

**CHAUTAUQUA COUNTY LEGISLATURE**

**01/27/2021**

*To View the Meeting on-line go to*

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

**PUBLIC PARTICIPATION** – Due to the COVID-19 crisis, the January 27, 2021 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 WHITNEY**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 12/16/20 & 01/04/21**

**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.

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 12/16/20 & 01/04/21**

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**COMMUNICATIONS:**

- 1. Certification – Election Commissioner Certification – Norman P. Green**
- 2. Letter – Bob Bentley – Re: Support for South Ripley Solar Project**
- 3. Report – Finance Director Crow – November 2020 Investment Report**
- 4. Report & Proof of Publication – NYS Comptroller, Thomas P. DiNapoli – Ethics Oversight**
- 5. Letters (4)– County Executive Wendel – Appointments to various Boards**
- 6. Letter – NYS Department of State – Acknowledgement of Local Laws 1-21 & 2-21**
- 7. Minutes – Conewango Watershed Commission – January 6, 2021 Meeting**
- 8. Letter – District Attorney – Appointment of Assistant District Attorneys**

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**RESOLUTIONS:**

- 5-21** Confirm Appointment and Re-Appointments – New York Fish & Wildlife Management Board
- 6-21** Confirm Appointments and Re-Appointments-Chautauqua County Fire Advisory Board
- 7-21** Confirm Appointments - Chautauqua County Community Services Board
- 8-21** Confirm Appointment and Re-Appointments – Chautauqua County Planning Board
- 9-21** Confirm Appointments and Re-Appointments – Agriculture & Farmland Protection Board
- 10-21** NCLSD SEQR Determination for Chautauqua Shores and Orchard Terrace I & I Repair
- 11-21** Continuation of Interim Funding for North Chautauqua County Water District
- 12-21** Amend Resolution 99-18 Authorizing Sale and Option Agreements for Redevelopment of Roberts Road Properties in the City of Dunkirk
- 13-21** Denial of Level 3 Applications for Refunds/Credits of Real Property Taxes Form RP 556 for the 2018 Property Tax
- 14-21** Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2020 to December 31, 2022
- 15-21** To Authorize Emergency Use Facility and Public Health Mutual Aid Services Agreements with Chautauqua County Municipalities and Other Governmental Entities
- 16-21** Amend Capital Project H.6010.31003
- 17-21** Accept Grant Funding from the Chautauqua Region Community Foundation to Update the Chautauqua County Agriculture and Farmland Protection Plan
- 18-21** Authorize Chautauqua County State Grant Application and Commitment of Matching Funds for County Complex Green Infrastructure Retrofit Project
- 19-21** Authorizing the Adoption of a Section 3 Participation Plan in Connection With Community Development Block Grant Funding
- 20-21** Confirming 2021 Salary of Public Defender

**MOTION:**

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**A. Proclaiming February Black History Month**

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**ANNOUNCEMENTS**

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**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.

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RES. NO. 5-21

Confirm Appointment and Re-Appointments – New York Fish & Wildlife  
Management Board

By Public Facilities Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the New York State Fish and Wildlife Management Board.

New Appointment

Legislator Tom Harmon  
72 Lake Ave. Ext.  
Silver Creek, N.Y. 14136  
Term Expires: 12/31/21

Re-Appointments

Zenon Olow  
23 Bennett Drive  
Fredonia, N.Y. 14063  
Term Expires: 12/31/21

Andrew Joy  
4619 Berry Rd.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/22

Signed: Hemmer, Nazzaro, Gould, Davis (Voted “yes” by Video Conference)

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RES. NO. 6-21

Confirm Appointments and Re-Appointments-Chautauqua County Fire Advisory Board

By Public Safety Committee:

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

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointments and re-appointments to the Chautauqua County Fire Advisory Board.

