

## Agenda

### Audit & Control Committee

**June 18, 2020, 8:35 a.m., Virtual Meeting via Zoom**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (5/21/20)
- C. Privilege of the Floor
  1. Proposed Resolution - Amend 2020 Budget Appropriations and Revenues – North Chautauqua County Water District
  2. Proposed Resolution – Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport
  3. Proposed Resolution – Removing In-Ground Fuel System at Dunkirk Airport
  4. Proposed Resolution – Amend Budget for Maintenance of Roads and Capital Improvements – Funded Roads
  5. Proposed Resolution – Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020
  6. Proposed Resolution - Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant
  7. Memo – RNG and Flow Control
  8. Proposed Resolution – Approving SEQRA Findings and Determinations for Landfill Renewal Natural Gas (RNG) Agreements
  9. SEAF Part 1 – RNG Project
  10. SEAF Parts 2 & 3 – RNG Project
  11. Proposed Resolution - Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)
  12. Proposed Resolution - Approving SEQRA Findings and Determinations for Solid Waste

Flow Control Local Law in Chautauqua County

13. SEAF Part 1 – Flow Control Local Law
14. SEAF Parts 2 & 3 – Flow Control Local Law
15. Local Law Intro. 1-20 – A Local Law Providing Solid Waste Flow Control in Chautauqua County
16. Proposed Resolution – Authorize Execution of State Interoperability Communications Grant FY 19
17. Proposed Resolution - Amend 2020 Budget for Office of the Sheriff
18. Proposed Resolution – Amend 2020 Budget Appropriations and Revenues Due to COVID-19 – Department of Emergency Services
19. Proposed Resolution – Authorizing SEQRA Review of Waterways Panel 2021 2% Occupancy Tax Recommendations
20. Proposed Resolution - Authorize Extension of Lease Agreement for the Department of Planning, Division of Planning and Community Development at Welch Foods Building in Westfield, New York
21. Proposed Resolution – Amend Chautauqua County Health & Human Services 2020 Adopted Budget for Increased Services for Recipients Costs
22. Proposed Motion - Calling on the State of New York to Release Enhanced Federal Medicaid Matching Funds to Counties and New York City
23. Discussion – Review of Departments and Services – Re: Preliminary 2021 Budget – Department Heads under Finance
24. Other

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

<b>KMD 06/03/20</b>
<b>KMW 6.3.20</b>
<b>SMA 06/03/20</b>
<b>KLC 6/4/20</b>
<b>PMW 6/4/20</b>

**TITLE:** Amend 2020 Budget Appropriations and Revenues—North  
Chautauqua County Water District

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, North Chautauqua County Water District (NCCWD) expenditures will exceed initial budgetary estimates because the budget does not include depreciation associated with construction completed in the Village of Brocton; and

WHEREAS, the NCCWD will recognize revenue in excess of budget due to the amortization of “Deferred Inflows of Resources” in recognition of the total value of assets capitalized in excess of financing the construction; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

EWN.-----924.0000	Unassigned Fund Balance—Net Assets, Unrestricted	\$ 79,681
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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 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EWN.8310.----.4	Contractual—Water District	\$211,681
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INCREASE REVENUE ACCOUNT:

EWN.8310.----.R277.0000	Miscellaneous—Other Unclassified Rev	\$132,000
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\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

BPB 06/01/20
KMD 06/01/20
ABC 06/01/20
SMA 06/01/20
KLC 06/03/20
PMW 06/03/20

**TITLE:** Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport, a non-primary public airport in the National Plan of Integrated Airport Systems (NPIAS), in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and enhances current and future economic development in the County; and

WHEREAS, pursuant to Public Law 116-136 (CARES Act), Federal funds were made available to U.S. public airports in the NPIAS to “prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received CARES Act Grant Offer, Grant No. 3-36-0048-054-2020 in the amount of \$69,000 (hereinafter called “the Grant”) for the Chautauqua County Jamestown Airport, and said funds will be used for any purpose for which airport revenues may be lawfully used; and

WHEREAS, the Airport Commission reviewed and recommended that the County accept the Grant for the purpose of offsetting the Chautauqua County Jamestown Airport’s operating costs; and

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than July 1, 2020 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution No. 137-20, the revenue associated with the Grant was amended into the 2020 Adopted Budget so no other budget amendments are necessary; therefore be it

**RESOLVED,** That the Chautauqua County Legislature accepts the CARES Act Grant Offer, Grant No. 3-36-0048-054-2020 in the amount of \$69,000 for the Chautauqua County Jamestown Airport; and be it further

**RESOLVED,** That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

<b>SMA 5/27/20</b>
<b>KMD 05/27/20</b>
<b>BPB 05/27/20</b>
<b>KLC 5/27/20</b>
<b>PMW 5/28/20</b>

**TITLE:** Removing In-Ground Fuel System at Dunkirk Airport

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, Resolutions 75-18 and 76-18 authorized capital accounts and bond issuance for the design and construction of a new fuel farm at the Dunkirk Airport, at a maximum estimated cost of \$650,000 to replace the existing in-ground fuel storage system; and

