868 Route 430  
Bemus Point, NY 14712

Term to expire December 31, 2019

Desiree Sundquist  
21 Hern Avenue  
Lakewood, NY 14750  
Signed: Niebel, Vanstrom, Pavlock

Term to expire December 31, 2020

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RES. NO. 103-18

Adjust CARTS 2018 Budget to Reflect Additional Grant Funding

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, New York State, under NYS Section 18-b Transportation Operation Assistance SFY 2017-2018 “Clean Up” Dedicated Tax Payment, has appropriated additional funds for Chautauqua County in the amount of \$481,501.18; and

WHEREAS, it is appropriate to accept these grant funds to provide rural transportation services in the County; and

WHEREAS, revenue of \$384,673 for NYS Section 18-b Transportation Operation Assistance SFY 2017-2018 “Clean-up” Dedicated Tax Payment was included in the 2018 operating budget; and

WHEREAS, expenditures associated with the execution of these grants are included in the 2018 operating budget; and

WHEREAS, the budget should be amended to conform to these adjustments; now therefore be it

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RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documentation on behalf of Chautauqua County with New York State in connection with this funding; and be it further

RESOLVED, That appropriated fund balance be decreased as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$96,828  
; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.90000 NYS Aid – Transportation \$96,828  
Signed: Hemmer, Scudder, Wilfong, Gould, Nazzaro, Niebel, Chagnon, Muldowney

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RES. NO. 104-18

Accept New York Voting Access for Individuals with Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities To persons with Disabilities

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County Board of Elections has successfully applied through the New York State Board of Elections for grant funds to enhance voting opportunities to persons with disabilities in the amount of \$40,543.00; and

WHEREAS, the County Board of Elections will use the grant proceeds to establish, expand and improve access to poll sites to increase participation in the election process by individuals with a full range of disabilities; and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from April 1, 2018 through March 31, 2019; and

WHEREAS, the revenues and expenditures associated with the \$10,057.11 in remaining grant funds are already included in the 2018 budget, so no budget amendments are necessary; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of the grant agreement with the State of New York for the designated time period.

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Nazzaro, Niebel, Gould

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RES. NO. 105-18  
Close Capital Projects

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the following capital projects have been completed and can be closed:

H.1620.25854	SCOB HVAC Upgrades (2017)
H.1620.25945	SCOB Parking Struct Repr (2015)
H.2490.00912	Renovation of Food Service (2014)
H.5610.239	Mowing Equipment (2008)
H.5610.241	Vehicle Parking Area (2009)
H.5610.244	Runway 6-24 Reconstruct (2009)
EL.8160.024	Vertical Expansion-PH 1&2 (2006)
ESS.8130.701	Nutrient Removal
ESS.8130.705	SCADA System (2009)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of the closed capital projects, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

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

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RES. NO. 106-18

Amend 2017 Budget for Year End Reconciliations – Capital Projects

By Public Facilities, Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some capital project expenses exceeded initial budgetary estimates; and

WHEREAS, some capital project revenues exceeded initial budgetary estimates, as well as some revenues were less than initial budgetary estimates; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

H.1620.25820.4	Contractual - Buildings & Grounds-Closed-SCOB Cooling Tower (2015)	\$15,960
H.5130.25811.4	Contractual - Road Machinery-Closed-Mobile Data Coll Sys (2010)	\$12,752
H.6420.673.4	Contractual - Promotion of Industry-Closed-Edgewood Warehouse (2007)	<u>\$1,758</u>
	Total	\$30,470

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INCREASE REVENUE ACCOUNTS:

H.1620.25820.R277.0004	Miscellaneous-Other Uncl: Refund Rebate	\$15,960
H.5130.25811.R277.0004	Miscellaneous-Other Uncl: Refund Rebate	\$12,752
H.6420.531.R379.7000	New York State Aid-Economic Assist Capital Grant	\$400,000
H.6420.673.R277.0010	Miscellaneous-Other Uncl: City/Dunkirk	<u>\$26,561</u>
....	Total	\$455,273

DECREASE REVENUE ACCOUNTS:

H.6420.531.R503.1000	Interfund Transfers-Interfund Transfer	\$400,000
H.6420.673.R309.7000	Interfund Transfers-Environmental Restoration	\$9,559
H.6420.673.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$15,244</u>
....	Total	\$424,803

