

Minutes

Audit & Control Committee

June 21, 2018, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

Members Present: Chagnon, Muldowney, Niebel

Members Absent: Nazzaro, Gould

Others: Tampio, Ames, Geise, Almeter, Spanos, Cummings, Abdella, Crow, Dennison, Sayegh, Schuyler, Nixon, Cresanti

Chairman Chagnon called the meeting to order at 8:36 a.m.

Approval of Minutes (5/17/18, 6/4/18)

MOVED by Legislator Niebel, SECONDED by Legislator Muldowney

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time

Proposed Resolution- Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport

Mr. Spanos: This will allow us to continue the current operations that we have at the Dunkirk Airport until the end of next June. As we all know, we were faced with a situation last year when the FBO of Dunkirk Airport elected to terminate the agreement that we had and under the leadership of Ron and Rich Dixon, the airport continued to function. We would like to continue current operations until next June.

Chairman Chagnon: Ron would you like to elaborate?

Mr. Almeter: As George mentioned, the current lease was set to expire on the 31st of July with the expectation that we would have solicited and attracted a private sector lease operator- a new FBO. We circulated a solicitation in the trade journals and in our media postings and we had some expressions of interest but no takers. I think part of the rationale there is we didn't have a good financial track record to demonstrate financial liability and under the current operating

scenario we are not getting rich but the FBO operation is cash flowing as of the last six weeks and that's because of the seasonal nature of the general aviation business. Business has picked up and we are selling quite a bit of fuel. We are at about 50%-60% occupancy out of the hangers. I think we will have a better performance record to show in a solicitation and the intention is to put that back out in the late fall-winter and try again to bring in a private sector lease operator but in the meantime, we would like to continue with the status quo under the CREDC management.

Chairman Chagnon: So the resolution to extend the agreement with CREDC would not prevent us from bringing on a private sector or FBO during the term of that extension? Is that correct?

Mr. Almeter: Correct, yes. The way that the extension is written is that either party can terminate with a reasonable notice- I think 60 days. That doesn't prevent the County from entertaining an unsolicited offer if somebody wants to come in before we get another solicitation out on the street.

Chairman Chagnon: Ron, you had some interesting discussion at the Public Facilities committee meeting and you elaborated some on the advantages that a private sector FBO would have in terms of generating income but the County and CREDC doesn't have in terms of leasing airplanes and selling airplanes and maintaining airplanes and things like that. If the operation as we are currently operating with CREDC is cash flow neutral then I would think that it would be attractive to a private sector FBO with those additional income streams available.

Mr. Almeter: That was our expectation and that's based on discussions with colleagues at other airports and with FBO operators in Buffalo, Rochester, and Erie. There is a critical mass that is difficult for a municipality or a government owned airport to achieve in terms of business services offered. The other side of that coin is that some of those operations are capital intensive and attracting somebody with the capital resources to come in and set up a flight school or an avionics repair facility requires somebody with some deeper pockets. We wrote the solicitation and then republished it with a rather open ended menu of options hoping to attract someone that wanted to take on the business anywhere in that spectrum. The interest that we received from a couple of prospects was in the operating a flight school. The capital expense of bringing in a charter operation or bringing in an avionics repair business didn't find anyone out there that was looking to grow their business in our direction.

Legislator Muldowney: Doesn't JCC offer a program?

Mr. Almeter: It did. Erie airport has a similar program with a college in Pennsylvania- I can't remember which one it is, but basically it allows an undergraduate to obtain their commercial pilots license in concert with getting a bachelor's degree in some aviation field. We had that here in Chautauqua County with JCC. I talked to the dean and the lead professor on that program. There were a couple reasons why that came apart, not least of which was because the flight school that was operated by the Nalbone's lost their certification because Lou Nalbone lost his medical clearance as a commercial instructor for some period of time. There were other factors as well. Re-establishing that at this point would be very difficult particularly since there is a comparable program available in Erie.

Chairman Chagnon: Mark, do you have anything add from CREDC's perspective?

Mr. Geise: Just that we meet once a month and we talked about trying to find what that nitch might be for the Dunkirk Airport. This certainly would give us more time to do that and then maybe chase after some different things. CREDC, we're handling it, we're prepared to handled it for another year and we're on board with keeping this thing going.