WHEREAS, in furtherance of the replacement project, the former fixed-base operator at the Dunkirk Airport, Dunkirk Aviation Sales & Service, Inc. (“Dunkirk Aviation”), was responsible for removing the existing in-ground fuel storage system that it owns; and

WHEREAS, despite requests from the County, Dunkirk Aviation has not initiated the removal of the in-ground fuel storage system, but construction of the new fuel farm is complete and NYSDEC is requiring that the County, as owner of the airport, remove the existing in-ground system by November 2020; and

WHEREAS, construction of the new fuel farm was bonded for the sum of \$563,000 and completed at a cost of \$558,130, and sufficient appropriated monies remain in the project’s \$650,000 capital appropriation account to remove the existing in-ground system; therefore be it

RESOLVED, That the Department of Public Facilities is authorized to proceed with the removal of the in-ground fuel system at the Dunkirk airport utilizing the remaining funds in the capital appropriation account established pursuant to Resolution 76-18, designated as H.5610.25003.4 Contractual – Chautauqua County Airport-Fuel Farm DNK (2018); and be it further

RESOLVED, That the Department of Public Facilities and County Law Department take all necessary steps to seek reimbursement for the expense of removal of the in-ground system from Dunkirk Aviation.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

BPB 06/03/20
KMD 06/03/20
KMW 06.03.20
SMA 06/03/20
KLC 6/4/20
PMW 6/4/20

**TITLE:** Amend Budget for Maintenance of Roads and Capital Improvements—  
Funded Roads

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, Cassadaga Windfarm LLC applied for permitting to the Chautauqua County Department of Public Facilities (DPF) to utilize county roads in the Towns of Arkwright, Villenova, Charlotte and Cherry Creek, including County Road 85, for work within the right of way (ROW) and overweight and over-dimensional hauling associated with the windfarm construction in the aforementioned towns; and

WHEREAS, pursuant to Resolution Nos. 242-19 and 127-20, the DPF assessed and received permit fees to fund repairs to the county roads when the windfarm construction activities have been completed; and

WHEREAS, additional work on County Road 85 is required, and should be funded by local dollars because it will be performed on a section of the road not used by Cassadaga Windfarm LLC; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

D.5112.393.4	Contractual--Capital Improvements, Funded Road Program	\$285,600
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DECREASE APPROPRIATION ACCOUNT:

D.5110.----.4	Contractual—Maintenance of Roads	\$285,600
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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

BPB 06/03/20
KMD 06/03/20
TMT 06/03/20
SMA 06/03/20
KLC 06/04/20
PMW 06/04/20

**TITLE:** Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel Jr.:

WHEREAS, under the CARES Act of 2020, Chautauqua County has been recommended as eligible to receive supplemental funding for the following endeavors:

1. Standard Operating Assistance       \$2,050,351
2. Appalachian Development Funding   \$37,037
3. Mobility Management                 \$61,204

and;

WHEREAS, supplemental CARES Act funding may be used at up to a federal share of 100% and may be used for any eligible activity authorized under the Formula Rural Area Program; and

WHEREAS, supplemental CARES Act funding may also be used for operating activities (net of fare revenues), including the cost of drivers' salaries, fuel, and items having a useful life of less than one year, such as personal protective equipment and cleaning supplies; and

WHEREAS, supplemental CARES Act funding may also be used for the salary of the Mobility Manager until the 100% federally funded and budgeted revenue is received from the 2019-2020 5311 Grant; and

WHEREAS, the 2020 Adopted Budget cannot be amended at this time because the exact use of these funds is not yet known; however, it is known that these funds may not be used to reduce local share; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

BPB 06/08/20
KMD 06/08/20
TMT 06/08/20
SMA 06/08/20
KLC 06/08/20
PMW 06/09/20

**TITLE:** Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel Jr.:

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation under the 2018 Modernization and Enhancement Supplemental Program for the following projects:

1. Purchase 3 – Hybrid Trolleys	\$600,000
2. Service Improvements – Rebranding	\$327,500
3. R & D New Tech – Route Match	\$400,999
4. Consultant Services – Routes	<u>\$126,501</u>

Total Grant: \$1,500,000

; and

WHEREAS, funding for all of the foregoing four (4) projects will be at a rate of 100% state dollars; and

WHEREAS, upon execution of the contract, the budget will be amended as necessary in subsequent resolutions once the County is ready to expend the grant funds; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**





## CHAUTAUQUA COUNTY DEPARTMENT OF LAW

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**PAUL M. WENDEL, JR.**  
*County Executive*

**STEPHEN M. ABDELLA**  
*County Attorney*

### MEMORANDUM

**TO:** County Executive Paul M. Wendel, Jr.  
Chairman Pierre Chagnon and all County Legislators

**FROM:** Stephen M. Abdella, County Attorney

**DATE:** June 9, 2020

**RE:** Renewable Natural Gas (RNG) Agreements and Solid Waste Flow Control

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The June agendas for the Public Facilities Committee and Audit & Control Committee contain companion legislation to approve renewable natural gas (RNG) agreements for the County Landfill, and the adoption of a solid waste flow control local law for Chautauqua County.