Signed: Hemmer, Scudder, Wilfong, Gould, Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Muldowney, Niebel

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RES. NO. 107-18

Close Capital Projects and Amend 2018 Budget – Landfill

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects; and

WHEREAS, capital projects E.I.S. Master Plan (1992), Repave Parking Lot (2002), and Upgrade Transfer Stations (2004) have been completed and can be closed; and

WHEREAS, the estimated cost of two projects has changed; and

WHEREAS, the accounting treatment of gas well maintenance has been reevaluated, so the associated expenditures should be classified as operating rather than capital expenditures, and the 2018 anticipated expenditures are \$380,893; now therefore be it

RESOLVED, that the Director of Finance close capital projects

EL.8160.007	E.I.S. Master Plan (1992)
EL.8160.009	Landfill Gas Recovery (1993)
EL.8160.016	Repave Parking Lot (2002)
EL.8160.019	Upgrade Transfer Stations (2004)

for any further expenditures, and reconcile accounts, post adjustments, and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of these closed capital projects, any surplus or deficit be adjusted to the appropriate fund; and be it further

RESOLVED, That Landfill--Environment Fund Balance is adjusted as follows:

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INCREASE THE USE OF FUND BALANCE:

EL.-----889.METH Fund Balance – Misc Res: Gas Well Maintenance \$ 380,893

; and be it further

RESOLVED, That the Director of Finance is authorized make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.1000.4 Contractual—Environment-Landfill \$ 380,893

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.025.4 Contractual—Environment-  
Phase IV Construction (2007) \$16,513,445

EL.8160.24685.4 Contractual—Environment-Phase 2 Capping (2010) \$ 198,924

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

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RES. NO. 108-18

Amend 2018 Budget Appropriations and Revenues – North Chautauqua Lake Sewer District,  
North County Industrial Water & Sewer Districts #1

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the North County Industrial Water District #1 (NCIWD#1) and the North County Industrial Sewer District #1 (NCISD#1) are in need of clerical work, third party services and goods, and field work; and

WHEREAS, the North Chautauqua Lake Sewer District (NCLSD) has entered into an agreement with NCIWD#1 and NCISD#1 to provide and arrange for the needed services; and

WHEREAS, the revenues and expenditures associated with this agreement are not included in the 2018 budget; and

WHEREAS, the NCIWD#1 has an unrestricted fund balance of approximately \$223,017, and the NCISD#1 has an unrestricted fund balance of approximately \$21,895; now therefore be it

RESOLVED, That EW Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EW.-----924.0001 Fund Balance—Net Assets Water-Unrestricted (Deficit) \$14,531

EW.-----924.0002 Fund Balance—Net Assets Sewer-Unrestricted (Deficit) \$14,941

Total \$29,472

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; and be it further

RESOLVED, That ESN Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

ESN.-----924.0000 Fund Balance—Net Assets-Unrestricted (Deficit) \$29,472

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

EW.8120.----.4	Contractual—Sanitary Sewers	\$14,941
EW.8310.----.4	Contractual—No Co Ind Water District #1	<u>\$14,531</u>
	Total	\$29,472

INCREASE REVENUE ACCOUNTS:

ESN.8110.8112.R237.4000	Shared Services—Chrgs: Sewer-Oth Gov't	\$13,639
ESN.8120.8122.R237.4000	Shared Services—Chrgs: Sewer-Oth Gov't	\$14,993
ESP.8120.8124.R237.4000	Shared Services—Chrgs: Sewer-Oth Gov't	<u>\$ 840</u>
	Total	\$29,472

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

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RES. NO. 109-18

Amend 2018 Budget Appropriations and Revenues Due to Changes in Occupancy and the Sale of the South County Office Building

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 227-17 the South County Office Building (SCOB) was sold on October 31, 2017, and the county offices within the SCOB changed from owner-occupied to leased premises, effective November 1, 2017; and

WHEREAS, pursuant to Resolution 307-17 the Chautauqua County Office of Mental Hygiene entered into an agreement to relocate from owner-occupied premises to leased space at 2 Academy, Mayville, effective April 1, 2018; and

WHEREAS, these changes affect the inter-departmental revenues and expenditures for occupation of county-owned space, and these changes were not included in the 2018 Adopted Budget; and



