

**CHAUTAUQUA COUNTY LEGISLATURE**

**12/16/2020**

***To View the Meeting on-line go to***

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

**PUBLIC PARTICIPATION** – Due to the COVID-19 crisis, the December 16, 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](mailto: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 WARD  
PLEDGE OF ALLEGIANCE  
APPROVAL OF THE MINUTES FOR 11/18/2020  
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 11/18/2020**

---

**COMMENDATION:**

**District Attorney Patrick Swanson  
By  
Legislator Charles Nazzaro**

---

**CERTIFICATE OF RECOGNITION:**

**Webb’s Captain’s Table  
By  
Legislator William Ward**

---

**CHAUTAUQUA COUNTY LEGISLATURE**

**12/16/2020**

*To View the Meeting on-line go to*

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

**AWARDS:**

**New York State Association of Conservation Districts, Inc.**

**APPRECIATION AWARD**

**Chairman Pierre Chagnon**

**SPECIAL SERVICE AWARD**

**Legislator Lisa Vanstrom**

---

**COMMUNICATIONS:**

- 1. Report – Small Business Development Center 7/1/2020-9/30/2020**
- 2. Report – Small Business Development Center Business Permit Center 7/1/2020-9/30/2020**
- 3. Letter – County Executive Wendel – CC Board of Health Reappointments**
- 4. Letter – County Executive Wendel – Chautauqua Opportunities Inc. Appointments**
- 5. Letter – R. Chris Cochran and Daniel L. Zandi – Re: Support for South Ripley Solar Project**
- 6. Letter – County Executive Wendel – CC Ethics Board Appointment**
- 7. Report – Finance Director Crow – October 2020 Investment Report**
- 8. Chautauqua County 2021 Adopted Budget**

---

**LOCAL LAW INTRO. 3-20 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees**

---

**Renew & Amend Res. No. 218-20 Authorize Lease Agreement for the Office for Aging Services at The Chautauqua Center in Jamestown, New York**

---

**LOCAL LAW INTRO. 4-20 – Authorizing Lease of Real Property for an Extended Term for Office for Aging Services**

---

**RESOLUTIONS:**

**248-20 Re-Appointments – Chautauqua Opportunities Board of Directors**

**249-20 Confirm Re-Appointments - Chautauqua County Health Board**

**CHAUTAUQUA COUNTY LEGISLATURE**

**12/16/2020**

*To View the Meeting on-line go to*

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

- 250-20 Confirm Appointment - Chautauqua County Ethics Board**
- 251-20 Confirm Appointment – Portland-Pomfret-Dunkirk Sewer District Board**
- 252-20 Confirm Re-Appointment – Portland-Pomfret-Dunkirk Sewer District Board**
- 253-20 Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board**
- 254-20 Amend 2020 Budget Appropriations–South & Center Chautauqua Lake Sewer Districts**
- 255-20 Amend 2020 Budget Appropriations – North Chautauqua Lake Sewer District**
- 256-20 Amend Resolution 120-20 Authorizing Hangar A Lease Agreement with Luscombe Aircraft Corporation at the Chautauqua County Jamestown Airport to Enable Accelerated Recovery of Capital Improvement Expenses**
- 257-20 Acceptance of CARTS 5311 2019-2020 Consolidated Grant**
- 258-20 Approving SEQRA Determination for Purchase of Land and Building for CARTS Hub in the City of Jamestown**
- 259-20 Approve Purchase of Land and Building for CARTS Hub in the City of Jamestown**
- 260-20 Amend 2021 Budget Appropriations for Capital Project for Landfill Vehicle and Equipment Purchases**
- 261-20 Accept Donation from Schrader Family for Luensman Park Bench**
- 262-20 Amend 2020 Budget for Office of the Sheriff**
- 263-20 Authorize Contracts and Agreements with Local Police Departments for 2021-2022 STOP-DWI Enforcement Efforts**
- 264-20 Authorize Agreement with Town of Charlotte for Enhanced Police Protection Services FY21**
- 265-20 Authorize Agreement with Chautauqua Lake Central School District for Enhanced Police Protection Services FY21**
- 266-20 Amend Emergency Services Appropriation Accounts for 2020 Budget**
- 267-20 Amend Emergency Services Budget for Vehicle Purchase Allocations and Sale of Surplus Vehicles**
- 268-20 Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program**
- 269-20 Authorize Agreement with Small Business Development Center at Jamestown Community College**
- 270-20 Authorize Extension of Lease Agreement for Department of Planning & Development at the BWB Center**
- 271-20 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion**
- 272-20 Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses**
- 273-20 Confirm Updated By-Laws for the Lake Erie Management Commission**
- 274-20 Approval of SEQRA Determination for Dutch Hollow Phase II Streambank Stabilization Project**
- 275-20 Authorize Collection of Fines, Civil Penalties, Rent, Rates, Taxes, Fees, Charges and Other Amounts via the Internet**

**CHAUTAUQUA COUNTY LEGISLATURE**

**12/16/2020**

*To View the Meeting on-line go to*

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

**276-20 Quit Claim Deeds**

**277-20 Making Appropriations for the Conduct of County Government For Fiscal Year 2021**

**278-20 Authorize Tax Levy**

**279-20 Authorize Levy of Town Taxes**

**280-20 Authorize Levy of Unpaid Town Charges**

**281-20 Authorize Levy of Omitted Taxes**

**282-20 Authorize Tax Levy – North Chautauqua Lake Sewer District**

**283-20 Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts**

**284-20 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts**

**285-20 Fixing Equalization Rates for 2021**

**286-20 Authorize Execution of Livescan Equipment Grant Program FY20**

**MOTION:**

- A. Supporting Chautauqua County Sheriff James Quattrone’s Position that Governor Cuomo’s Executive Order Limiting Non-Essential Private Residential Gatherings is Unenforceable**