#### RNG Agreements

The County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010. However, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG).

Similar to the Landfill's existing gas-to-energy electric generation plant, the purpose of the RNG facility is to process and dispose of landfill gas created by the decomposition of solid waste in the County Landfill. As part of its DEC permit to operate the landfill, the County is required to dispose of such landfill gas in an environmentally responsible manner, and processing such gas as a renewable source of energy is the optimal manner in which to do so with the least environmental impact. The RNG facility will turn a waste gas that would otherwise be flared into a beneficial renewable source of fuel. The RNG will be transported through the existing natural gas pipeline system and used elsewhere, thereby reducing air emissions at the Chautauqua County Landfill.

The development of an RNG facility at the County Landfill is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues over a twenty-two (22) year period. The selected developer, Chautauqua Green Energy LLC (CGE) shall construct at its own expense an RNG plant and infrastructure on an approximately two (2) acre site at the County Landfill. CGE will also be responsible at its own expense for operating and/or mothballing the County's existing gas-to-energy plant, and maintaining it in good working order.

County Executive Paul M. Wendel, Jr.  
Chairman Pierre Chagnon and All County Legislators  
June 9, 2020  
Page Two

For the first ten (10) years of the proposed RNG agreements, CGE shall pay the County a base payment of \$1,000,000 per year, and a royalty payment of \$0.05/MMBTU for all Landfill gas conveyed by the County to CGE. The initial ten (10) year period will fund the pay-off of the County's electric generation plant. For years eleven (11) through twenty-two (22) of the agreement, CGE shall pay the County a base payment of \$1,000 per year, and a royalty payment of \$1.00/MMBTU for all Landfill gas conveyed by the County to CGE.

#### Solid Waste Flow Control Local Law

In order to assure CGE that the Landfill will produce sufficient landfill gas to make its investment economically viable, a condition of the RNG agreements with CGE is that the County shall adopt a solid waste "flow control" local law. The flow control local law will require that all solid waste generated within the County that is of the type currently received at County solid waste facilities, including municipal solid waste collected from residences and businesses, and construction and demolition debris, must be disposed of at the County Landfill or transfer stations. The local law's requirements would take effect January 1, 2021.

It is important to note that the adoption of a flow control local law will not cause the generation of any additional waste within the County, and all waste received at County solid waste facilities will be within existing permits. Even before adoption of the local law, it is estimated that the County is already receiving nearly 100% of the applicable solid waste being generated in the County due to the County's competitive pricing. Eleven (11) other counties in New York State have previously adopted flow control local laws.

Besides facilitating the development of an RNG plant at the Landfill and its resulting revenues, flow control will help allow the County to maintain its competitive pricing while ensuring the continued environmental benefits of several County solid waste programs, including, but not limited to, special collections for household hazardous waste, the monitoring and maintenance of closed landfill facilities, a program of recycling electronic and other waste, assistance in the disposal of code enforcement demolition wastes for all local governments in order to reduce neighborhood blight, and assistance for all local governments in the event of emergencies such as floods, lake fish kills, and lake weed infestations.

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

<b>SMA 06/08/20</b>
<b>BPB 06/08/20</b>
<b>KMD 06/08/20</b>
<b>KLC 06/08/20</b>
<b>PMW 06/08/20</b>

**TITLE:** Approving SEQRA Findings and Determinations for Landfill Renewable Natural Gas (RNG) Agreements

**BY:** Public Facilities Committee:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals (RFP) for the development of an RNG facility at the County Landfill that is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; and

WHEREAS, DPF and the County Law Department have reviewed the proposed project and determined that it is an "Unlisted" action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form ("SEAF") has been prepared for the project, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed actions will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed actions.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		

Project:

Date:

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)



SMA 06/08/20  
BPB 06/08/20  
KMD 06/08/20  
KLC 06/09/20  
PMW 06/09/20

CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_

**TITLE:** Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals (RFP) for the development of an RNG facility at the County Landfill that is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; and

WHEREAS, in response to the County's RFP, Vireo Energy, a renewable energy financial consulting firm from Malibu, California, and EmKey Gathering LLC from Erie, Pennsylvania, a natural gas gathering company operating in southwestern New York and northwest Pennsylvania, have formed a new company Chautauqua Green Energy LLC for the purposes of building, owning, operating, and managing the County's proposed RNG project; now therefore be it

RESOLVED, That the County Executive is authorized to enter into a lease and any other necessary agreements with Chautauqua Green Energy LLC (CGE), 558 West 6<sup>th</sup> Street, Erie, Pennsylvania, to enable the development of an RNG facility at the County Landfill, to include the following terms and conditions:

1. RNG Plant and Infrastructure. CGE, at its sole expense, shall design, construct, operate, and maintain an RNG plant and infrastructure at the County Landfill, to be completed within twenty-four (24) months of execution of the lease agreement. Unless the County elects to purchase the RNG plant and infrastructure upon the termination of the lease agreement, CGE, at its sole expense, shall also be responsible for the decommissioning and removal of the RNG plant and infrastructure except for buried facilities, such as pipelines, which may be abandoned in place.
2. Leased Premises. An approximately two (2) acre site at the County Landfill, and subsurface rights to install gas gathering and transmission lines on Landfill property to serve the RNG plant.
3. Term. Twenty-two (22) years, including the period of design and construction of the RNG plant and infrastructure.
4. Existing County Gas-to-Energy Plant. For the full term of the lease agreement, including the period of design and construction of the RNG plant and infrastructure, CGE, at its sole expense, shall be responsible for operating and/or mothballing the County's existing gas-to-energy plant, and maintaining it in good working order.
5. Rights and Use of Landfill Gas. For the full term of the lease agreement, including the period of design and construction of the RNG plant and infrastructure, CGE shall

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

have exclusive rights to all biogas emanating from the County's landfill and collected by the County's gas collection system. CGE shall be obligated during said full term of the lease agreement to utilize all County Landfill biogas by consuming it in the RNG plant or the County's gas-to-energy plant, or by flaring it, to ensure County's compliance with air and nuisance odor regulations.

6. Utilities. CGE shall obtain and pay for all utilities necessary to operate and maintain the RNG plant and infrastructure, the existing County gas-to-energy plant, and any other project facilities operated by CGE over the term of the lease agreement.
7. Taxes and Costs. CGE shall pay all taxes, assessments, charges, fees, fines or penalties which may be owed by reason or as a result of CGE's ownership and/or operation of the RNG plant and infrastructure, the existing County gas-to-energy plant, and any other project facilities.
8. Government Requirements. CGE shall, at its sole expense, comply with all Federal, State and local requirements for the RNG plant and infrastructure, including its construction, operation, maintenance, decommissioning, and removal, and also comply with all government requirements for the operation, maintenance, and/or mothballing of the existing County gas-to-energy plant, and for any other project facilities.
9. Payments to County.

2020: \$1,000,000 in installments to be approved by the County Executive.

Years two (2) through (10):

- a. Base payment of \$1,000,000.00 per year, payable in quarterly installments; and
- b. Royalty payment of \$0.05/MMBTU for all Landfill biogas captured by the County's gas collection system and provided to CGE, payable in quarterly installments.

Years eleven (11) through twenty-two (22):

- a. Base payment of \$1,000.00 per year; and
- b. Royalty payment of \$1.00/MMBTU for all Landfill biogas captured by the County's gas collection system and provided to CGE, payable in quarterly installments.

10. Other. As negotiated by the County Executive.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in Chautauqua County

**BY:** Public Facilities Committee:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, there is a local law being proposed for adoption by the Chautauqua County Legislature entitled "A Local Law Providing Solid Waste Flow Control in Chautauqua County"; and

WHEREAS, the adoption of said local law is an "Unlisted" action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form ("SEAF") has been prepared which found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) adoption and implementation of the above-referenced proposed local law will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed action.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Adoption by the County Legislature of "A Local Law Providing Solid Waste Flow Control in Chautauqua County"			
Project Location (describe, and attach a location map): The proposed local law will apply to the entire geographical area of Chautauqua County.			
Brief Description of Proposed Action: The purpose of the proposed local law is to establish local flow control over the collection and disposal of certain solid wastes generated within the County of Chautauqua, in order to ensure that solid waste generated within Chautauqua County continues to be managed in a manner which protects public health, public safety and the environment, and which provides for the financial stability of the County solid waste system.			
Name of Applicant or Sponsor: County of Chautauqua		Telephone: 716-753-4247 E-Mail: AbdellaS@co.chautauqua.ny.us	
Address: c/o Stephen M. Abdella, County Attorney, 3 North Erie St., GOB			
City/PO: Mayville		State: NY	Zip Code: 14757
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			YES <input type="checkbox"/>
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	



Project:	Flow Control Local Law
Date:	06-08-20

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Short Environmental Assessment Form Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The environmental impact of the adoption of the proposed local law, entitled "A Local Law Providing Solid Waste Flow Control in Chautauqua County," will have not have significant environmental impact. The local law will not cause the generation of any additional waste within the County, and all waste received at County solid waste facilities will be within existing permits. Even before adoption of the local law, it is estimated that the County is already receiving nearly 100% of the solid waste being generated in the County that is of the type received at County solid waste facilities.

Adoption of the local law will ensure the continued environmental benefits of several County solid waste programs, including, but not limited to, special collections for household hazardous waste, the monitoring and maintenance of closed landfill facilities, a program of recycling electronic and other waste, public education on proper waste management methods, assistance in the disposal of code enforcement demolition wastes for all local governments in the County in order to reduce neighborhood blight, assistance for all local governments in the County in the event of emergencies such as floods, lake fish kills, and lake weed infestations, and the recovery of energy from the generation of landfill gas.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

County of Chautauqua

\_\_\_\_\_  
Name of Lead Agency

Paul M. Wendel, Jr.