Chairman Chagnon: Any other questions or comments from the Committee?

Legislator Niebel: Just the comment. Gentleman I think under the circumstances I think you've done a very good job. Just one question, the previous fixed base operator, when he abruptly terminated his agreement with the County, did he leave owing the County any money at all?

Mr. Almeter: I can give you a partial answer to that question. He is current with his rents. There were some tax issues that I would have to defer to the County Attorney to address and he left some deferred maintenance under the terms of his lease. He was responsible for maintaining the facilities.

Legislator Niebel: Which he didn't do?

Mr. Almeter: He did not.

Mr. Spanos: I think that it is important to know that our legal department is involved in these discussions and it's better if we let the legal process take place.

Legislator Niebel: That's fine Mr. Spanos, but my question was whether or not the County is owed any money from the previous fixed base operator and the answer apparently is yes.

Mr. Spanos: No, yes, yes, no.

Legislator Niebel: Which means exactly what?

Mr. Spanos: He owes us in taxes and we are mentioning that that neglect in the maintenance in the buildings and –

Legislator Niebel: Deferred maintenance.

Mr. Spanos: Yes, and all of those things will be addressed. We have fuel farm that is still in discussion.

Legislator Niebel: George, does the same fixed base operator have association with the Jamestown Airport? What I am getting at is, he's still associated with the County. Do we have some sort of a recourse other than through the legal department to get what the County is owed.

Mr. Spanos: I think that I will refer to legal but that is Jamestown Aviation business.

Legislator Niebel: It's separate entity than Dunkirk Aviation?

Mr. Almeter: Separate business entity, same (*cross talk*).

Legislator Niebel: Then there could be a problem. It could be two different LLC's.

Mr. Spanos: Yes.

Legislator Niebel: Alright, thanks.

Chairman Chagnon: Anything else?

Unanimously Carried

Proposed Resolution- Authorize Capital Project for Jamestown Community College (JCC)
Five Year Master Plan

Mr. Sayegh: Thank you for the opportunity to address you. JCC is mandated by the State University of New York to develop a facility's capital master plan. We were under the assumption and we were wrong to assume that since it's mandated that SUNY would pay at the full price of the master plan wish.

Legislator Niebel: You'll learn.

Mr. Sayegh: The hard way, I can tell you. The price is \$300,000. In practice as you all know, obviously SUNY told us that this is considered as a capital project and in capital projects, we usually come to the County to ask for the 25% of the total project costs and the State funds usually 50% and we go and raise the other 25%. Because we were wrong in our assumption we went ahead with the project. And so if you look favorably to our request, your share would be \$75,000. Of note, I would like to make two notes before I open it for Q&A and your consideration. First of all the County had appropriated a few years back a million dollars to acquire the Dunkirk facilities.

Legislator Niebel: Capital projects?

Mr. Sayegh: Exactly. Our VP (*inaudible*) administration working with Kathleen and with our Board of Trustees, we have decided that we're not going to acquire those properties any time soon. So what we agreed with Kathleen is to return the million dollars to the County's reserve and Kathleen can verify that so that is point number one. Point number two, the County had appropriated for 2019 appropriation coming from the County, half a million dollars and so if you look favorably to our request to be able to spend the \$75,000 in 2018, we would access only \$425,000 from those appropriations of funds. I'm open for questions.

Chairman Chagnon: Before we jump into this, I appreciate Olivia getting out the minutes of the Public Facilities meeting because this was discussed in detail. Kathleen, if you could explain point number two that was just described relative to the capital plan, it would be helpful.

Mrs. Dennison: For the 2019 capital budget, JCC did make a proposal for \$2 million dollars in projects of which 25% would be funded by the County. The five year plan was part of that \$2 million dollar request. So what JCC is proposing is that this project be taken out of the 2019 request and put it in the 2018. So, obviously the 2019 capital plan hasn't been finalized yet but we are planning to reduce that request from \$2 million dollars to \$1.7 million dollars, reduce the, as John was saying, reduce the request from the County from \$500,000 to \$425,000.

