

CHAUTAUQUA COUNTY LEGISLATURE

06/24/2020

Meeting by Remote Access

To View the Meeting on-line go to

<https://www.facebook.com/ChautauquaCountyGovernment/>

PUBLIC PARTICIPATION – Due to the COVID-19 crisis, the June 24, 2020 Legislature meeting will be held by remote access. The public may participate in Privilege of the Floor by emailing a statement prior to the County Legislature’s 6:30 PM meeting to the Clerk of the Legislature at TampioK@co.chautauqua.ny.us – emailed statements received by the Clerk shall be read during the Privilege of the Floor. The Public may view the meeting by accessing the live stream on the county Facebook page

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR NAZZARO

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 05/27/2020

PRIVILEGE OF THE FLOOR

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

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Emailed comments will be read by the Clerk.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 05/27/2020**

COMMUNICATIONS:

- 1. Letter – Town of Mina – Re: Chautauqua County Sewer Agency Update**
- 2. Letter – NYS Agriculture and Markets – Agriculture District 8 Year Review**
- 3. Letter – Town of Chautauqua – Public Hearing re: Application for Special Use Permit**
- 4. Report – Fn. Director Crow – Investment Report – April 2020**
- 5. Letters (2) – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2020 State Equalization Rates**
- 6. Letter - County Executive – Appointments to Chautauqua County Emergency Medical Services Council**

LOCAL LAW INTRO. 1-20 – A Local Law Providing Solid Waste Flow Control in Chautauqua County

RESOLUTIONS:

141-20 Confirm Appointments and Re-Appointments – Emergency Medical Services Council

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- 142-20 Amend 2020 Budget Appropriations and Revenues—North Chautauqua County Water District**
- 143-20 Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport**
- 144-20 Removing In-Ground Fuel System at Dunkirk Airport**
- 145-20 Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020**
- 146-20 Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant**
- 147-20 Approving SEQRA Findings and Determinations for Landfill Renewable Natural Gas (RNG) Agreements**
- 148-20 Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)**
- 149-20 Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in Chautauqua County**
- 150-20 Authorize Execution of State Interoperability Communications Grant FY19**
- 151-20 Amend 2020 Budget for Office of the Sheriff**
- 152-20 Amend 2020 Budget Appropriations and Revenues due to COVID-19 Department of Emergency Services**
- 153-20 Authorize Acceptance of the BJA FY 20 Coronavirus Emergency Supplemental Funding Program Grant for funds for 2020-2022**
- 154-20 Authorizing SEQRA Review of Waterways Panel 2021 2% Occupancy Tax Recommendations**
- 155-20 Authorize Extension of Lease Agreement for the Department of Planning, Division of Planning and Community Development at Welch Foods Building In Westfield, New York**
- 156-20 Amend Chautauqua County Health & Human Services 2020 Adopted Budget for Increased Services for Recipients Costs**

MOTIONS:

- A. Calling on the State of New York to Release Enhanced Federal Medicaid Matching Funds to Counties and New York City**
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ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Emailed Comments will be read by the Clerk.

***PLEASE NOTE – AMENDMENTS TO THE LOCAL LAW RECOMMENDED BY THE AUDIT & CONTROL COMMITTEE ARE SHOWN IN RED AND ARE EXPECTED TO BE MOVED ON THE FLOOR OF THE FULL LEGISLATURE**

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 Legislature intends to maintain the County solid waste system's historic economical rate structure for the benefit of in-County users, and continue to operate the solid waste system in a manner that provides a competitive business environment for the County's residents and industries.

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, wastes processed pursuant to environmental sustainability programs approved by the Deputy Director, 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.

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RES. NO. 141-20
Confirm Appointments and Re-Appointments – Emergency
Medical Services Council

By Public Safety Committee:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, Paul M. Wendel, Jr., County Executive, has submitted the following appointments for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointments to the Chautauqua County Emergency Medical Services Council.

Teresa Penhollow
3435 Bard Rd.
Cassadaga, NY 14718
Term Expires: 12/31/22
Reappointment
Battalion 1

Stephen Cobb
49 Gardner St.
Fredonia, NY 14063
Term Expires: 12/31/22
Reappointment
Fire Service EMS Rep.