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**



LOCAL LAW  
INTRODUCTORY NO. 1-20  
CHAUTAUQUA COUNTY

A LOCAL LAW PROVIDING SOLID WASTE FLOW CONTROL  
IN CHAUTAUQUA COUNTY

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

SECTION 1. GENERAL PROVISIONS

A. Legislative Intent and Purpose

The purpose and intent of this Local Law is to ensure that Solid Waste generated within Chautauqua County continues to be managed in a manner which protects public health, public safety and the environment, and which provides for the financial stability of the County solid waste system. During the 1960's, the County faced a solid waste crisis as environmentally sound disposal of solid waste was beyond the financial means of small local governments. County involvement began in 1967 with a permit requirement for the approximately forty (40) town, village, and private waste dumps that were in operation at the time. Gradually the small open dumps were closed and the County created a comprehensive County-wide solid waste disposal system. Currently, the County operates its solid waste system in accordance with the following:

- 1) New York State solid waste management policies set forth in Environmental Conservation Law (ECL) §27-0106;
- 2) Local Law 9-92 of the County of Chautauqua, entitled *Mandating Source Separation and Segregation of Recyclable or Reusable Material*, and rules, regulations, and permit requirements promulgated pursuant thereto;
- 3) Local Law 13-95 of the County of Chautauqua, entitled *A Local Law Establishing User Fee Policy and Procedure*;
- 4) Local Law 14-95 of the County of Chautauqua, entitled *A Local Law Regulating the Use of Chautauqua County Sanitary Landfill & Transfer Stations*, and rules, regulations, and permit requirements promulgated pursuant thereto; and
- 5) The Local Solid Waste Management Plan for the County of Chautauqua, with pending updates under review.

The County Legislature finds and determines that in addition to the laws, rules, regulations, permit requirements, policies, and plan set forth above, establishing local flow control over the collection and disposal of certain Solid Wastes generated within the County of Chautauqua is in the public interest and assists the County in achieving the intent and purposes of this enactment.

This Legislature recognizes that regulation of Solid Waste is a proper and necessary exercise of the County of Chautauqua's police powers as it is fundamentally related to the public health, safety and well-being of persons and the environment within the County of Chautauqua. Moreover, regulation of Solid Waste is a necessary and proper exercise of the County's home rule

powers under N.Y. Const., Art. IX, § 2[c][ii][10], Sections 10 and 20 of the Municipal Home Rule Law, Section 120-aa of the General Municipal Law and Section 226-b of the County Law.

B. Declaration of Policy

The Legislature recognizes that the County's solid waste system, comprised of a solid waste landfill, transfer stations, landfill gas-to-energy plant, and other assets, is a critical part of the environmental infrastructure of Chautauqua County and provides facilities and services which are necessary to protect public health and the environment. It is hereby declared to be the public policy of the County of Chautauqua to provide for the continued operation and viability of its comprehensive, publicly owned and operated solid waste management system and to provide mechanisms for the continued financial viability of its system in light of state and federal regulations and requirements.

The County's solid waste management program is intended on a County-wide basis to provide environmentally sound disposal of solid wastes, to provide special collections for household hazardous waste, to safely monitor and maintain closed landfill facilities, to provide for a program of recycling electronic and other waste, to encourage the growth of recycling in both the public and private sectors, to provide public education on proper waste management methods, to provide assistance in the disposal of code enforcement demolition wastes for all local governments in the County in order to reduce neighborhood blight, to provide assistance for all local governments in the County in the event of emergencies such as floods, lake fish kills, and lake weed infestations, to recover energy from the generation of landfill gas, and to employ new techniques of waste management as they become available. This Local Law is intended to ensure the orderly and reliable collection of solid waste by municipalities and qualified collection firms, to provide a means to gather relevant information regarding waste generation for planning and administration of the solid waste program, to assist in the enforcement of recycling laws, to provide a sufficient and reliable source of landfill gas for energy production as a renewable natural gas (RNG), and to advance the goals of the Solid Waste Management Plan and its periodic updates.

This law regulates only the collection, transport, processing and disposal of Solid Waste generated within the incorporated limits of Chautauqua County. This Local Law shall not be construed to extend the jurisdiction of the County of Chautauqua beyond the incorporated limits of the County of Chautauqua. It shall be the policy of the County of Chautauqua, in the adoption, implementation and enforcement of this Local Law, to treat all persons subject to its provisions in a fair and impartial manner without regard to their location or legal residence, within or without the boundaries of the County of Chautauqua, the State of New York, or any other state.

SECTION 2. DEFINITIONS

A. Chautauqua County Department of Public Facilities (DPF). An administrative unit of the County of Chautauqua with responsibility for the operation of the County's Solid Waste Facilities and Solid Waste and Recycling programs.

B. County Solid Waste Facility. Any facility owned or operated by the County of Chautauqua, which includes, but shall not be limited to, the Chautauqua County Landfill, the

County transfer stations, the County landfill gas-to-energy plant, and all facilities identified by the Deputy Director for the receipt of household hazardous waste, electronic waste and such other facilities as may be established by the County from time to time.