Chairman Chagnon: That is very helpful because John, in our language, we have not appropriated the 2019 money yet.

Mr. Sayegh: I know.

Chairman Chagnon: That's her job to clarify for us so I appreciate that clarification. That helped me out a lot when I read the minutes of the Public Facilities committee discussion because it answered my questions. Any questions or comments?

Legislator Niebel: So as far as the \$300,000 project, \$150,000 from the State, \$75,000 from Chautauqua County, the other \$75,000 from Cattaraugus County?

Mr. Sayegh: Yes, this is a master plan for the institution so in all fairness to our sponsors, you are one of our sponsors and Catt County is another sponsor, and the master plan involves the facilities in Olean. So the County will contribute the other –

Legislator Niebel: You already have the \$75,000?

Mr. Sayegh: Yes.

Chairman Chagnon: Unless there is anything else, all those in favor?

Unanimously Carried

Proposed Resolution- Quit Claim Deeds

Mr. Abdella: These are quit claim deeds and as I look at it, you'll notice that the offer amount in each case is the same as the taxes owing. These properties would be those who would be – being required by the, what was the current owner of the property. The County has completed its foreclosure. Your policy allows a certain period of time, up until the auction date, for former owners to make an offer to reacquire their property for the full amount of the back taxes, interest, and penalties. So in this case, that is why a resolution is needed to actually have the County deed the properties back to those owners who are paying now after the foreclosure has been completed.

Legislator Niebel: Steve and I had a conversation just before the meeting. These people are the owner of record and what they have done is come in and paid their taxes. They might not have paid all three years though, correct Steve? They might have paid a couple of years but they are paying penalties and interest?

Mr. Abdella: They end up having to pay a full two years plus the 2018 County/Town. So from a County and Town tax standpoint, it's three years' worth. What happens is by not paying before the redemption date which is April 15th, the price to reacquire your property goes up by the amount of the 2018 taxes. They are current now.

Legislator Niebel: And because we've begun the tax foreclosure procedure, these folks, even though they would have had a warranty deed previously, now they are issued a quit claim deed?

Mr. Abdella: That's right. From the County and that essentially wipes out the foreclosure in their title.

Legislator Niebel: Just out of curiosity Steve, do you know when - so we began the tax foreclosure procedure on April 15th, these folks had up until what date to come in and redeem their property?

Mr. Abdella: Actually that was the deadline for the statutory redemption but the foreclosure would have been served in January and then there is 90 days by statute to redeem your property, essentially no questions asked. So they missed that deadline and paid some time after that. We take these offers all the way up until the day before the auction. This would only be some of the reacquisitions. There will be another resolution probably in July with the remainder of the reacquisitions, those who paid at the very last minute.

Legislator Niebel: Of previous owners.

Mr. Abdella: Previous owner, yeah.

Legislator Muldowney: I take it the later you pay the more fees you pay?

Mr. Abdella: It does go up every day.

Ms. Crow: Last Friday was very busy.

Legislator Niebel: We have to make some money somehow.

Legislator Muldowney: We don't want to take anybody's houses.

Legislator Niebel: No, that's true.

Chairman Chagnon: Thank you Steve for that detailed explanation because in the past we've dealt with these quit claim deeds without that level of understanding so I appreciate your explaining all of that. Any other questions or comments?

Unanimously Carried

Proposed Resolution- Compensation for County Coroners

Mr. Abdella: I would be happy to speak to this. You may recall the Legislature had reset the compensation format for Coroners from a per diem to a per case basis which was done initially as a temporary measure to I think study it and see how it worked out and that is to expire on June 27th. It's being proposed by Chairman Wendel to continue that rate structure for the time being. It's something that you could change at any time but this resolution would continue that \$150.00 per case after June 27th until the Legislature takes action otherwise.

Chairman Chagnon: Any questions or comments?

Unanimously Carried

Proposed Resolution- Authorize Execution for New York State Office of Homeland Security
And Emergency Services Grant for Bomb Squad Initiative Program

Ms. Cresanti: This is an annual grant that we receive our bomb team. It's a three year term for each grant and this is the newest round that has been approved.

Chairman Chagnon: And this money is or is not included in the budget?