---

**MEMORIAL:**

**Charles Porpiglia  
By  
Legislator Robert Bankoski**

---

**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.

**CHAUTAUQUA COUNTY LEGISLATURE**

**12/16/2020**

*To View the Meeting on-line go to*

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



**From the Legislature Staff**

**Wishing all of you a Merry Christmas and a Healthy and Happy New Year!  
Kathy, Olivia and Lori**

**ORGANIZATIONAL MEETING – MONDAY, JANUARY 4, 2021 – 4:00 P.M.**

**\*\*\* Please note: Prefile for the Organizational Meeting is  
10:00 a. m. – Wednesday, December 30, 2020**

**\*\*\***

LOCAL LAW  
INTRODUCTORY NO. 4-20  
CHAUTAUQUA COUNTY

AUTHORIZING LEASE OF REAL PROPERTY FOR AN EXTENDED TERM FOR  
OFFICE FOR AGING SERVICES

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

Section 1. Purpose. The purpose of this local law is to modify and supersede the lease term limitations contained in County Law Section 215 and Local Law 8-1975 for a lease agreement for the County's Office for Aging Services.

Section 2. Authorization. The County of Chautauqua is hereby authorized to enter into a lease for the County's Office for Aging Services pursuant to Resolution 218-20 of the Chautauqua County Legislature, as amended, for a term not exceeding fifteen (15) years.

Section 3. Effective Date. This local law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Pavlock

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RENEW & AMEND RES. NO. 218-20  
Authorize Lease Agreement for the Office for Aging Services at The Chautauqua Center in  
Jamestown, New York

By Human Services and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

~~WHEREAS, the Chautauqua County Office for Aging Services (“OFAS”) and Chautauqua County Veteran Services Agency (“VSA”) have shared office space for many years; and~~

WHEREAS, OFAS ~~and VSA’s~~ relocation to The Chautauqua Center in downtown Jamestown, a 2,500 square foot state of the art space located in the medical corridor, will provide better access and privacy to a growing senior population; and

WHEREAS, this location will also provide opportunities for OFAS to collaborate with healthcare, mental health, and other community services within the building to better serve older adults in Chautauqua County; and

WHEREAS, this location will also provide OFAS with more opportunities to host education, health, and wellness programs for seniors on the premises; and

WHEREAS, the County is desirous of entering into a 15-year lease agreement with The Chautauqua Center to finance the build-out cost for this brand new space; therefore be it

RESOLVED, That the Acting County Executive is hereby authorized to execute a lease agreement for office space with The Chautauqua Center on substantially the following terms and conditions:

1. Premises. 2,500 square feet of the second floor located at 107 Institute Street, Jamestown, New York.
2. Rent. \$13.40 per square foot at a monthly rate of \$2,791.67 per month for the first year, with an annual increase of not greater than 1%.
3. Build-Out. \$1.15 per square foot at a monthly rate of \$239.59 per month for fifteen (15) years.
4. Term. Fifteen (15) years commencing in early 2021 upon completion of build-out.
5. Utilities. County’s occupied space is individually metered and County shall pay for water, electrical, and gas services.
6. Other. As negotiated by the Acting County Executive.

and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted budget:

INCREASE APPROPRIATION ACCOUNT:

<u>A.6772.----.4</u>	<u>Contractual - Office for Aging Services</u>	<u>\$3,639</u>
----------------------	--	----------------

DECREASE APPROPRIATION ACCOUNTS:

<u>A.6510.----.4</u>	<u>Contractual - Veterans Service Agency</u>	<u>\$3,639</u>
----------------------	--	----------------

<u>A.6772.----.1</u>	<u>Personal Services - Office for Aging Services</u>	<u>\$96,750</u>
----------------------	--	-----------------

<u>A.6772.----.8</u>	<u>Employee Benefits - Office for Aging Services</u>	<u>\$7,545</u>
----------------------	--	----------------

	<u>Total</u>	<u>\$107,934</u>
--	--------------	------------------

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

DECREASE REVENUE ACCOUNT:

A.6772.----.R477.2000 Federal Aid-OFA Programs \$104,295

---

RES. NO. 248-20

Re-Appointments – Chautauqua Opportunities Board of Directors

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua Opportunities Governing Board.

Re - Appointments:

Rebecca Brumagin  
10606 Route 430  
Findley Lake, NY 14736  
Term Expires: 6/30/21

Marie Carrubba  
19 Widrig Ave.  
Jamestown, NY 14701  
Term Expires: 6/30/21

George Borrello  
1014 South Shore Dr.  
Irving, NY 14081  
Term Expires: 6/30/21

Signed: Pavlock, Whitney, Lawton, Rankin, Whitford (Voted “yes” by video conference)

---

RES. NO. 249-20

Confirm Re-Appointments - Chautauqua County Health Board

By Human Services Committee:

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

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



CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Health Board.

Andrew O'Brien  
96 Center Street  
Fredonia, N.Y. 14063  
Term Expires: 12/31/2026

Dr. Lillian Vitanza Ney  
88 Gordon Street  
Jamestown, NY 14701  
Term Expires: 12/31/2026

Signed: Pavlock, Whitney, Lawton, Rankin, Whitford (Voted "yes" by video conference)

---

RES. NO. 250-20  
Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Ethics Board.

John Marengo  
156 Whitehill Ave.  
Jamestown, N.Y. 14701  
Term Expires: 01/31/2023

Filling Term of Rose Sebouhian

Signed: Scudder, Davis, Starks, Vanstrom (Voted "yes" by video conference)

---

RES. NO. 251-20  
Confirm Appointment – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established as a county sewer district of the County of Chautauqua by Legislative Resolution 272-77; and

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

WHEREAS, a County Sewer Board consisting of seven (7) members was established as the administrative body of the District by Resolution 345-77; and

WHEREAS, a Board member whose term expires on December 31, 2020 prefers to retire from the Board; and

WHEREAS, County Sewer Board members have requested that the below named individual be considered by the Legislature for appointment to the Board; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints the following individual to the Board of the Portland-Pomfret-Dunkirk Sewer District effective January 1, 2021.