**1<sup>st</sup> Battalion**

Lawrence Barter  
9 Pine Dr.  
Fredonia, NY 14063  
Term Expires: 1/31/22  
Reappointment

Brandon Mahle  
1990 Route 39  
Forestville, NY 14062  
Term Expires: 1/31/22  
Reappointment

Mike Edwards  
143 West 4<sup>th</sup> St.  
Dunkirk, NY 14048  
Term Expires: 1/31/22  
Reappointment

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Brian Purol  
3681 New Road  
Dunkirk, NY 14048  
Term Expires: 1/31/22  
Reappointment

Christopher Wichlacz  
3381 Tarbox Rd.  
Cassadaga, NY 14718  
Term Expires: 1/31/22  
Reappointment

Adam Reisenweber  
8470 Chautauqua Rd  
Fredonia, NY 14063  
Term Expires: 1/31/22  
Reappointment

**2<sup>nd</sup> Battalion**

Rusty Hardenburg  
12 Maple Dr. West  
Mayville, NY 14757  
Term Expires: 1/31/22  
New Appointment

Matthew Oehlbeck  
159 Park St.  
Sherman, NY 14781  
Term Expires: 1/31/22  
Reappointment

Ronald H. Trippy  
6755 S. Portage Rd.  
Westfield, NY 14787  
Term Expires: 1/31/22  
Reappointment

Lyle Holland  
47 Clinton St.  
Westfield, NY 14787  
Term Expires: 1/31/22  
Reappointment

Mark Smith  
9437 E. Main Rd.  
Ripley, NY 14775  
Term Expires: 1/31/22  
Reappointment

Burl Swanson  
6168 Wright Road  
Dewittville, NY 14728  
Term Expires: 1/31/22  
Reappointment

**3<sup>rd</sup> Battalion**

Ronald V. Johnson  
1265 Norby Rd.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/22  
Reappointment

Sam Saleme  
217 Dearing Avenue  
Jamestown, NY 14701  
Term Expires: 1/31/22  
Reappointment

Dan Sisson  
1514 Bunce Rd.  
Frewsburg, NY 14738  
Term Expires: 1/31/22  
Reappointment

Jackson Knowlton  
2141 Shadyside Rd  
Lakewood, NY 14750  
Term Expires: 1/31/22  
Reappointment

Nick Niles  
15 Howard St.  
Frewsburg, NY 14738  
Term Expires: 1/31/22  
Reappointment

**4<sup>th</sup> Battalion**

Lance Hedlund  
14 Dunn Avenue  
Jamestown, NY 14701  
Term Expires: 1/31/22  
Reappointment

Garrett Yager  
16 Waldemeere Ave  
Falconer, NY 14733  
Term Expires: 1/31/22  
New Appointment

Jeff Molnar  
30 Main Street  
Bemus Point, NY 14712  
Term Expires: 1/31/22  
Reappointment

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Peter Samuelson  
4696 Maple Grove Road  
Bemus Point, NY 14712  
Term Expires: 1/31/22  
Reappointment

Barry Swanson  
4870 Bayview Road  
Bemus Point, NY 14712  
Term Expires: 1/31/22  
Reappointment

Ryan Delahoy  
205 N. Dow St.  
Falconer, NY 14733  
Term Expires: 1/31/22  
Reappointment

Signed: Niebel, Pavlock, Bankoski, Hemmer (Voted “yes” by Video Conference)

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RES. NO. 7-21

Confirm Appointments - Chautauqua County Community Services Board

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 appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Community Service Board:

Amanda Gesing  
7 East Summit St.  
Lakewood , N.Y. 14750  
Term Expires: 12/31/24

Christine Schuyler  
163 Sanbury Rd.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/24

Alicia Snow  
1451 Big Tree Rd.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/24

Signed: Pavlock, Rankin, Whitney, Lawton (Voted “yes” by Video Conference)

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RES. NO. 8-21

Confirm Appointment and Re-Appointments – Chautauqua County Planning Board

By Planning & Economic Development Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Planning Board:

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Appointment

Courtney Curatolo  
11 Maple St.  
Bemus Point, NY 14712  
Term Expires: 12/31/2023

Re-Appointments

Bernhard Auer  
72 Center St.  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/2023

Charles Patton  
7316 Bailey Hill Rd.  
Sherman, N.Y. 14781  
Term Expires: 12/31/2023