Ms. Cresanti: It is included in the budget.

Chairman Chagnon: Any questions or comments on the proposed resolution?

Unanimously Carried

Proposed Resolution- Authorize Lease Agreement Extension with New Cingular Wireless
PCS, LLC for Space on the Hall R. Clothier Building Tower

Ms. Cresanti: This particular agreement is an extension. It's an agreement that is already in place. It's a reciprocal agreement and the amount is based on what we are charged. We lease a tower from them in Cherry Creek and they in turn are leasing our tower here. So that is what that dollar amount is based on and it makes it a wash.

Chairman Chagnon: Any questions or comments?

Legislator Niebel: Mr. Chairman, this resolution came up in Public Safety last night and we did end up amending paragraph two regarding the rent. Because you have an escalator clause

in there and I think all that we did Steve is just take out the word “annual”, to just clarify that the 10% pertains to the five year extension.

Ms. Cresanti: It pertains to the term not an annual.

Committee Secretary Ames: Mr. Chairman, we didn’t amend this one it was the next one.

Chairman Chagnon: It’s the next resolution that was amended Terry. Olivia is on this one.

Legislator Niebel: That’s right.

Chairman Chagnon: I had asked earlier, why is the difference in the annual rent for this tower is so much more than the annual rent for the tower on the next resolution, which is with the same Cellular company? So, could you explain the answer?

Ms. Cresanti: Yes. As I previous stated since this one a a reciprocal agreement. The amount we’re charging is based on the amount that we are being charged. With the other tower, the other tower is pure revenue so there is no expense of exchange with that revenue. They are trying to control their costs for that since they in turn are not going to be making anything and it starts in the year 2020 and that’s basically anything above zero is pure revenue for us. So we agreed to that amount and that is where that came from.

Chairman Chagnon: Thank you. Any other questions or comments on the proposed resolution?

Unanimously Carried

Proposed Resolution- Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC for Space on the Tower and Building at Dunkirk Tower

Chairman Chagnon: O.k., so this proposed resolution did have a typographical change. We’re removing the word “annual” from the rent section.

Legislator Niebel: Actually Pierre, I think it was more typographical because by taking out “annual”, it changes the meaning of the resolution.

Chairman Chagnon: So you actually amended it?

Legislator Niebel: Yes we did.

Chairman Chagnon: Thank you for that clarification. So we have an amended resolution in front of us. Any other explanation for this one? You’ve already done a good job.

Mrs. Cresanti: No. It’s revenue, more money for us.

Chairman Chagnon: Any questions or comments?

Unanimously Carried

Proposed Resolution- Authorize County Executive to Execute the Youth Bureau Resource Allocation Plan

Mrs. Schuyler: Every year we come to you to ask for permission, for the County Executive to enter into contracts and agreements with the agencies that the Youth Board has chosen as recipients of Youth Bureau funding. This money was already allocated in the budget, it's just the actual plan itself for which agencies will receive funding.

Chairman Chagnon: Any questions or comments?

Unanimously Carried

Proposed Resolution- Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State Division of Tourism

Mr. Nixon: The resolution before you is an annual request from our organization that we need to apply for a New York State Tourism matching funds through the Division of Tourism. I have some information relative to that. This is just an explanation of the grant program. The first page here is the formula used to develop the grant amount and then the subsequent pages are a breakdown of how we would spend the money, some of which is Chautauqua County tourism promotion programs and a smaller portion in conjunction with Cattaraugus and Alleghany County's for the Chautauqua-Alleghany region. So we're just asking that we be able to apply for I Love NY matching funds once again. I'd be happy to answer any questions.

Chairman Chagnon: Any questions or comments? We reviewed this in the Planning & Economic Development Committee last night. We're still digesting. O.k., if there are no questions or comments, all those in favor?