Kristian Lovern  
10460 Bayshore Dr.  
Dunkirk, NY 14048

Term to Expire: December 31, 2026

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould (Voted “yes” by video conference)

---

RES. NO. 252-20

Confirm Re-Appointment – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:

At the Request of County Legislator Pierre Chagnon:

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established by County Resolution 272-77; and

WHEREAS, pursuant to County Law § 261 and County Resolution 345-77 the District is administered by a seven member County Sewer Board, with Board members serving staggered six year terms; and

WHEREAS, the County Sewer Board of the Portland-Pomfret-Dunkirk Sewer District has recommended the following re-appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointment to the Portland-Pomfret-Dunkirk Sewer District Board:

Marlene Webster  
70 Lemming St.  
Dunkirk, New York 14048  
Term Expires: 12/31/2026

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould (Voted “yes” by video conference)

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RES. NO. 253-20

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following appointment to the South & Center Chautauqua Lake Sewer Districts Board:

Andrea McLean  
2836 Chautauqua Ave  
Ashville, N.Y. 14710  
Term Expires: 12/31/22

Filling Term of Jake Kane

and be it further

RESOLVED, That effective January 1, 2021, the size of the South and Center Chautauqua Lake Sewer Districts Board is hereby fixed at seven (7) members.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould (Voted “yes” by video conference)(P.F. Amended to add last resolved clause)

---

RES. NO. 254-20

Amend 2020 Budget Appropriations–South & Center Chautauqua Lake Sewer Districts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some South & Center Chautauqua Lake Sewer District expenses have exceeded initial budgetary estimates, as well as some appropriations 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:

ESS.8110.----.8 EMPLOYEE BENEFITS - ADMINISTRATION \$30,000

DECREASE APPROPRIATION ACCOUNT:

ESS.8130.----.4 CONTRACTUAL – SEWAGE TREATMENT \$30,000

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RES. NO. 255-20

Amend 2020 Budget Appropriations – North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some North Chautauqua Lake Sewer Districts expenses have exceeded initial budgetary estimates, as well as some appropriations 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:

ESN.8110.8112.8	EMPLOYEE BENEFITS - ADMINISTRATION, ADMINISTRATION	\$7,600
-----------------	---	---------

DECREASE APPROPRIATION ACCOUNT:

ESN.8130.8132.4	CONTRACTUAL – SEWAGE TREATMENT, SEWAGE TREATMENT	\$7,600
-----------------	---	---------

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

---

RES. NO. 256-20

Amend Resolution 120-20 Authorizing Hangar A Lease Agreement with Luscombe Aircraft Corporation at the Chautauqua County Jamestown Airport to Enable Accelerated Recovery of Capital Improvement Expenses

By Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 120-20, the County authorized a lease agreement with Luscombe Aircraft Corporation (“Luscombe”) to operate an aircraft manufacturing and refurbishment enterprise at the Jamestown Airport Hangar A; and

WHEREAS, under the terms of the lease agreement, Luscombe is obligated to pay County a monthly fixed rental fee of \$1,850; subject to a monthly rent credit of up to \$500 per month for capital improvements, with the maximum cumulative credit amount not to exceed \$48,000; and

WHEREAS, Luscombe seeks to construct site utility infrastructure that will provide public water, sewer, and natural gas utilities to a point of presence in Hangar A with said improvements having an estimated cost of \$25,000; and

WHEREAS, it is in the County’s best interests as the real property owner to incentivize Luscombe to make said capital improvements to the property; and

WHEREAS, Luscombe received CARES Act loans through the Chautauqua County Industrial Development Agency (CCIDA) to partially fund site utility infrastructure costs as well

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

as other capital improvements necessary to make the hangar fit for the intended purpose of an occupied aircraft assembly workspace; and

WHEREAS, loan guarantees secured by Luscombe through the CCIDA or other sources are insufficient to fully capitalize site utility and building improvements needed to configure the leased facility for its intended purpose; therefore, Luscombe is seeking accelerated recovery of capital costs through rent credits from the County; and

WHEREAS, the Airport Commission has considered and recommends amending Luscombe's lease of Hangar A to provide for accelerated reimbursement of approved capital improvements; therefore be it

RESOLVED, That the County Executive is authorized and empowered to amend the current Hangar A lease agreement with Luscombe Aircraft Corporation for the purpose of allowing Luscombe Aircraft Corporation to receive rent reduction credits of up to \$1,000 per month for capital improvements, subject to the maximum cumulative credit amount not to exceed \$48,000.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell Voted "yes" by video conference)

---

RES. NO. 257-20

Acceptance of CARTS 5311 2019-2020 Consolidated 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, pursuant to Section 5311, Title 49, United States Code for the following projects:

- |   |              |
|---|--------------|
| 1. Mobility Management                        | \$189,678.00 |
| 2. Purchase 10 Replacement (Lot G) Buses      | \$826,900.00 |
| 3. Scheduling Software additions and upgrades | \$400,998.00 |
| 4. Replacement tablets and hardware           | \$15,000.00  |

; and

WHEREAS, funding for the Mobility Manager is shared at a rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this program were included in the 2020 and 2021 Adopted Budgets; and

WHEREAS, funding for 10 replacement (LOT G) Buses is shared at the rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this project were included in the 2020 Capital Budget; and

WHEREAS, funding for the purchase of additional scheduling software and upgrades to our current system is shared at the rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this program were included in the 2021 Adopted Budget; and

WHEREAS, funding for the replacement tablets and hardware is shared at the rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this program were included in the 2021 Adopted Budget; therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

12/16/2020

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, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

---

RES. NO. 258-20

Approving SEQRA Determination for Purchase of Land and Building for CARTS Hub in the City of Jamestown

By Public Facilities Committee:

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

WHEREAS, it has been proposed, through the use of NYSDOT grant funds, that the County purchase the land and building located at 215 East Third Street in the City of Jamestown upon which CARTS has operated a centralized public transportation hub since 2018; and

WHEREAS, the County Department of Public Facilities and the County Law Department have reviewed the proposed project and determined the project’s status as an “Unlisted” action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form (“SEAF”) has been prepared for the project;