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton (Voted “yes” by Video Conference)

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RES. NO. 9-21

Confirm Appointments and Re-Appointments – Agriculture & Farmland Protection Board

By Planning & Economic Development Committee:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, Chairman Pierre E. Chagnon, has submitted the following appointments and re-appointments for action by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointments and re-appointments to the Agriculture & Farmland Protection Board:

James Joy  
Farmland Preservation Organization  
9825 Farel Road  
Fredonia, NY 14063  
Term Expires: 12/31/2023

Fred Croscut  
Chmn. Soil & Water Board  
3375 Waits Corner Road  
Sherman, NY 14781  
Term Co-Terminus with Title

Stephen Kimball  
346 Drybrook Road  
Falconer, NY 14733  
Term Expires: 12/31/2023

Mark Geise  
Planning & Development Director  
BWB Building, 201 W 3rd Street  
Jamestown, NY 14701  
Term Co-Terminus with Title

Brian Aldrich  
3146 E. Main Road  
Dunkirk, NY 14048  
Term Expires: 12/31/2024

Todd Button  
Interim Real Property Tax Director  
3 N. Erie Street  
Mayville, NY 14757  
Term Co-Terminus with Title

Daniel Steward  
4401 Leach Hill Road  
Kennedy, NY 14747  
Term Expires: 12/31/2024

Legislator Frank “Jay” Gould  
70 Hoag Road  
Ashville, NY 14710  
Term Expires: 12/31/2021

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Lisa Kempisty  
Cornell Cooperative Extension Agent  
9875 North Otto Road  
Cattaraugus, NY 14719  
Term Expires: 12/31/2022

Adam Rak  
10277 Christy Road  
Fredonia, NY 14063  
10277 Christy Road  
Term Expires 12/31/2024

Heather Woodis  
5686 Centralia Hartfield Road  
Dewittville, NY 14728  
Term Expires: 12/31/2022

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton (Voted “yes” by Video Conference)

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RES. NO. 10-21

NCLSD SEQR Determination for Chautauqua Shores and Orchard Terrace I & I Repair

By Public Facilities Committee:

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

WHEREAS, Chautauqua County, by its North Chautauqua Lake Sewer District (District), engaged an engineering firm to study parts of the District’s collection system in the Town of Chautauqua, Chautauqua County, New York and has as a result developed a proposed North Chautauqua Lake Sewer District Sanitary System Improvements Project (Project); and

WHEREAS, the Project consists of maintenance or repair involving no substantial changes in an existing structure or facility and replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site; now therefore be it

RESOLVED That the County Legislature of the County of Chautauqua hereby determines that the proposed North Chautauqua Lake Sewer District Sanitary System Improvements Project is a Type II action in accordance with the implementing regulations for Article 8 of the Environmental Conservation Law, New York State Environmental Quality Review Act, 6 NYCRR §617.5(c), and that the Project is therefore not subject to further review under 6 NYCRR Part 617.

Signed: Hemmer, Nazzaro, Gould, Davis (Voted “yes” by Video Conference)

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RES. NO. 11-21

Continuation of Interim Funding for North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr., Chairman Pierre Chagnon and Legislator Terry Niebel:

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

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

WHEREAS, pursuant to Resolution 111-18, the County Legislature authorized a continuation of Interim Funding of up to \$3 million to the District to be repaid to the County on or before December 2019 at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances; and

WHEREAS, pursuant to Resolution 236-19, the County Legislature authorized a continuation of Interim Funding of up to \$4 million to the District to be repaid to the County on or before December 31, 2020 at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances; and

WHEREAS, it is necessary for the District to extend the interim funding from the County through 2021 until the long-term bonding is completed; therefore be it

RESOLVED, That the County Executive is authorized and empowered to continue to advance on an "as needed" basis up to \$4 million to the District that is intended to be repaid to the County on or before December 31, 2021, at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances.