C. Commercial Hauler. Any person who is engaged in the business of collecting and transporting solid waste for disposal from the locations within the County of Chautauqua at which such waste is generated. For purposes of this definition, “person” shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of New York State or United States government, municipality, industry, partnership, association, limited liability company, trust, estate, non-profit entity, tax-exempt entity, or any other legal entity.

D. Deputy Director. The Deputy Director of the Division of Solid Waste of the Chautauqua County Department of Public Facilities (DPF).

E. Solid Waste and Related Terms. The terms Solid Waste, Construction and Demolition Debris, Organic, Recyclable, Regulated Medical Waste, and other terms in common usage in the solid waste industry, shall, unless otherwise specifically defined herein, have the meanings set forth in 6 NYCRR 360.2 or successor provision.

### SECTION 3. FLOW CONTROL

A. All Solid Waste, including, but not limited to, Construction and Demolition Debris, and wastes generated and collected from residences, businesses, institutions and other locations within the County of Chautauqua shall be delivered for disposal to the County Solid Waste Facility designated by the Deputy Director pursuant to this Local Law, except as otherwise provided pursuant to Section 3 (B), below.

B. This Local Law shall not be applicable to collection and disposal of source separated Recyclables, source separated Organic Wastes, Regulated Medical Wastes, and any materials that are not authorized for acceptance at County Solid Waste Facilities by New York State law or regulation or Local Laws 9-92 and 14-95 of the County of Chautauqua, or as otherwise provided by rules, regulations, and permit requirements promulgated pursuant to Local Laws 9-92, 14-95, and this Local Law.

C. Compliance with the provisions of this Local Law shall be a term and condition of all permits issued by the Landfill in furtherance of this Local Law and Local Laws 9-92 and 14-95 of the County of Chautauqua. It shall be unlawful for any Commercial Hauler to collect, transport or dispose of Solid Waste or Recyclables generated within Chautauqua County without a Landfill permit. Violations of the provisions of this Local Law, and/or rules, regulations, and permit requirements promulgated pursuant to this Local Law, shall subject the violator to the penalties set forth in said Local Law 14-95.

D. In order to ensure proper compliance with this Local Law, the Deputy Director is hereby empowered to promulgate rules and regulations to implement the Solid Waste flow control required by this Local Law, including, but not limited to, permit requirements. The rules and

regulations promulgated by the Deputy Director shall be subject to policies and procedures specified by the County Legislature pursuant to a duly adopted and approved resolution.

#### SECTION 4. UPDATING OF ADMINISTRATIVE REFERENCES IN PRIOR LOCAL LAWS

References to the “Division of the Environment” and “DPW”, in prior Local Laws 13-95 and 14-95 of the County of Chautauqua, are hereby updated and deemed to be, respectively, the “Division of Solid Waste” and “DPF”.

#### SECTION 5. SEVERABILITY

If any part of this Local Law or the application thereof to any person should be adjudged to be invalid by any court of competent jurisdiction, such judgment shall, unless otherwise provided in said judgment, be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances. The Chautauqua County Legislature hereby declares that it intends that the provisions of this Local Law that are not specifically adjudged to be invalid shall remain in full force and effect.

#### SECTION 6. COUNTY NOT LIABLE

Nothing in this enactment shall be deemed to impose any civil or criminal liability upon, or give rise to, a cause of action against any official, employee or agency of the County of Chautauqua for failing to act in accordance with this Local Law or by enforcing same in good faith.

#### SECTION 7. EFFECTIVE DATE

This Local Law shall take effect January 1, 2021.

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

DWB 6/3/20
KMD 6/3/20
TMT 6/3/20
SMA 6/3/20
KLC 6/4/20
PMW 6/4/20

**TITLE:** Authorize Execution of State Interoperability Communications Grant  
FY19

**BY:** Public Safety and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

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

WHEREAS, the State of New York will provide funding for the FY19 grant in the amount of \$636,624, with no local funds, for the performance period of January 1, 2020 through December 31, 2021; and

WHEREAS, this grant is not currently included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the NYS Division of Homeland Security and Emergency Services to secure the grant funding as set forth above; and also be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3020.PSCN.2	Equipment—Publ Safety Communication, Pub Sfty Communications	\$372,000
---------------	---	-----------

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000	Federal Aid—Other Public Safety Aid	\$372,000
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\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

DWB 6/3/20
KMD 6/3/20
TMT 6/3/20
SMA 6/3/20
KLC 6/4/20
PMW 6/4/20

**TITLE:** Amend 2020 Budget for Office of the Sheriff

**BY:** Public Safety and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some revenues will have a surplus; therefore be it

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

**INCREASE APPROPRIATION ACCOUNT:**

A.3189.3111.2	Equipment – Other Law Enforcement - Navigation	\$22,813
---------------	--	----------

**ESTABLISH AND INCREASE REVENUE ACCOUNTS:**

A.3189.3111.R268.0000	Sale of Property/Compensa-Insurance Recoveries	\$4,470
A.3189.3111.R438.9000	Federal Aid-Other Public Safety Aid	\$2,026
A.3189.3111.R331.5000	New York State Aid-Navigation Law Enforcement	<u>\$16,317</u>
	Total	\$22,813