WHEREAS, this Legislature has reviewed the SEAF, a copy of which is 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 and Director of Public Facilities are each hereby authorized as may be required to execute a “Negative Declaration” for the proposed action.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

---

RES. NO. 259-20

Approve Purchase of Land and Building for CARTS Hub in the City of Jamestown

By Public Facilities and Audit & Control Committees:

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

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

WHEREAS, the Chautauqua Area Regional Transit System (CARTS) has fixed and rural public transportation routes that originate from a centralized location in the City of Jamestown located at 215 East Third Street across from the Jamestown Municipal Building; and

WHEREAS, this Jamestown hub location for CARTS has been operating under an existing license agreement since 2018 that allows CARTS to utilize a portion of the property for public transportation use; and

WHEREAS, an opportunity is available for CARTS to purchase the existing Jamestown hub location for the long-term benefit of the customers of CARTS, and to allow further development of the site to include off-street bus parking, a permanent enclosed waiting area, and potential revenue-producing concession space; and

WHEREAS, CARTS has obtained approval from the New York State Department of Transportation (NYSDOT) to use 100% New York State grant funding for the purchase and associated acquisition costs for this property; and

WHEREAS, the County has negotiated a proposed agreement with the Jamestown Urban Renewal Agency (JURA) whereby JURA will be responsible for any environmental remediation costs associated with the CARTS hub project; and

WHEREAS, the County has agreed to partner with the City of Jamestown and JURA to rehabilitate the existing building structure and façade utilizing additional 100% NYS DOT grant funding; such that incubator startup businesses can be permitted on the property that will provide revenues for CARTS while providing related services for CARTS customers; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all documents necessary to acquire 215 East Third Street (SBL # 387.41-1-31) from GPatti Third LLC for the purchase price of \$152,000; and be it further

RESOLVED, That the County Executive is authorized and empowered to accept the NYSDOT grant offer of \$160,000 and execute all documents necessary to reimburse the County for the property sales price and associated property acquisition costs; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements with JURA and the City of Jamestown to accomplish any necessary environmental mediation and rehabilitation of the building and surrounding property; 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:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.5630.5625.2	Equipment—Bus Operations, CARTS	\$160,000
---------------	---------------------------------	-----------

INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.9000	New York State Aid—Transportation	\$160,000
-----------------------	-----------------------------------	-----------

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

---

RES. NO. 260-20  
Amend 2021 Budget Appropriations for Capital Project for Landfill Vehicle and Equipment Purchases

CHAUTAUQUA COUNTY LEGISLATURE

12/16/2020

By Public Facilities and Audit & Control Committees:

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

WHEREAS, replacement of heavy equipment requires ongoing effort by the Chautauqua County Landfill, and this effort has been endorsed by the Chautauqua County Planning Board; and

WHEREAS, this effort is established as Capital Project EL.8160.022 and requires an annual investment of approximately \$1,000,000; and

WHEREAS, capital funds for this project were not included in the 2021 Adopted Budget; and

WHEREAS, these purchases are financed by user fees collected by the Chautauqua County Landfill; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.022.4	Contractual—Vehicle & Equip Purch (Annual)	\$1,000,000
---------------	--	-------------

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

---

RES. NO. 261-20

Accept Donation from Schrader Family for Luensman Park Bench

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr. and Legislator John Hemmer:

WHEREAS, the Department of Public Facilities Parks Division is responsible for maintaining and improving parks, overland trails and water trails; and

WHEREAS, the Schrader Family wishes to donate up to \$700.00 to the Parks Division for the purchase and installation of a bench at Luensman Park in the honor of Nancy Schrader; and

WHEREAS, the Chautauqua County Parks Commission has considered and recommends accepting the donation and placement of the bench in the Gazebo of Luensman Park; therefore be it

RESOLVED, That up to \$700.00 be dedicated to the Parks 2021 Operating Budget for the Purchase of a bench and installation; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted budget:

INCREASE APPROPRIATION ACCOUNT:

A.7110. ----.4	Contractual-Parks	\$700
----------------	-------------------	-------

INCREASE REVENUE ACCOUNT:

A.7110.----.R270.5000	Miscellaneous--Gifts and Donations	\$700
-----------------------	------------------------------------	-------



CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

---

RES. NO. 262-20  
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; and

WHEREAS, the Office of the Sheriff will receive revenues in excess of budget; 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.3110.GRNT.1	Personal Services – Sheriff – Sheriff Grants	\$19,400
A.3110.GRNT.4	Contractual - Sheriff - Sheriff Grants	\$28,520
A.3110.GRNT.8	Employee Benefits – Sheriff – Sheriff Grants	\$4,696
	Total	\$52,616

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R338.9000	New York State Aid – Other Public Safety	\$11,000
A.3110.GRNT.R438.9000	Federal Aid – Other Public Safety Aid	\$19,663
A.3110.GRNT.R438.90SG	Federal Aid – Operation Stone Garden	\$19,953
A.3110.GRNT.R432.0000	Federal Aid – Crime Control	\$2,000
	Total	\$52,616

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted “yes” by video conference)

---

RES. NO. 263-20  
Authorize Contracts and Agreements with Local Police Departments for 2021-2022 STOP-DWI Enforcement Efforts

By Public Safety Committee:  
At the Request of County Executive Paul M. Wendel, Jr.