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WHEREAS, these changes require use of A Fund Balance in 2018 because many of the savings associated with the sale of the SCOB are derived from reductions in future capital expenditures; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance	\$95,821
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.4	Contractual - Legislative Board	\$1,155
A.1040.----.4	Contractual - Clerk, Legislature	\$462
A.1162.1135.4	Contractual - Unified Court Costs-Supreme Court	\$5,788
A.1162.1145.4	Contractual - Unified Court Costs-Surrogate Court	\$2,395
A.1162.1160.4	Contractual - Unified Court Costs-Court Library	\$497
A.1165.----.4	Contractual - District Attorney	\$1,347
A.1230.----.4	Contractual - County Executive	\$507
A.1310.----.4	Contractual - Department of Finance	\$3,700
A.1410.1411.4	Contractual - County Clerk-Motor Vehicles	\$697
A.1410.----.4	Contractual - County Clerk	\$2,732
A.1420.----.4	Contractual - County Attorney	\$691
A.1430.----.4	Contractual - Human Resources	\$850
A.1450.----.4	Contractual - Board of Elections	\$1,745
A.1460.----.4	Contractual - Records Management	\$1,977
A.1620.7010.4	Contractual - Buildings & Grounds	\$422,569
A.1650.----.4	Contractual - Communications System	\$62
A.1670.----.4	Contractual - Print Shop	\$339
A.1680.----.4	Contractual - Information Technology	\$4,788
A.1710.----.4	Contractual - Insurance Administration	\$298
A.3010.----.4	Contractual - Emergency Services	\$98
A.3020.DISP.4	Contractual - Public Safety Communications-Consolidated Dispatching	\$98
A.3110.3114.4	Contractual - Sheriff-Pistol Permit	\$196
A.3110.----.4	Contractual - Sheriff	\$196
A.3140.----.4	Contractual - Probation	\$22,846
A.3150.----.4	Contractual - Jail	\$5,000
A.4010.----.4	Contractual - Public Health Admin	\$24,100
A.4010.NURS.4	Contractual - Public Health Admin-Nursing	\$28,536
A.4310.----.4	Contractual - Mental Hygiene Admin	\$5,982
A.4320.----.4	Contractual - Mental Hygiene Programs	\$2,026
A.6010.----.4	Contractual - Social Services Admin	\$180,626
A.6141.----.4	Contractual - Home Energy Assist Prog	\$172
A.6772.----.4	Contractual - Office for the Aging	\$1,194
A.7510.----.4	Contractual - Historian	<u>\$119</u>

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- Total \$723,788

DECREASE APPROPRIATION ACCOUNTS:

A.1162.1140.4	Contractual - Unified Court Costs-Family Court	\$10,214
A.1170.----.4	Contractual - Public Defender	\$3,543
A.1330.----.4	Contractual - Real Property Tax	\$1,879
CS.1710.----.4	Contractual - Insurance Administration	\$12,060
A.1620.----.1	Personal Services - Buildings & Grounds	\$62,379
A.1620.----.8	Employee Benefits - Buildings & Grounds	<u>\$45,543</u>
	- Total	\$135,618

INCREASE REVENUE ACCOUNTS:

A.1620.5020.R241.OHRC	Use of Money & Property-Rental: HRC Building	\$14,027
A.1620.5030.R241.OCRT	Use of Money & Property-Rental: Court House	\$7,393
A.1620.5060.R241.OGOB	Use of Money & Property-Rental: Gerace Office Bld	\$16,162
A.1620.6050.R241.OPLZ	Use of Money & Property-Rental: D&F Plaza	\$4
A.1620.6080.R241.ONCB	Use of Money & Property-Rental: NCOB	\$34
A.1620.6090.R241.OJDV	Use of Money & Property-Rental: Jmst DMV Building	\$5
A.1620.7010.R241.OSCB	Use of Money & Property-Rental: SCOB	\$262,626
A.1620.----.R221.0OTH	Shared Services-Shared Services Other	\$12
A.4010.PHSA.R340.1000	New York State Aid-Public Health Grant	\$18,949
A.6010..R361.0000	New York State Aid-Social Services Admin	\$22,651
A.6010..R461.0000	Federal Aid-Social Services Admin	\$97,195
A.1620.----.R266.0000	Sale of Property/Compensa-Sale of Real Property	<u>\$75,000</u>
	-Total	\$514,058

DECREASE REVENUE ACCOUNTS:

A.1620.5070.R241.OMMB	Use of Money & Property-Rental: MVL Municipal Bld	\$9,649
CS.1710.----.R270.9000	Miscellaneous-Participant Assesments	<u>\$12,060</u>
	-Total	\$21,709

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

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RES. NO. 110-18

Authorize Agreement for Purchase and Removal of County Owned Timber from Property #10  
on County Route 474 in Town of Clymer

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive George M. Borrello:

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WHEREAS, the County of Chautauqua solicited competitive bids to sell approximately 81,203 board feet of marked hardwood sawtimber located on County owned property in the Town of Clymer and designated on the Chautauqua County Tax Map for the Town of Clymer as Section 380.00 Block 2 Lot 24 (Reforestation Parcel # 10); and

WHEREAS, bid invitations were sent to reliable bidders and two bids were received in response thereto; and

WHEREAS, R&B Holmes, 730 N. Main St, Youngsville, Pennsylvania 16371, submitted the highest bid for Reforestation Parcel # 10 with a bid in the amount \$44,880; and

WHEREAS, the total sale amount payable to Chautauqua County is \$44,880; and

WHEREAS, it is appropriate to accept the bids submitted by R&B Holmes Logging as the offered prices exceed the fair market appraisal; and

WHEREAS, pursuant to Resolution 164-02, all revenues the Department of Public Facilities Parks Division receives from timber sales are designated for capital improvement to the parks and trails; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with R & B Holmes Logging for the sale and removal of sawtimber on the above-noted property at the above-stated price, with proceeds placed in the Parks Capital account; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 capital budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.25002.4 Contractual—Parks-Parks Capital Improvements \$44,880

INCREASE CAPITAL REVENUE ACCOUNT:

H.7110.25002.R265.2000 Sale of Property/Compensa—Sale of Forest Products \$44,880  
Signed: Hemmer, Scudder, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Niebel

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RES. NO. 111-18

Continuation of Interim Funding for North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Legislator Terry Niebel:

WHEREAS, pursuant to Resolutions 39-16, 81-16, and 231-17, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

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WHEREAS, pursuant to Resolution 22-18, the County Legislature authorized the advance on an “as needed” basis of up to \$1million to the District to be repaid to the County on or before December 31, 2018 at an interest rate to be determined by the Director of Finance equivalent to the County’s lost investment earnings rate during the term of the advances; and

WHEREAS, it is necessary for the District to extend the interim funding from the County through 2019 until the long-term bonding is completed; therefore be it

RESOLVED, That the County Executive is authorized and empowered to continue to advance on an “as needed” basis up to \$3 million to the District to be repaid to the County on or before December 31, 2019, at an interest rate to be determined by the Director of Finance equivalent to the County’s lost investment earning rate during the term of the advances.

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

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RES. NO. 112-18

Approval of Inter-Municipal Agreement between the North Chautauqua County Water District and the Village of Brocton

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Legislator Terry Niebel:

WHEREAS, pursuant to Resolutions 39-16, 81-16, and 231-17, the Chautauqua County Legislature established the North Chautauqua County Water District (the “District”), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, the Village of Brocton (the “Village”), which will be one of the six (6) municipal purchasers of water from the District, was offered a loan in the amount of \$2,040,000 from the New York State Environmental Facilities Corporation (NYSEFC) to pay for a portion of the proposed capital improvements for the District, to include the construction of a new supply main from the existing water treatment plant to the Village of approximately 8,700 linear feet to appropriately provide for current and future demands (the “Capital Improvements”);

WHEREAS, in order for the Village and the District to take advantage of the aforementioned NYSEFC financing, it is necessary for the Village to own the Capital Improvements during the term of the NYSEFC loan, and enter into an inter-municipal agreement (“IMA”) with the District for the use, operation, maintenance, and payment of the debt service on the loan; therefore be it

RESOLVED, That the Chairman of the District is hereby authorized to enter into an IMA with the Village relating to the Capital Improvements to be financed by the loan from NYSEFC, on substantially the following terms and conditions:

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1. Use, Operation, and Maintenance. During the term of the IMA, the District shall have exclusive use of the Capital Improvements for District purposes, and be solely responsible for the operation and maintenance of the Capital Improvements.
2. Term. The term of the IMA shall extend to the end of the term of the loan between NYSEFC and the Village, being thirty (30) years after the date the Village closes on the long-term financing with NYSEFC.
3. Payment. The District will make an annual payment to the Village equal to the amount of the Village's NYSEFC debt service payment obligation.
4. State Reimbursement. In the event the Village receives partial reimbursement for the Capital Improvements from the New York State Department of Corrections and Community Supervision (DOCCS), the reimbursement funds shall be transferred to the District.
5. Transfer of Capital Improvements Upon Termination of IMA. After the last loan payment is made by the Village to NYSEFC, the ownership of the Capital Improvements will be transferred by the Village to the District.
6. Other. As negotiated by the Chairman of the District, subject to approval as to legal form by the County Attorney.

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

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RES. NO. 113-18

Authorizing Agreements with New York State Office of Parks, Recreation and Historic Preservation for use of State Owned Motorized Boats

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Office of the Sheriff is desirous of using state motorized boats for marine law enforcement purposes; and

WHEREAS, the New York Office of Parks, Recreation and Historic Preservation currently has available a McKee Craft outboard-driven patrol boat, a Brunswick outboard-driven patrol boat, and an Angler outboard driven patrol boat, with trailers for such purposes, and may make available other patrol boats in the future; and

WHEREAS, such equipment is available for use by the Office of the Sheriff for such use at no cost to the County provided that the County shall be responsible for all maintenance of this equipment; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into currently utilized intergovernmental agreements with the State of New York Office of Parks, Recreation and Historic Preservation for use of currently utilized State owned motorized boats for law enforcement purposes upon the forgoing terms and conditions, and within budget appropriations.

Signed: Niebel, Pavlock, Vanstrom, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 114-18

Authorize Execution of New York State Office of Homeland Security Funding Grant –  
Operation Stone Garden FY17

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for further implementation of Operation Stone Garden; and

WHEREAS, the State of New York will provide funding for an FY17 grant in the amount of \$68,336.00, with no local funds, for a contract period of September 1, 2017 through August 31, 2020; and

WHEREAS, this grant is included in the 2018 Budget so no budget amendments are needed; now therefore be it

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

Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 115-18

Authorize Execution of New York State Office of Homeland Security Grant for Public Safety  
Answering Point (PSAP) FY17

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Public Safety Answering Point (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$174,310.00 with no local funds required for the contract period from January 1, 2018 to December 31, 2018; and

WHEREAS, this grant is included in the 2018 budget, but the award is less than anticipated; now therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate agreement with the New York State Office Homeland Security; and be it further

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

DECREASE REVENUE ACCOUNT:

A.3020.DISP.R338.9002      New York State Aid – Oth Publ Safety: Dispatch   \$13,690

DECREASE APPROPRIATION ACCOUNT:

A.3020.DISP.1      Personal Services – Publ Safety Communication,  
Consolidated Dispatching      \$13,690

Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 116-18

Authorize Execution of Statewide Interoperability Communications (SICG) Grant Award FY17

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State Division of Homeland Security and Emergency Services approved the application submitted for the Statewide Interoperability Communications (SICG) formula grant; and

WHEREAS, the State of New York will provide funding for an FY17 grant in the amount of \$647,798.00, with no local funds, for the performance period of January 1, 2018 through December 31, 2019; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement to secure the grant funding with the New York State Division of Homeland Security and Emergency Services.

Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 117-18

Authorize Execution of Lease Agreement with Conterra Ultra Broadband, LLC for Tower Space

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Conterra Ultra Broadband, LLC desires to enter into an agreement with the County of Chautauqua to operate and maintain various communications equipment and an

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antenna at the County-owned tower located on Harrington Hill Road in the Town of Mina, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Conterra Ultra Broadband, LLC, and such tower space is not needed for public (governmental) purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to a lease with an initial five (5) year term of January 1, 2018 through December 31, 2022, with an optional five (5) year renewal period; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the lease agreement with Conterra Ultra Broadband, LLC granting the right to maintain an antenna and communications equipment at the County-owned tower located on Harrington Hill Road in the Town of Mina; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance \$1,920

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R241.0TWR Rental: Tower Lease \$1,920  
Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 118-18

To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, The Chautauqua County Department of Health and Human Services is interested in participating in the New York State Environmental Facilities Corporation's Septic System Replacement Program (Program) for the period of March 1, 2018 through December 31, 2022; and

WHEREAS, by participating in this Program the County has access to up to \$150,000 in grant funds, to be issued to property owners for septic system projects; now therefore be it



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RESOLVED, That the County Executive is hereby authorized to enter into Program agreements with the New York State Environmental Facilities Corporation for so long as the County has the opportunity to participate in this Program; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal agencies and organizations as necessary to carry out the objectives and requirements of this grant program.