Unanimously Carried

Proposed Resolution- Acceptance of New York State Empire State Development "I Love NY" Funding for the Promotion of LECOM Health Challenge

Mr. Geise: This is the third year of a four year contract that CREDC has with the PGA to undertake the LECOM Health Challenge golf tournament and Peek N Peak Resort. This year the event runs from July 2nd through July 8th. The rounds are actually the 5th, 6th, 7th, and 8th. This is basically a pass through from the County to CREDC to reimburse the marketing expenses. It's about a one and a half million dollar project, if you will. LECOM contributes about half of that and we make up the difference between this, selling sponsorships etc.. Obviously it's good for our image. It contributes to our tourism dollars coming in, our occupancy tax, and many other ways. Because this was not included in the budget, 2018 budget, this resolution increases the

appropriations account, increases the revenue account to accept that money and then reimburse CREDC for those expenses.

Chairman Chagnon: Any questions or comments?

Committee Secretary Ames: Mr. Chairman, yesterday Kathleen did point out a typo on this resolution. Increase Revenue Accounts, should be A.6420.---

Chairman Chagnon: So the R.371, should be removed?

Mrs. Dennison: That stays. Just to add four dashes and a period.

Chairman Chagnon: We can treat that as a typo.

Mrs. Dennison: (*Inaudible*) holder for the sub-department which it's (*inaudible*) account number.

Chairman Chagnon: Mark, I didn't ask this specific question last night but, it's my understanding that the amount that is being received this year is twice what was received each of the two previous years?

Mr. Geise: Correct.

Chairman Chagnon: When we had reviewed the budget for this program for 2018, was this amount included in the budget for the program?

Mr. Geise: I believe that it was \$150,000. When we look at the budget and we're right up to the 11th hour here, it's a good thing that we have extra money because we didn't sell quite as many pro am spots and some of the other sponsors aren't quite where they were last year so with this \$150,000, it's a break-even scenario.

Chairman Chagnon: Other questions or comments?

Unanimously Carried

Proposed Resolution- Authorizing SEQRA Review of Waterways Panel 2019 2% Occupancy Tax Recommendations

Mr. Geise: Every year there is a panel that evaluates all of the projects that come in for a request for funding for the 2% waterways funding to do projects and they have a process and evaluation criteria process that it goes through and they rank these projects and they they choose the projects and how much money they'll get. So this it he SEQRA for those projects.

Chairman Chagnon: Those projects that are recommended for funding.

Mr. Geise: That have been recommended for funding.

Legislator Niebel: Just a quick question. Do you know exactly what they are going to be doing on Scott Creek in Sheridan as far as the project?

Mr. Geise: I don't.

Legislator Niebel: It's a stone's throw from my house. I was just wondering.

Mr. Geise: I will get it for you.

Chairman Chagnon: Dave McCoy brought up a packet describing each of the projects to the committee last night and I left mine at home. I apologize for that.

Committee Secretary Ames: I can get you a copy of that.

Legislator Niebel: That will be fine. Scott Creek goes right underneath Cook Road which is just down the road from me. Actually Cook Road was named after my grandparents.

Mr. Geise: Oh, no kidding.

Chairman Chagnon: We had a little discussion last night at the PED committee about this program. As you can see, we have a lot more projects proposed than we're able to fund. That has been the pattern for the last several years. Planning & Economic Development do a good job about going out and promoting the program and Soil & Water Conservation District does a very good job of helping the property owners develop projects and bring them forward for funding. I was meeting with Dave Spann yesterday from Soil & Water and he's describing that they are extremely busy with requests for projects and he describes it in good part to the fact that we are having climate change. We are having more flash flooding events, we're having more stream erosion that has occurred in the past. I also pointed out to him which he didn't want to take credit for initially is that we're becoming the victims of our own success. Because we have funded some of these projects and Soil & Water has done such a good job of helping the property owners that they are telling all of their friends, relatives, and neighbors and so they are wanting to get into the program now too. So, that is a good thing. Unfortunately have enough funding available from the 2% occupancy tax program to fund those projects. But, Dave McCoy gave a pitch last night that if the County were somehow have funds available to get more funding for this, there are a lot of good projects that are available. He also pointed out that some of these projects, they resubmit the following year. One of the projects that's being funded this year was actually initialed 2 years ago and it wasn't funded 2 years ago so they modified the project slightly to improve it. It wasn't funded last year so they modified it further to include it and now it got funded this year through the waterways panel.

Legislator Muldowney: Good for them.

Chairman Chagnon: Absolutely. This is a program that is excellent and being managed and works very well.