WHEREAS, it is necessary for the effective implementation of the STOP-DWI Plan for Chautauqua County to enter into contracts and agreements with various municipalities throughout the County, and to enter into memoranda of understanding with various County Departments including Office of the Sheriff and Probation Department; and

WHEREAS, funding for such contracts and agreements will be derived from STOP-DWI funds pursuant to the 2021-2022 STOP-DWI Plans and from New York State STOP-DWI

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

Foundation through a grant from the Governor's Traffic Safety Committee via the National Highway Traffic Safety Administration; and

WHEREAS, these expense are included in the 2021 Adopted Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute contracts and agreements with various participating municipal corporations in Chautauqua County and County Departments for the purposes of implementing the current STOP-DWI Plan.  
Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford (Voted "yes" by video conference)

---

RES. NO. 264-20

Authorize Agreement with Town of Charlotte for Enhanced Police Protection Services FY21

Public Safety and Audit & Control Committees:

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

WHEREAS, the Town of Charlotte has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the remainder of the 2020 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Charlotte for the period of January 1, 2021 through December 31, 2021 for an estimated cost not to exceed \$9,000.00 based on an hourly rate of at least \$43.08 and a holiday hourly rate of at least \$54.52; and

WHEREAS, this revenue is included in the 2021 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Charlotte for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted "yes" by video conference)

---

RES. NO. 265-20

Authorize Agreement with Chautauqua Lake Central School District for Enhanced Police Protection Services FY21

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake Central School District has requested that the Chautauqua County Office of the Sheriff provide Deputy Sheriffs at sporting and social events at its schools; and

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$43.08; and

WHEREAS, this revenue is included in the 2021 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police protection services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted "yes" by video conference)

---

RES. NO. 266-20

Amend Emergency Services Appropriation Accounts for 2020 Budget

By Public Safety and Audit & Control Committees:

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

WHEREAS, Emergency Medical Services Fly Car & Ambulance sub-department expenses have exceeded initial budgetary estimates for employee benefits, and appropriations in the contractual accounts are expected to 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.3989.EMS.8 Employee Benefits-Emergency Medical Service, Fly Car & Ambulance Services	\$34,000
---	----------

DECREASE APPROPRIATION ACCOUNT:

A.3989.EMS.4 Contractual- Emergency Medical Service, Fly Car & Ambulance Services	\$34,000
--	----------

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted "yes" by video conference)

---

RES. NO. 267-20

Amend Emergency Services Budget for Vehicle Purchase Allocations and Sale of Surplus Vehicles

By Public Safety and Audit & Control Committees:

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

WHEREAS, The Office of Emergency Management Services (EMS) uses motor vehicles to provide fly car and other services; and

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

WHEREAS, such vehicles have remaining value after they are no longer useful for EMS purposes; and

WHEREAS, The Office of Emergency Management Services has complied with the surplus property policy regarding the sale of vehicles no longer needed for County purposes; and

WHEREAS, the 2020 Adopted Budget for EMS does not include vehicle purchase allocation expenditures because the department planned to sell its surplus property in 2019 and accelerate the vehicle purchase allocations into 2019; and

WHEREAS, the sale of surplus property was executed in 2020 and provided revenue to offset the unanticipated vehicle purchase allocation expenditures; 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.3989.EMS.4	Contractual-Emergency Medical Service, Fly Car & Ambulance Services	\$ 65,700
A.3010.----.4	Contractual-Emergency Services	\$ <u>34,300</u>
	Total	\$100,000

INCREASE REVENUE ACCOUNTS:

A.3989.EMS.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$ 65,700
A.3010.----.R266.5000	Sale of Property/Compensa--Sale of Equipment	\$ <u>34,300</u>
	Total	\$100,000

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted “yes” by video conference)

---

RES. NO. 268-20

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Industrial Development Agency has the expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information and establish, enhance, and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program in the amount of \$48,803 for the period from January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

---

RES. NO. 269-20

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the County Department of Planning & Development is striving to increase the viability of businesses within the County by providing a technical assistance program for start-up businesses in the County, which will track and assist businesses in their early stages of development; and

WHEREAS, Jamestown Community College has an established Small Business Development Center at its Jamestown Campus, in cooperation with the State University of New York, that provides a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$28,589.00 for the term commencing as of January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted "yes" by video conference)

---

RES. NO. 270-20

Authorize Extension of Lease Agreement for Department of Planning & Development at the BWB Center

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Department of Planning & Development ("CCDPD") and the Chautauqua County Industrial Development Agency ("CCIDA") have shared office space for many years; and

WHEREAS, the County entered into a lease agreement with CCIDA for such office space at the BWB Center; and

WHEREAS, CCDPD seeks to consolidate its office space and eliminate its Westfield office to facilitate enhanced collaboration and efficiency among CCDPD and CCIDA staff; and

WHEREAS, County is desirous of extending the lease agreement for an additional year upon the following terms and conditions; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for this lease in its 2021 Adopted Budget; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of a lease agreement with the Chautauqua County Industrial Development Agency for office space in the BWB Center on substantially the following terms and conditions:

1. Premises: 1,900 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$12,500.00 to be paid monthly at a rate of \$1,041.66 per month beginning in January 2021.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve (12) months commencing on January 1, 2021 and terminating on December 31, 2021, subject to termination by prior notice.
5. Other: As negotiated by County Executive.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted "yes" by video conference)

---

RES. NO. 271-20

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua Industrial Development Agency was formed pursuant to Section 895-h of the New York State General Municipal Law to promote, develop, encourage, and assist in economic development throughout Chautauqua County; and

WHEREAS, pursuant to Article 6 and Section 6.00 of the Chautauqua County Administrative Code, the County of Chautauqua Department of Planning & Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth, and capital improvements, as well as seeking funds to be used for development and working with private interests and public agencies of all types; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of \$84,110.00 for the period from January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted "yes" by video conference)

---

RES. NO. 272-20

Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities, and has a vibrant tourism economy; and

WHEREAS, the County unanimously adopted its County Comprehensive Plan (Chautauqua 20/20) in 2011 that advocates for the preservation and promotion of its natural resources; and

WHEREAS, the County has formed the Partnership for Economic Growth, that has a strong tourism-development component; and

WHEREAS, the County of Chautauqua Industrial Development Agency (“CCIDA”) and the Chautauqua County Department of Planning & Development (“CCDPD”) are working to create secondary tourism attractions and attract tourism-related businesses to take advantage of the County’s wealth of natural assets; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency to provide services which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County, in the amount of \$56,000.00, for the period from January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

---

RES. NO. 273-20

Confirm Updated By-Laws for the Lake Erie Management Commission

By Planning & Economic Development Committee:

At the Request of Legislators Odell, Muldowney, Hemmer, Bankoski, Niebel, Harmon, Scudder, and County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Resolution 178-11, the County Legislature established the Lake Erie Management Commission (LEMC), and the LEMC’s by-laws and membership were subsequently confirmed by the County Legislature in Resolution 38-12; and

WHEREAS, over the last eight years, the LEMC has effectively identified, prioritized, and recommended and delivered 2% Occupancy Tax Funding to stakeholders and municipalities in the Lake Erie Watershed; and

WHEREAS, the LEMC desires to amend its by-laws to increase its membership from 10 to 12 voting members, to decrease its meeting schedule from monthly to every other month, and to have the authority to appoint three (3) alternate representatives to the Lake Erie Watershed Protection Alliance (LEWPA); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following by-laws of the Lake Erie Management Commission:

Sec. 1 Establishment and Purpose The Lake Erie Management Commission (Commission) was created August 24, 2011, by Resolution No.178-11 of the Legislature. The

CHAUTAUQUA COUNTY LEGISLATURE

12/16/2020

Commission is to: (1) Prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan (International Document); (2) seek additional funding for Lake Erie watershed projects; (3) undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed.

Sec. 2 Members The Lake Erie Management Commission shall be composed of twelve (12) members who reside in the Lake Erie watershed, or those with local government or agency positions that involve the Lake Erie watershed, which number may be changed by the Legislature from time to time. The Lake Erie Management Commission shall include five (5) at-large members and seven (7) other members appointed from and by the following organizations:

1. Water Quality Task Force
2. Chautauqua County Soil & Water Conservation District
3. Chautauqua County Health Department
4. Chautauqua County Farm Bureau
5. Mayor and Supervisors
6. Sportsman Federation
7. Chautauqua County Fish Advisory Board

The Chairman and each member shall be confirmed by the Legislature and serve at the pleasure of the Legislature. Members shall not receive any compensation from the Lake Erie Management Commission for their services. The Chautauqua County Watershed Coordinator shall serve as an ex-officio member of the Commission without voting powers.

A member may resign at any time by giving his or her resignation to the Chairman. Vacancies shall be filled as soon as possible by the appointing organization and/or Legislature, and confirmed by the Legislature. In the case of the officers, the Commission shall elect the replacement as soon as possible.

Sec. 3 Officers and Duties The Commission shall elect annually a Chairman, Vice-Chairman and Secretary. The Secretary position may be held by persons with ex-officio status.

The Chairman shall be the Chief Executive Officer of the Commission and shall have the general powers and duties of supervision and management of the Commission. The Vice-Chairman shall act in the absence of the Chairman and perform all duties of the Chairman during such absence. In addition, the Vice-Chairman and Secretary shall perform such other duties as the Chairman may request.

The mission of the Lake Erie Management Commission shall be to identify, prioritize, and recommend projects for the protection and enhancement of water related resources that promote a safe and healthy environment for all within the Chautauqua County Lake Erie Watershed. The Lake Erie Management Commission will seek to acquire and recommend funding for such projects.

The Commission will identify, prioritize, and recommend how the 2% Occupancy Tax Funding dedicated for watershed related projects within the Lake Erie watershed will be allocated.

The Commission shall have three (3) primary voting members (Soil and Water Conservation official, a local, and a County representative) who will represent Chautauqua County on the Lake Erie Watershed Protection Alliance (LEWPA) board as members of the LEMC.

The Commission shall have three (3) alternate voting members to represent Chautauqua County on the LEWPA board to assure Chautauqua County is properly represented at all meetings.



CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

Sec. 4 Committees The Chairman may appoint an Executive Committee and such other committees as may be needed.

The Executive Committee shall be composed of the Chairman, Vice Chairman, and the secretary. The Executive Committee shall have and exercise the powers of the Commission between meetings of the full Commission. The Executive Committee shall not have the power to amend these By-laws.

Other Committees appointed by the Chairman shall have such powers as may be granted by the Chairman.

Sec. 5 Administration The Watershed Coordinator shall provide professional and administrative help to the Commission within his/her capabilities.

The Commission shall be funded by the County and such other sources as available.

Sec. 6 Meetings Regular meetings shall be every other month (bi-monthly) on the third Monday of the month. Time and meeting locations will be announced at least two weeks in advance. The Chairman may call special meetings as needed upon at least seven (7) days notice. A majority of the members of the Commission shall constitute a quorum for the transaction of business. All business of the Commission shall be by a majority vote of the whole number of members.

Sec. 7 By-laws and Amendments A majority of the whole number of members of the Commission shall be required to recommend amendment(s) to the By-laws for approval by the Legislature. These By-laws or any amendments thereto shall be approved by the Legislature prior to becoming effective.

Signed: Odell, Starks, Muldowney, Ward (Voted "yes" by video conference)

---

RES. NO. 274-20

Approval of SEQRA Determination for Dutch Hollow Phase II Streambank Stabilization Project

By Planning & Economic Development Committee:

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

WHEREAS, pursuant to Resolution 146-15, the Chautauqua County Department of Planning and Development (CCDPD) submitted a grant application to the New York State Department of Environmental Conservation's (NYSDEC) Water Quality Improvement Program – Round 12 (WQIP) for an environmental restoration project intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of six problematic tributary streams within the Chautauqua Lake watershed; and

WHEREAS, pursuant to Resolution 75-16, the Chautauqua County Legislature accepted \$1,073,170 in funding from the NYSDEC WQIP grant and pledged up to \$143,749 from the 2% Occupancy Tax Reserve and \$143,749 from reallocated Chautauqua Lake Management Commission capital program funds for the streambank stabilization projects; and

WHEREAS, pursuant to Resolution 75-16, the County determined that the streambank stabilization projects would not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, accordingly, issued negative declarations; and

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

WHEREAS, all of the NYSDEC WQIP streambank stabilization projects have been successfully implemented; however, the Dutch Hollow Mainstem and West Dutch Hollow Streambank Stabilization projects were completed under budget with \$246,663.83 remaining; and