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

<b>JCG 06/03/20</b>
<b>KMD 06/03/20</b>
<b>TMT 06/03/20</b>
<b>SMA 06/03/20</b>
<b>KLC 6/4/20</b>
<b>PMW 6/4/20</b>

**TITLE:** Amend 2020 Budget Appropriations and Revenues due to COVID-19 –  
Department of Emergency Services

**BY:** Public Safety and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, some Emergency Services department expenditures have exceeded initial budgetary estimates due to the response to the COVID-19 pandemic; and

WHEREAS, the Department of Emergency Services has filed a Request for Public Assistance (RPA) with the Federal Emergency Management Agency (FEMA) and expects to receive reimbursement for expenditures related to the pandemic; and

WHEREAS, FEMA typically requires a local match of 25% for all RPAs, but the federal government has indicated the local match will be reduced to zero; now therefore be it

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

**INCREASE APPROPRIATION ACCOUNTS:**

A.3010.----.2	Equipment—Emergency Services	\$ 12,695
A.3010.----.4	Contractual—Emergency Services	\$200,000
A.3640.----.2	Equipment—Hazardous Materials	\$ 6,203
	Total	\$218,898

**ESTABLISH AND INCREASE REVENUE ACCOUNTS:**

A.3010.----.R430.5001	Federal Aid—Emergency Mgt Assistance	\$212,695
A.3640.----.R430.5001	Federal Aid—Emergency Mgt Assistance	\$ 6,203
	Total	\$218,898

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**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

<b>DWM 5-29-20</b>
<b>KMD 06/02/20</b>
<b>ABC 06/03/20</b>
<b>SMA 06/03/20</b>
<b>KLC 06/03/20</b>
<b>PMW 06/03/20</b>

**TITLE:** Authorizing SEQRA Review of Waterways Panel 2021 2% Occupancy Tax Recommendations

**BY:** Planning & Economic Development and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, thirty-one applications for the 2021 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the thirty-one requests; and

WHEREAS, eight of the thirty-one projects submitted for 2% Occupancy Tax funding for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Department of Planning and Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the projects recommended by the Waterways Panel for 2021 2% Occupancy Tax funding as follows:

<b>Project/Agency or Organization</b>	<b>Rank</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Lakewood Grandview	1	\$40,000.00	\$40,000.00
CWC Lake Friendly Lawn Care	2	\$23,734.00	\$23,734.00
Rice Tim	3	\$28,660.00	\$28,660.00
O'Brien	4	\$40,000.00	\$40,000.00
Mud Creek 2	5	\$29,907.00	\$29,907.00
Sunset Bay HOA	6	\$29,935.00	\$29,935.00
Pomfret Salt Storage	7	\$40,000.00	\$40,000.00
Stark Chaut Lake Shoreline	8	\$12,000.00	\$12,000.00
Giacchino Walnut Creek	9	\$20,164.00	\$ 0
Village of Silver Creek	10	\$40,000.00	\$ 0
Hiliker Walnut Creek	11	\$21,904.00	\$ 0
Narraway Lake Erie	12	\$25,064.00	\$ 0
Heenan Crooked Brook	13	\$26,314.00	\$ 0
Reynolds Chaut Lake Trib	14	\$25,000.00	\$ 0
Mallard Cove Chau Lake Trib	15	\$6,800.00	\$ 0
Harvey Clear Creek	16	\$24,660.00	\$ 0
Jackson Walnut Creek	17	\$21,740.00	\$ 0
Miller Canadaway Creek	18	\$45,432.00	\$ 0
Burns Canadaway Creek	19	\$34,700.00	\$ 0
Stott Walnut Creek	20	\$33,356.00	\$ 0
Reinhardt Dutch Hollow Creek	21	\$34,632.00	\$ 0

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date



Smith Mud Creek	22	\$31,278.00	\$ 0
AbiNader Prendergast Creek	23	\$39,648.00	\$ 0
Dolce Walnut Creek	24	\$28,782.00	\$ 0
Glaser Mud Creek	25	\$19,822.00	\$ 0
Seymoure Dutch Hollow Creek	26	\$18,320.00	\$ 0
Montgomery Bemus Creek	27	\$16,662.00	\$ 0
Weintraub	28	\$20,472.00	\$ 0
Klaes Chautauqua Lake Trib	29	\$22,400.00	\$ 0
Avery Chaut Lake Trib	30	\$10,262.00	\$ 0
Mulkin Chaut Lake Trib	31	\$9,992.00	\$ 0
<b>TOTALS</b>		<b>\$821,640.00</b>	<b>\$244,236.00</b>

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

DWM-5-29-20
KMD 06/08/20
ABC 06/09/20
SMA 06/09/20
KLC 6/9/20
PMW 6/10/20

**TITLE:** Authorize Extension of Lease Agreement for the Department of Planning, Division of Planning and Community Development at Welch Foods Building in Westfield, New York

**BY:** Planning & Economic Development and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County has 42 municipalities located across approximately 1,100 square miles; and