Mr. Geise: Not only that, but these are projects that address the disease not the symptoms. They are up in the watershed , they are taking care of the sediment load going into the lake which is contributing to the weed growth, so these are great projects.

Legislator Niebel: It looks like Mark, bank erosion is going to be address (*cross talk*)...

Mr. Geise: Oh, o.k., good to know.

Chairman Chagnon: Any other questions or comments?

Unanimously Carried

Proposed Resolution- Authorize Use of Funds from the Chautauqua County Sewer Agency to Assess the Feasibility of Treating Wastewater Flows from the Town of Mina in the Village of Sherman Sewer Wastewater Treatment Plant

Chairman Chagnon: I can take this one. In my capacity as the Chairman of the Chautauqua County Sewer Agency, we had a budget this year of \$10,000 from the 2% occupancy tax program which we have used in previous years for some legal expenses and engineering studies to help promote and bring forward sewer projects. This year we didn't see any need for the funds until we started talking with the fiscal representatives from the Town of Mina about their long approached sewer project for Findley Lake. Findley Lake has had a problem with septic systems for many, many years. Actually the State put in place a TMDL for phosphorous reduction in Findley Lake a couple of years ago. The number one recommendation far and wide from the TMDL is to install a sewer system around the lake. The Town has been talking about and pursuing a sewer project for many years. They finally brought it to the point of a referendum last year and it was very narrowly defeated by the Town residents. So the County Sewer Agency engaged in some discussions with the municipal representatives from the Town of Mina about anything that we could do to assist and through some discussions we came upon the idea of potentially essentially combining the Findley Lake Sewer District to be formed with a mutual agreement to convey the sewage to the Village of Sherman wastewater treatment plant. The Village of Sherman has engaged an engineer to evaluate the need upgrades to their system and they are very near the end of that process to proceed with the upgrades to their system so we quickly engaged the municipal representatives from the Village of Sherman and talked to their engineers and we've had a couple of meetings and now their engineers are proposing to do an evaluation of the possibility of doing what we were suggesting. To convey the wastewater flows from the Findley Lake area to the Sherman wastewater treatment plant. So this resolution is to allocate the funding to the Village of Sherman, to their engineers, to do that evaluation so we can see if what we are proposing is viable. What I pointed out last night is the fact that the proposal is to have a cooperative agreement between two municipalities, would create the opportunity for a County sewer district and by having those two municipalities cooperating and having a County sewer district, it would open funding opportunities that either of the municipalities on their own, would not have available to them. So, this could potentially be very attractive approach. But we need to do the evaluation to conclude whether it is or isn't. So, that is the proposed resolution. How did I do Mark?

Mr. Geise: Oh, thank God you did it. I just learned something.

Legislator Niebel: Mr. Chairman, I'm in favor of this and I'll vote in favor of this. I just have one question as far as clarification. In the 5th WHEREAS, we're talking about the proposal or I think you referred to it as an evaluation for a cost not to exceed \$9,000 but down in the first RESOLVED, we have the Legislature hereby authorizes \$9,000. If that proposal or evaluation comes in at \$7,000 or \$8,000, by the wording of this RESOLVED resolution, are we still giving them \$9,000 even though the proposal might cost less?

Chairman Chagnon: We have the proposal, it's a \$9,000 proposal.

Mr. Geise: We have received the proposal from the engineers and it's a \$9,000 proposal.

Legislator Niebel: Oh it is.

Chairman Chagnon: Yes.

Legislator Niebel: Because in this WHEREAS, it says the cost not to exceed \$9,000. Which we already know.

Chairman Chagnon: We already know. That's a good question. I'm glad that you picked that up.

Legislator Niebel: I would only authorize the amount of the proposal because didn't you say that you only have \$10,000?

Mr. Geise: Yes.

Legislator Niebel: But if it's \$9,000 and that is all that it costs, I'm fine with that.

Chairman Chagnon: That is why I'm so glad you are on this committee Terry. Any other questions or comments?

Unanimously Carried

Proposed Resolution- Funding in Support of Chautauqua County Residents to attend
The Babe Ruth World Series in Jamestown, New York

Chairman Chagnon: I understand this has been amended.