WHEREAS, the NYSDEC has agreed to consolidate the remaining funding from the Dutch Hollow Mainstem and West Dutch Hollow Streambank Stabilization projects for the implementation of additional streambank stabilization measures on Dutch Hollow Creek (herein called “the Dutch Hollow Phase II Streambank Stabilization Project”); and

WHEREAS, CCDPD, after thorough consideration of the Dutch Hollow Phase II Streambank Stabilization Project and the desire to fully utilize the remaining NYSDEC WQIP grant funds in Chautauqua County, has hereby determined that additional streambank stabilization on Dutch Hollow Creek is desirable and is in the public interest; and

WHEREAS, CCDPD has prepared the Short Environmental Assessment Form (SEAF) for the Dutch Hollow Phase II Streambank Stabilization Project (the Action) and has analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; and

WHEREAS, CCDPD recommends that the Action to be classified as an Unlisted Action under 6 N.Y.C.R.R. 617.2 of the Environmental Conservation Law and does not require additional environmental review; now therefore be it

RESOLVED, That the County hereby finds and determines that the Dutch Hollow Phase II Streambank Stabilization Project will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617 and, accordingly, does issue a negative declaration.

Signed: Odell, Starks, Muldowney, Ward (Voted “yes” by video conference)

---

RES. NO. 275-20

Authorize Collection of Fines, Civil Penalties, Rent, Rates, Taxes, Fees, Charges and Other Amounts via the Internet

By Administrative Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County Resolution 179-17 authorized the acceptance of payment via credit card for amounts owed to the County, in accordance with New York State General Municipal Law Section 5; and

WHEREAS, New York State General Municipal Law Section 5-b authorizes the collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts via the internet; and

WHEREAS, use of the internet for such payments provides a convenience for both the County and for those who owe money to the County; now therefore be it

RESOLVED, That the Legislature determines that it is in the public interest for the County to accept such payments via the internet; and be it further

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RESOLVED, That the acceptance by the Director of Finance of penalties, rents, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments or interest via a municipal internet website or the website of a third-party vendor that has contracted with the County to receive such payments on its behalf, is hereby authorized; and be it further

RESOLVED, That such transactions be conducted in a manner consistent with General Municipal Law Section 5-b and State Technology Law Article 3; and be it further

RESOLVED, That under the oversight of the Director of Finance, department heads and their designees may require a service fee to be paid by the internet payer not exceeding the costs incurred by the County in connection with the internet transaction, including any fee owed by the County to a third-party vendor that has contracted with the County to receive such payments on its behalf; and be it further

RESOLVED, That submission via the internet may not be required as the sole method for the collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts.

Signed: Scudder, Davis, Starks, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted "yes" by video conference)

---

RES. NO. 276-20  
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.:

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

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

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

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

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-76-2018	City of Jamestown	060800-371.13-4-13	Jeffrey Sutton	James E. Ristau Sr.	\$500.00	\$5,126.36
PA-177-2018	Busti/Village of Lakewood	062201-368.19-2-22	Gerald N. Paddock	Jerry & Diane Horner	\$600.00	\$19,115.67
				<b>Total</b>	\$1,100.00	\$24,242.03

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

Signed: Scudder, Davis, Starks, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted "yes" by video conference)

---

RES. NO. 277-20

Making Appropriations for the Conduct of County Government For Fiscal Year 2021

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2021 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 228-20 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 228-20 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

WHEREAS, in accordance with Section 8.07 of the Administrative Code the Budget Director is authorized to make any corrections in the budget as may be required due to any typographical, mathematical or technical errors, after conditional adoption of the budget; and

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2021; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Chagnon

---

RES. NO. 278-20  
Authorize Tax Levy

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there has been adopted a budget for the fiscal year of 2021 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2021 therefore be it

RESOLVED, That this Legislature hereby levies:

1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;
2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 164-20, adopted July 22, 2020.

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

5. Upon the property on which school taxes are uncollected as of November 30, 2021, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2021, the amount of such uncollected village taxes;

Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2021 pursuant to law or resolution of this Legislature.

Signed: Chagnon

---

RES. NO. 279-20  
Authorize Levy of Town Taxes

At the Request of Chairman Pierre E. Chagnon:

RESOLVED, That there shall be assessed, levied upon and collected from the taxable real property situated in the Towns of Chautauqua County outside of any incorporated village wholly or partially located therein, the amounts to be raised by taxes for Highway Funds – Outside Village and other Part-Town Functions as specified in the Town Budgets and directed by the Town Boards to be raised; and be it further

RESOLVED, That there shall be assessed and levied upon and collected from the real property liable therefore within the respective Fire, Fire Protection, Fire Alarm, Lighting and Improvement Districts, in said Towns, the amounts for the purpose of such districts as shown and specified in annual budgets; and be it further

RESOLVED, That the amounts to be raised by tax for all other purposes as specified in said annual budgets shall be assessed levied upon and collected from the taxable property of said town as authorized by the Town Boards except as otherwise provided by law; and be it further

RESOLVED, That such taxes and assessments when collected shall be paid to the Supervisor of the several towns, to be distributed by them in the manner provided by law.  
Signed: Chagnon

---

RES. NO. 280-20  
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Pierre E. Chagnon:

RESOLVED, That the Clerk of the Legislature be directed to include in current tax rolls, all charges which may properly be a lien against real property when certified as due and unpaid by the Town Boards of the various towns in the County.

Signed: Chagnon

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

RES. NO. 281-20  
Authorize Levy of Omitted Taxes

At the Request of Chairman Pierre E. Chagnon:

RESOLVED, That the Clerk of this Legislature be instructed to extend the proper tax for the previous year against any omitted tax properly entered upon any of the assessment rolls for the present year as directed by the respective Town Boards or County Legislature in which said property is located.

Signed: Chagnon

---

RES. NO. 282-20  
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2021 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2021 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Chagnon

---

RES. NO. 283-20  
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2021 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2021 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.