Donald Mowry
333 Oak Hill Rd.
Frewsburg, NY 14738
Term Expires: 12/31/2021
New Appointment
Paid Firefighter South

Robert Crane
120 Miller St.
PO Box. 607
Sherman, NY 14781
Term Expires:12/31/22
Reappointment
Battalion 2

Mark Dickey
28 N011h State St.
Ripley, NY 14755
Term Expires: 12/31/22
Reappointment
At-Large

David Hazleton
133 West Main St.
Brocton, NY 14716
Term Expires: 12/31/22
New Appointment
At-Large North

Sharoyrn Ruby
31 W. Summit St.
Lakewood, NY 14750
Term Expires:12/31/22
Reappointment
Battalion 3

Gregory Ireland
17 W. Main St.
Panama, NY 14767
Term Expires: 12/31/22
New Appointment
Battalion 3

DeWitt Chamberlin, Jr.
11075 Dennison Rd.
Forestville, NY 14062
Term Expires: 12/31/22
New Appointment
At-Large North

Priscilla Banes
207 Foote Ave.
Jamestown, NY 14701
Term Expires: 12/31/22
Reappointment
UPMC Rep.

Tyler Hansen
5997 Centralia-Hartfield Rd.
Dewittville, NY 14728
Term Expires: 12/31/2020
New Appointment
WMH Rep.

Michael Volpe
53 Pine Ridge Rd.
Jamestown, NY 14701
Term Expires: 12/31/22
New Appointment
At-Large South

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer (Voted “yes” by video Conference PS Committee Meeting)

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RES. NO. 142-20

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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Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

RES. NO. 143-20

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

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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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

RES. NO. 144-20
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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

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RES. NO. 145-20

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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted "yes" by video Conference PF and AC Committee Meetings)

RES. NO. 146-20

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:

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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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

RES. NO. 147-20

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

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, 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:

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- 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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

RES. NO. 148-20

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 6th 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.

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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 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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted "yes" by video Conference PF and AC Committee Meetings)

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RES. NO. 149-20

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

By Public Facilities and Audit & Control Committees:

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.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

RES. NO. 150-20

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

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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
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INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000	Federal Aid—Other Public Safety Aid	\$372,000
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

RES. NO. 151-20
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
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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

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

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RES. NO. 152-20
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	<u>\$ 6,203</u>
	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	<u>\$ 6,203</u>
	Total	\$218,898

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

RES. NO. 153-20

Authorize Acceptance of the BJA FY 20 Coronavirus Emergency Supplemental Funding
Program Grant for funds for 2020-2022

By Public Safety and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the Office of the District Attorney has applied for a grant in the amount of \$58,008 from the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), titled “BJA FY 20 Coronavirus Emergency Supplemental Funding Program,” for the period of January 20, 2020 to January 31, 2022; and

WHEREAS, the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has awarded \$58,008 to Chautauqua County; and

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WHEREAS, this federal grant will provide additional resources to the Office of the District Attorney to support a broad range of activities, including preventing, preparing for, and responding to COVID-19; and

WHEREAS, the Office of the District Attorney has not included these grant funds in the 2020 Adopted Budget; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the BJA FY 20 Coronavirus Emergency Supplemental Funding Program Grant with the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), in the amount of \$58,008 for the term of January 20, 2020 to January 31, 2022; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all documents necessary on behalf of Chautauqua County with the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), in connection with this grant; 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 ACCOUNTS:

A.1165.----.1	Personal Services—District Attorney	\$23,100
A.1165.----.4	Contractual	<u>\$ 9,052</u>
	Total:	\$32,152

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1165.R438.9000	Federal Aid—Other Public Safety Aid	\$32,152
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

RES. NO. 154-20

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:

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Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
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
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
TOTALS		\$821,640.00	\$244,236.00

Signed: Odell, Starks, Harmon, Ward, Nazzaro, Gould, Niebel (Voted "yes" by video Conference PED and AC Committee Meetings)

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RES. NO. 155-20

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.

Signed: Odell, Starks, Harmon, Ward, Nazzaro, Gould, Niebel (Voted "yes" by video Conference PED and AC Committee Meetings)

RES. NO. 156-20

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

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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

DECREASE APPROPRIATION ACCOUNT:

A.6109.----.4 Contractual--Family Assistance \$500,000

DECREASE REVENUE ACCOUNT:

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

Signed: Pavlock, Rankin, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon
(Voted “yes” by video Conference HS and AC Committee Meetings)

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.