Signed: Hemmer, Nazzaro, Gould, Davis, Niebel, Odell, Harmon (Voted "yes" by Video Conference)

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RES. NO. 12-21

Amend Resolution 99-18 Authorizing Sale and Option Agreements for Redevelopment of Roberts Road Properties in the City of Dunkirk

By Public Facilities, Administrative Services, and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 99-18, the County entered into sale and option agreements with Roberts Road Freezer LLC for the redevelopment of the former Edgewood, Roblin, and Alumax properties in the City of Dunkirk; and



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WHEREAS, the sale of the Edgewood property was completed, and Roberts Road Freezer LLC demolished the former Edgewood structure and constructed a large refrigerated warehouse on the site; and

WHEREAS, at the request of Roberts Road Freezer LLC, the option for purchase of the Roblin and Alumax properties, as originally authorized in Resolution 99-18, only included the portion of the properties north of Progress Drive; and

WHEREAS, for purposes of future development, Roberts Road Freezer LLC has now advised the County that if it exercised the option, it would be willing to take the remainder of the property south of Progress Drive to enhance the potential opportunities for a project at the site; and

WHEREAS, it would be beneficial for the County to convey the tax foreclosed remainder of the properties south of Progress Drive to remove County responsibility for the vacant land, facilitate future development, and place the properties back on the tax rolls if the option is exercised; therefore be it

RESOLVED, That Paragraph "B" of the last RESOLVED clause of Resolution 99-18 regarding the option for purchase of the Alumax and Roblin properties is hereby amended as follows:

B. Option for Purchase of Alumax and Roblin (~~Part of~~ Tax Parcels 79.16-2-5, 79.12-4-29, 79.12-4-30)

1. Acreage. Approximately ~~9.92~~ 17.5 acres
2. Option Term. 10 years
3. Purchase Price. \$1.00, provided, however, that during years 6 through 10 the Purchaser shall be required to match any other offer received by the County
4. Environmental. To be negotiated upon exercise of option
5. Investment. To be negotiated upon exercise of option
6. Other. As negotiated by the County Executive

Signed: Hemmer, Nazzaro, Gould, Davis, Scudder, Muldowney, Starks, Vanstrom, Niebel, Odell, Harmon (Voted "yes" by Video Conference)

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RES. NO. 13-21

Denial of Level 3 Applications for Refunds/Credits of Real Property Taxes Form RP 556 for the 2018 Property Tax

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr. and Chairman Pierre Chagnon:

WHEREAS, Level 3 Communications, LLC ("Level 3") has filed applications for a refund or credit pursuant to Real Property Tax Law Section 556 for the 2018 tax year, and

WHEREAS, the Chautauqua County Real Property Tax Director has investigated the circumstances of the claims of Level 3 in the applications, and

WHEREAS, the Chautauqua County Real Property Tax Director has transmitted a written report of such investigation and his recommendations for action thereon, and

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WHEREAS, the Chautauqua County Real Property Tax Director has determined that the applications are without merit and recommends that the applications be denied for multiple reasons, and

WHEREAS, the Chautauqua County Real Property Tax Director has recommended that the applications be denied for the following specific reasons:

1. The fiber optic cables constitute taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:
  - A. Fiber optic cable has been interpreted and taxed as real property for more than thirty years, and should continue to be taxed as real property;
  - B. The New York Court of Appeals has ruled that the fiber optic cables meet the definition of real property and constitute lines and wires pursuant to Real Property Tax Law Section 102(12)(i) and are taxable under that section. *T-Mobile v. DeBellis and City of Mount Vernon*, 32 N.Y.3d 594 (2018);
  - C. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102 (12)(b) of the Real Property Tax Law;
  - D. The Appellate Division, Fourth Department has specifically upheld the taxability of Level 3's fiber optic installations located in Chautauqua County. *Level 3 Communications v. Chautauqua County*, 174 A.D.3d 1502 (4th Dep't 2019); see also *Level 3 Communications v. Erie County*, 174 A.D.3d 1497 (4th Dep't 2019).
2. The applications are procedurally improper, because the applications fail to establish a clerical error, unlawful entry, or an error in essential fact as those terms are defined by Section 550 of the Real Property Tax Law. Numerous City and Town tax assessors have also analyzed Level 3's claims and concluded that its allegations do not constitute an "unlawful entry" as that term is defined in Real Property Tax Law Section 550(7);
3. The applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the Real Property Tax Law challenging the assessments prospectively. No tax grievances or Article 7 proceedings have been filed by Level 3. The applications improperly seek retroactive tax refunds under inapplicable sections of the Real Property Tax Law.