Signed: Wilfong, Pavlock, O'Connell, Chagnon, Nazzaro, Muldowney, Niebel, Gould

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RES. NO. 119-18

Accept Family Planning Grant Funding

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Health Department (NYSDOH) has awarded grant funding to Chautauqua County for the comprehensive Family Planning Program; and

WHEREAS, the \$1,142,188 award is for an additional two year extension to the original five-year contract cycle (01/01/10 – 12/31/15, which was extended previously through 12/31/17), covering the period 1/1/18 to 12/31/19; and

WHEREAS, the 2018 Chautauqua County Adopted Budget included an amount for this funding, but the actual grant amount is higher than was originally budgeted; now therefore be it

RESOLVED, That the County of Chautauqua accept this State grant to support comprehensive family planning and reproductive health programs that support critical health services to a most vulnerable population and work to build a sustainable health care system for the future of Chautauqua County residents; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for program funding for so long as the County Department of Health continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal entities for the provision of services for so long as the County is mandated to provide program services; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.----.4 Contractual – Public Health Admin, Nursing \$71,094

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INCREASE REVENUE ACCOUNTS:

A.4010.NURS.R347.2FPL	New York State Aid –Family Planning	\$52,610
A.4010.NURS.R448.9FPL	Federal Aid – Other PH: Family Plan	<u>\$18,484</u>
	Total	\$71,094

Signed: Wilfong, Pavlock, O’Connell, Niebel, Chagnon, Nazzaro, Muldowney, Gould

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RES. NO. 120-18

Authorize Acceptance of Funds from the Health Foundation for WCNY and P2 Collaborative of WNY for the Aging Master Program

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County OFA has received grant funds for an Aging Master Program for 2018 and 2019 from the Health Foundation for WCNY; and

WHEREAS, such funds are to be utilized to mitigate triggers of decline in older adults and promote healthy aging including exercise, sleep, healthy eating and hydration, financial fitness, advance planning, healthy relationships, medication management, community engagement and fall prevention; and

WHEREAS, Chautauqua County OFA will receive up to the following funds:

In 2018: \$15,000;

In 2019: \$15,000; and

WHEREAS, some funds were included in the 2018 Budget, however the funding source has changed, and the amount Chautauqua County has been awarded has increased since the budget was approved and implemented; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this funding from Health Foundation of WCNY, which shall be distributed by the P2 Collaborative of WNY; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the P2 Collaborative of WNY and the Health Foundation of WCNY to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the Aging Mastery Program shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2018 Budget:

DECREASE REVENUE ACCOUNT:

A.6772.----.R377.2000	New York State Aid--OFA	\$ 5,100
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INCREASE REVENUE ACCOUNT:

A.6772.----.R197.2000 Departmental Income—Chrgs: Office for Aging \$15,000

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services – Office for the Aging	\$ 2,819
A.6772.----.4	Contractual – Office for the Aging	\$ 6,100
A.6772.----.8	Employee Benefits – Office for the Aging	<u>\$ 981</u>
	Total	\$ 9,900

Signed: Wilfong, Pavlock, O’Connell, Chagnon, Nazzaro, Muldowney, Niebel, Gould

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RES. NO. 121-18

Amend 2018 Budget to Accommodate New Position of Deputy County Executive for Economic Development

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, adopted Local Law Introductory No. 2-18 creates a new title of “Deputy County Executive for Economic Development”; and

WHEREAS, the newly created position will report directly to the County Executive, and the budget for the new position should be managed by the County Executive; and

WHEREAS, the funding for the position was included in the 2018 budget in the Department of Planning and Economic Development; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1230.1	Personal Services—County Executive	\$55,435
A.1230.8	Employee Benefits—County Executive	\$29,021
A.8020.1	Personal Services—Planning	\$ 2,869
A.8020.8	Employee Benefits—Planning	<u>\$ 681</u>
	Total	\$88,006

DECREASE APPROPRIATION ACCOUNTS:

A.6420.1	Personal Services—Promotion of Industry	\$70,779
A.6420.8	Employee Benefits—Promotion of Industry	<u>\$17,227</u>
	Total	\$88,006

Signed: Odell, Chagnon, Himelein, Starks, O’Connell, Nazzaro, Muldowney, Niebel, Gould

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RES. NO. 122-18

Establishing Energy Benchmarking Requirements for Certain County Buildings

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the reduction of greenhouse gas emissions and the advancement of energy efficiency are priorities for the County; and

WHEREAS, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the County is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Chautauqua County Legislature desires to use Building Energy Benchmarking, which is a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, in order to promote the public health, safety, and welfare by making publicly available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in Chautauqua County; and

WHEREAS, the County Legislature desires to establish procedures or guidelines for County staff to conduct such Building Energy Benchmarking; therefore, be it

RESOLVED, That the following specific benchmarking and reporting policies and procedures are hereby adopted (the "Policy"):

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**Section 1. Definitions**

1. Benchmarking Information. Information generated by Portfolio Manager, as herein defined, including descriptive information about the physical building and its operational characteristics.
2. Building Energy Benchmarking. The process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
3. Covered Municipal Building. A building or facility that is owned by the County that is 1,000 square feet or larger in size.
4. Department. The Chautauqua County Department of Public Facilities.

5. Director. The Director of the Chautauqua County Department of Public Facilities.
6. Energy. Electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.
7. Energy Performance Score. The numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.
8. Energy Use Intensity (EUI). The kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.
9. Gross Floor Area. The total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.
10. Portfolio Manager. ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.
11. Utility. An entity that distributes and sells Energy to Covered Municipal Buildings.
12. Weather Normalized Site EUI. The amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

## **Section 2. Applicability**

1. This Policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this Policy.
2. The Director may exempt a particular Covered Municipal Building from the benchmarking requirement if the Director determines that it has characteristics that make benchmarking impractical.

## **Section 3. Benchmarking Required for Covered Municipal Buildings**

1. The Director or the Department designee shall establish on Portfolio Manager a property profile for each Covered Municipal Building, enter property uses and details into each profile, and obtain monthly total Energy consumption data.

2. No later than May 15, 2018, and no later than May 15 every year thereafter, the Director or the Department designee shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.
3. For new Covered Municipal Buildings that have not accumulated twelve (12) months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Director or the Department designee shall begin inputting data in the following year.

#### **Section 4. Disclosure and Publication of Benchmarking Information**

1. The Department shall make available to the public on the County's website Benchmarking Information for the previous calendar year no later than September 1, 2018 and by September 1 of each year thereafter for Covered Municipal Buildings.
2. The Department shall make available to the public on the County's website, and update at least annually, the following Benchmarking Information:
  - a. Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
  - b. For each Covered Municipal Building individually:
    - i. The status of compliance with the requirements of this Policy;
    - ii. The building address, primary use type, and gross floor area;
    - iii. Annual summary statistics including site EUI, Weather Normalized Source EUI, annual GHG (greenhouse gas) emissions, and an Energy Performance Score where available; and
    - iv. A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy was required for said building.

#### **Section 5. Maintenance of Records**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**Section 6. Enforcement and Administration**

1. The Director or the Department designee shall be the chief enforcement officer of this Policy.
2. The Director or the Department designee may promulgate regulations necessary for the administration of the requirements of this Policy.
3. Within thirty (30) days after each anniversary date of the effective date of this Policy, the Director or Department designee shall submit a report to the Chautauqua County Legislature. The information contained in said report shall include, but not be limited to, summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Director or Department Designee determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**Section 7. Effective Date**

This Policy shall be effective immediately upon passage.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Muldowney, Niebel, Gould

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RES. NO. 123-18  
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

4/25/18

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-207-2017	Ellicott	063889-368.10-4-56	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-208-2017	Ellicott	063889-386.10-4-57	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-209-2017	Ellicott	063889-386.10-4-58	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-210-2017	Ellicott	063889-386.10-4-59	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-211-2017	Ellicott	063889-386.10-4-60	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 339.50
PA-212-2017	Ellicott	063889-386.10-4-61	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 412.45
				<b>Total</b>	<b>\$ 3,000.00</b>	<b>\$ 2,167.87</b>

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Nazzaro, Niebel, Gould