Mrs. Dennison: Mr. Chairman, unfortunately the amendment that I offered last night was not correct. My memory is not very good on the wording so I would suggest a revision to the amendment if I could. So the second RESOLVED clause starts out correctly in the original resolution. Should be RESOLVED, that the A Fund Balance is appropriated as follows:. That is fine and does not need a change. Increase the Use of Fund Balance is fine. The account number as we had discussed last night, it should be A.-----883.0000, so that is as we discussed last

night but the description should be Fund Balance – Reserve Occupancy Tax. I have that in writing for Ms. Ames.

Chairman Chagnon: So do we need to amend the resolution again?

Mr. Abdella: Yeah, I would do that.

Chairman Chagnon: Let me first explain the rationale for this. This is a suggestion that was brought forward by Legislator Whitford and when he talked to myself and several other Legislators as he was asking to support the proposed resolution. We had talked about the funding for this coming from the 3% occupancy tax reserve. I talked to Andrew Nixon to make sure he was o.k., with this. I talked to the Clerk of the Legislature to make sure that there was sufficient funding in the occupancy tax reserve of the 3% occupancy tax so I supported it, we were good to go and when the resolution came out, it didn't indicate it was from the 3% occupancy tax reserves so we're just clarifying that. So, I would at this point entertain a motion to amend the proposed resolution as Kathleen indicated.

Legislator Muldowney: So moved.

Legislator Niebel: Second.

Chairman Chagnon: All those in favor?

Unanimously Carried

Chairman Chagnon: Now, discussion on the proposed resolution as amended?

Legislator Niebel: I think that this is a good idea. If we can get a lot of people, Chautauqua County residents to attend the World Series, I think that is a good thing. It does have quite bit of an impact, economically on Chautauqua County.

Chairman Chagnon: Right, thank you. Any other comments or questions?

Unanimously Carried

Proposed Resolution- Order Extending the South Chautauqua Lake Sewer District

Mr. Abdella: This resolution which just follows several prior resolutions regarding the extension of the district, is, I think really the final primary step in terms of the actual technical extension, legal extension of the district which you could not take action on until the State Comptroller had approved that extension which we did receive late last week. So this resolution confirms your earlier action to extend the district up to Stow and as kind of the phase one of the west side, hopefully complete sewerage of the lake one day and that is what this action is about and can be submitted to the funding agencies in the near future.

Chairman Chagnon: Any questions or comments? I can't let this pass without pointing out something that I pointed out in the past is that, the process for extending, creating a district, had a major impediment to it that you couldn't get the State Comptroller's approval until you had all the funding secured in place. That almost created an impediment that was almost impossible in some cases to achieve. All the legal experts including the past legal experts for the County on sewer district have fought this battle unsuccessfully and told me that there was no way that we were ever going to get that changed. The County Attorney was up to challenge, which I appreciate, because I was up to a challenge, went after this and doggedly pursued the State Comptroller's office to approve this even though this district extension doesn't today have all of funding in place to build the project and he was successful in getting them to approve this district extension even though we don't have all the funding in place. Something that everyone told us that could never be done. So, thank you. (applause).

Legislator Niebel: Nice job Mr. Chairman.

Chairman Chagnon: He did all the work. I was just a cheerleader.

Legislator Niebel: Take part of the credit anyway.

Chairman Chagnon: Any other questions or comments on the proposed resolution?

Legislator Muldowney: Never give up.

Unanimously Carried

Discussion-

Tabled Resolution- Confirm User Charges: North Chautauqua Lake Sewer District

Discussion- RFP Internal Audit Services

Chairman Chagnon: At this point I would entertain a motion to approve the proposal from Freed Maxick for the conducting of the internal audit services.

Legislator Niebel: So moved.

Legislator Muldowney: I'll second that.

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

Unanimously Carried

Discussion- Administrative Code Amendments- Re: Coroners- County Attorney Abdella

Discussion- Administrative Code Amendment- Budget Hearings

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

(10:05 a.m.) *Unanimously Carried*

Respectfully Submitted and Transcribed,
Olivia Ames, Committee Secretary/Lori J. Foster, Deputy Clerk/Secretary to the Legislature