WHEREAS, the Chautauqua County Legislature has carefully considered and fully agrees with the investigation and recommendations of the Chautauqua County Real Property Tax Director, it is hereby

RESOLVED, That all of the **Level 3** Applications For Refunds/Credits of Real Property Taxes Form 556 for the 2018 tax year are hereby rejected and denied in their entirety for the reasons set forth above.

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell, Harmon (Voted "yes" by Video Conference)(A.S. Amended by additional text in last RESOLVED clause)

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RES. NO. 14-21

Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2020 to December 31, 2022

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919 for the operational period of January 1, 2020 through December 31, 2022; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; and

WHEREAS, revenue from this grant is included in the 2020 and 2021 Adopted Budgets so no budget amendments are necessary; now therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2020 through December 31, 2022 in the amount of \$269,919, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

Signed: Niebel, Pavlock, Bankoski, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted "yes" by Video Conference)

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RES. NO. 15-21

To Authorize Emergency Use Facility and Public Health Mutual Aid Services Agreements with Chautauqua County Municipalities and Other Governmental Entities

By Human Services Committee:

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

WHEREAS, General Municipal Law 119-o authorizes municipalities to cooperate in the performance of their activities; and

WHEREAS, pursuant to Article 2-B of the Executive Law, upon the threat or occurrence of a disaster, the chief executive of any political subdivision is authorized and empowered to provide or accept assistance and share the use of facilities upon such terms and conditions as may be mutually agreed by the chief executives of the requesting and assisting political subdivisions; and

WHEREAS, Article 2-B of the Executive Law defines a disaster as occurrence or imminent, impending or urgent threat of wide spread or severe damage, injury, or loss of life or

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property resulting from any natural or manmade causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse; and

WHEREAS, it is in the best interest of the County to enter into emergency response agreements with municipalities and other governmental entities in advance so that in the event of the threat or occurrence of a disaster, Chautauqua County will be in a position to render and receive aid under prearranged terms and conditions; and

WHEREAS, it is in the best interest of the County to not only respond to disasters but to also participate in emergency practice drills and training activities to enhance the County's ability to respond to the threat or occurrence of a disaster; and

WHEREAS, municipalities and other governmental entities within Chautauqua County are willing to assist the County by providing appropriate space and/or public health mutual aid services to respond to a disaster or participate in emergency practice drills and training activities; and

WHEREAS, public health mutual aid services may include but are not limited to the following: administering points of dispensing clinics, performing patient triage, dispensing or administering medications, dispensing or administering mass prophylaxis or vaccinations, performing health services in population shelters, receiving reports of communicable diseases, interviewing contacts of cases of communicable disease, performing health education, supervising patients in isolation or quarantine, assessing environmental problems, collecting environmental samples or directing environmental remediation activities, and staffing emergency operations center or health operations center; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into and execute any and all agreements, amendments, addenda, and all other necessary documents with each municipality and governmental entity within Chautauqua County, as an ongoing emergency preparation measure or response for rendering and receipt of emergency aid upon threat or occurrence of a disaster including, but not limited to, addressing an imminent public health threat as declared or approved by the Commissioner of the New York State Department of Health, and addressing the threat or occurrence of disasters as declared or approved by the Governor and/or the federal government.