WHEREAS, the Chautauqua County Department of Planning, Division of Planning and Community Development (CCDPCD) collaborates with municipal entities on a wide variety of projects and initiatives; and

WHEREAS, an office location within our villages and towns helps provide easier access to the majority of CCDPCD's municipal customers; and

WHEREAS, pursuant to Resolution 245-18, the County entered into a lease agreement with the Town of Westfield for office space at the Welch Foods Building; and

WHEREAS, the County is desirous of extending its lease agreement with the Town of Westfield on the following terms and conditions; and

WHEREAS, the funds for this lease are included in the County's 2020 Adopted and Amended Budget; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to negotiate and enter into a lease with the Town of Westfield for office space at 2 South Portage Street, Westfield, New York, upon substantially the following terms and conditions:

1. Premises: 1,441 square feet at Welch Foods Building, 2 South Portage Street, Westfield, New York.
2. Rent: A monthly rate of \$916.67.
3. Utilities: Landlord to pay for heat and electric; County to pay for telephone and Internet.
4. Term: Month to month tenancy commencing on August 1, 2020, and terminating no later than December 31, 2021.
5. Other: As negotiated by the County Executive.

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**APPROVED**  
\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

**CHAUTAUQUA COUNTY  
RESOLUTION NO.**

KMD 06/08/20
CLS 06/10/2020
ABC 06/10/20
SMA 06/11/20
KLC 6/12/20
PMW 6/12/20

**TITLE:** Amend Chautauqua County Health & Human Services 2020  
Adopted Budget for Increased Services for Recipients Costs

**BY:** Human Services and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, 2020 expenditures for Services for Recipients costs related to Non TA Residential Domestic Violence are now projected to be in excess of the budgeted amount; and

WHEREAS, Services for Recipients costs related to Non TA Residential Domestic Violence are not funded by the Federal government or by the State of New York; and

WHEREAS, 2020 contractual expenditures for Family Assistance are now projected to be lower than the budgeted amount; and

WHEREAS, Family Assistance costs are generally funded at 79% by the Federal government; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6070.----.4 Contractual--Services for Recipients	\$105,000
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DECREASE APPROPRIATION ACCOUNT:

A.6109.----.4 Contractual--Family Assistance	\$500,000
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DECREASE REVENUE ACCOUNT:

A.6109.R460.9000 Federal Aid – EAF Foster Care	\$395,000
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**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_-20**

**TITLE:** Calling on the State of New York to Release Enhanced Federal Medicaid Matching Funds to Counties and New York City

**AT THE REQUEST OF:** Chairman Pierre Chagnon and County Executive Paul M. Wendel, Jr.:

WHEREAS, in response to the COVID-19 pandemic, Congress has enacted extraordinary measures to help states and localities with increased costs and lost revenue; and

WHEREAS, a key action enacted by the Federal Government was a 6.2 percent increase in the federal medical assistance percentage (FMAP); and

WHEREAS, Congress has used this mechanism to provide fiscal relief to states and their local government Medicaid funding partners to reduce the financial burden they often experience in an economic downturn; and

WHEREAS, we understand the State of New York has already drawn down about \$2.5 billion for the period January 1, 2020 through June 30, 2020; and

WHEREAS under federal law a portion of these funds are required to be passed through to counties and New York City; and

WHEREAS, we estimate the local share is about 20 percent; and

WHEREAS, counties and New York City are struggling with higher costs associated with responding to COVID-19 and experiencing extensive revenue declines due to the shutdown of large swaths of the economy; and

WHEREAS, in addition to mounting losses in local revenues, counties are also expecting significant cuts in state aid; and

WHEREAS, many counties have enacted plans to reduce non-mandated expenses to the degree they can without sacrificing public health and safety; and

WHEREAS, these expense reductions also require a review of the workforce, including furloughs and layoffs; and

WHEREAS, we project that each quarter of enhanced FMAP funding is worth hundreds of millions of dollars for counties and New York City; and

WHEREAS, the State has been holding three years of similar enhanced FMAP payments owed to counties and New York City under the Affordable Care Act that are worth hundreds of millions of dollars for counties and New York City; now therefore be it

KNOWN, That Chautauqua County is requesting that the State immediately release the first quarter of enhanced Medicaid federal matching funds for the pandemic response to

Chautauqua County to provide some partial fiscal relief to the current conditions; and be it further

KNOWN, That we request that the State provide a timeline to all counties on the release of the enhanced federal Medicaid matching funds related to the Affordable Care Act that have been withheld for years and the likely mechanism on how these funds will be delivered to counties and New York City; and be it further

KNOWN, That we understand the State is experiencing severe fiscal stress as well, and we want to work cooperatively with the State to develop a plan on the release of the withheld federal enhanced Medicaid funds due to counties under the Affordable Care Act and future pandemic FMAP increased funding; and be it further

MOVED, That certified copies of this Motion be sent to Governor Andrew M. Cuomo, Senator George Borrello, Assemblyman Andrew Goodell, the New York State Association of Counties, and all others deemed necessary and proper.