Signed: Chagnon

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

---

RES. NO. 284-20

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center  
Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Director of Finance has transmitted a list of those residents or property owners within the county who are in arrears in the payment of charges made under Section 266 of the County Law for a period of 30 days or more after the last day fixed for payment of such charges without penalty in accordance with the requirements of Section 266 (3) of the County Law, and civil penalties outstanding pursuant to Chautauqua County Local Law 6-94; and

WHEREAS, this Legislature is mandated to levy such sums against the properties liable; now therefore be it

RESOLVED, That the county sewer charges and civil penalties contained in the list received by this body from the Director of Finance of Chautauqua County are hereby levied against the properties liable and the amount of such charges shall be stated in a separate column in the annual tax rolls of the various municipalities under the name of "County Sewer Charges" or "County Sewer Penalty".

Signed: Chagnon

---

RES. NO. 285-20

Fixing Equalization Rates for 2021

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, Pursuant to Resolution #216-96 the County of Chautauqua elected to establish Equalization Rates for the several towns and cities in the County of Chautauqua in accord with Title 2, Article 8 of the Real Property Tax Law; and

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2020 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2021 tax rolls in the following towns and cities:

Arkwright	44.5%	Harmony	96.40%
Busti	96.20%	Jamestown, City	96.20%
Carroll	91.80%	Kiantone	96.40%
Charlotte	88.60%	Mina	100%
Chautauqua	92.80%	North Harmony	89.80%
Cherry Creek	84.20%	Poland	100%
Clymer	100%	Pomfret	17%
Dunkirk, Town	60%	Portland	51%

CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

Dunkirk, City	75%	Ripley	97%
Ellery	90%	Sheridan	58%
Ellicott	100%	Sherman	100%
Ellington	100%	Stockton	100%
French Creek	100%	Villanova	47%
Gerry	90.80%	Westfield	73%
Hanover	82%		

Signed: Chagnon

---

RES. NO. 286-20

Authorize Execution of Livescan Equipment Grant Program FY20

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 Criminal Justice Services has approved the application submitted for the Livescan Equipment Grant Program; and

WHEREAS, the funded Livescan Equipment Grant Program is inclusive of funding to replace units for the Chautauqua County Sheriff's Office and also the following partners in law enforcement, each of whom will be reimbursing CCSO for their Local Share portion: Jamestown Police Department, Ellicott Police Department, Lakewood Busti Police Department, Dunkirk Police Department, and Fredonia Police Department; and

WHEREAS, the State of New York will provide funding for the FY20 grant in the amount of \$105,000, for the performance period of December 1, 2020 through November 30, 2021; and

WHEREAS, capital project H.3110.06004 Server & Storage Repl (2019) includes funds for servers to support the electronic fingerprint system, but these servers are no longer needed because the new electronic fingerprint system uses cloud storage; and

WHEREAS, this grant is not currently included in the 2021 Adopted Budget, now therefore be it

RESOLVED, the County Executive is authorized to execute an agreement with the NYS Division of Criminal Justice Services to secure the grant funding as set forth above, and also be it

RESOLVED, the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.2	Equipment – Sheriff	\$49,700
A.3110.GRNT.2	Equipment – Sheriff, Sheriff Grants	<u>\$105,000</u>
	Total	\$154,700

DECREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfers - Transfer to Capital	\$14,200
H.3110.06004.4	Contractual - Sheriff, Server & Storage Repl (2019)	<u>\$14,200</u>



CHAUTAUQUA COUNTY LEGISLATURE  
12/16/2020

Total \$28,400

INCREASE REVENUE ACCOUNTS:

A.3110.----.R226.0000	Shared Services-Chrgs: Oth Gov-Pub Safety	\$35,500
A.3110.GRNT.R338.9LVS	New York State Aid-Oth Publ Safty: Live Scan	<u>\$105,000</u>
	Total	\$140,500

DECREASE REVENUE ACCOUNT:

H.3110.06004.R503.1000	Interfund Transfers-Interfund Transfer	\$14,200
------------------------	--	----------

Signed: Nazzaro, Niebel, Gould, Odell

---

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

**TITLE:** Supporting Chautauqua County Sheriff James Quattrone's Position that Governor Cuomo's Executive Order Limiting Non-Essential Private Residential Gatherings is Unenforceable

**AT THE REQUEST OF:** Legislator Niebel:

WHEREAS, Governor Andrew Cuomo has issued Executive Order 202.74 limiting non-essential private residential gatherings to 10 or fewer individuals, which will negatively impact upcoming Christmas and New Year's celebrations; and

WHEREAS, Governor Cuomo has stated publically that he believes a Sheriff not enforcing his Executive Order is violating that person's Constitutional Oath; and

WHEREAS, Chautauqua County Sheriff James Quattrone has taken the position that such an Executive Order limiting non-essential private residential gatherings is unenforceable, and that we need to respect every individual's constitutional rights yet at the same time make sure that people in our County recognize that with every right we enjoy we have a responsibility to respect other people's rights, and that now is not the time to be reckless and disregard any COVID-19 prevention guidelines; and

WHEREAS, Residents of Chautauqua County are capable of taking individual responsibility and voluntarily following Public Health guidelines to prevent the spread of COVID-19; now therefore be it

KNOWN, That the Chautauqua County Legislature is steadfast and resolute in its support of Sheriff Quattrone's position that Governor Cuomo's Executive Order limiting non-essential private residential gatherings to 10 or fewer individuals is unenforceable; and be it further

KNOWN, That Governor Cuomo is respectfully asked to re-consider his 10 person limit for non-essential private residential gatherings; and be it further

KNOWN, That the Chautauqua County Legislature strongly encourages all County residents and visitors to adhere to all COVID-19 prevention guidelines issued by the federal Centers for Disease Control and Prevention (CDC) and New York State's Department of Health; and be it further

MOVED, That the Clerk of the Legislature is hereby directed to forward copies of this Motion to NYS Governor Andrew Cuomo, NYS Senator George Borrello and NYS Assemblyman Andrew Goodell.