Signed: Pavlock, Rankin, Whitney, Lawton (Voted "yes" by Video Conference)

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RES. NO. 16-21  
Amend Capital Project H.6010.31003

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

WHEREAS, Chautauqua County approved Capital Project H.6010.31003 SCOB 1<sup>st</sup> Floor Reno (2021) in the 2021 Capital Budget; and

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WHEREAS, the cost of Project H.6010.31003 was established at \$111,500, of which \$44,300 of expenditures were scheduled for 2020 and \$67,200 in expenditures were scheduled for 2021; and

WHEREAS, the 2020 capital plan was finalized before Project H.6010.31003 was approved so the 2020 expenditures were to be proposed as a use of local funds, but implementation of the project was delayed so no funding was requested in 2020; now therefore be it

RESOLVED, That the Reserve for Capital is adjusted as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000 Reserved Fund Balance – Reserve for Capital \$44,300

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$44,300

INCREASE CAPITAL REVENUE ACCOUNT:

H.6010.31003.R503.1000 Interfund Transfers – Interfund Transfer \$44,300

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6010.31003.4 Contractual—Social Services Admin,  
SCOB 1<sup>st</sup> Floor Reno (2021) \$44,300

Signed: Pavlock, Rankin, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon (Voted “yes” by Video Conference)

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RES. NO. 17-21

Accept Grant Funding from the Chautauqua Region Community Foundation to Update the Chautauqua County Agriculture and Farmland Protection Plan

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua County’s agricultural industry and agricultural markets have changed over the past twenty years, creating new and evolving challenges; and

WHEREAS, the current Chautauqua County Farmland Protection Plan was adopted in 2000 and reflects agricultural and economic information that is outdated; and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan prioritizes strategies to protect and support the County’s agricultural resources and economy, and to promote agri-tourism and alternative enterprises that support the viability of farms; and

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WHEREAS, an updated Chautauqua County Agriculture and Farmland Protection Plan will provide resources and strategies to protect agricultural lands and support economic viability of agriculture and related businesses; and

WHEREAS, pursuant to Resolution 253-19, the Chautauqua County Legislature accepted a \$50,000 grant from the New York State Department of Agriculture and Markets to update the Chautauqua County Agriculture and Farmland Protection Plan; and

WHEREAS, the Chautauqua Region Community Foundation has pledged \$30,000 towards the required match for this project upon its start; and

WHEREAS, the Cornell Cooperative Extension of Chautauqua County and the Chautauqua County Department of Planning and Development will provide \$20,000 in staff time, contributing to the required match; now therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept a \$30,000 grant from the Chautauqua Region Community Foundation and execute all agreements necessary to implement said funding.

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton, Nazzaro, Gould, Niebel  
(Voted “yes” by Video Conference)

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RES. NO. 18-21

Authorize Chautauqua County State Grant Application and Commitment of Matching Funds for County Complex Green Infrastructure Retrofit Project

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the New York State Consolidated Funding Application (CFA) offers state-wide grant funding programs that provide an opportunity to significantly leverage local resources; however, these grant programs are extremely competitive and require a local match in cash and/or in-kind services; and

WHEREAS, New York State recently announced a CFA opportunity from the New York State Environmental Facilities Corporation Green Innovation Grant Program (GIGP), which offers state grant funding for innovative water quality related projects and requires a local match; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD), the Chautauqua Lake and Watershed Management Alliance (hereinafter called “the Alliance”), the Village of Mayville, and the Town of Chautauqua successfully partnered to procure state funding pursuant to Resolution 194-17, which produced an engineering study identifying stormwater projects located within the Village of Mayville and Town of Chautauqua that can now be pursued for implementation funding and will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, CCDPD, in partnership with the Alliance and the Chautauqua County Department of Public Facilities (DPF), identified the County Complex Green Infrastructure

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Retrofit Project from the Mayville-Chautauqua Stormwater Engineering Study for application to the GIGP grant program, which provides reimbursement for up to 90% of total project costs as shown in the following table; and

<b>Project Title</b>	<b>Total Project Costs</b>	<b>NYS CFA Funding Requested</b>	<b>Commitment of County Cash Matching Funds*</b> (Chautauqua County DPF Mayville Parking Lot Reconstruct Acct.)	<b>Commitment of County Cash Matching Funds**</b> (reallocated Alliance member water quality projects program funds established under Resolution 131-15)
County Complex Green Infrastructure Retrofit Project	\$1,396,010.00	\$1,256,409.00	<b>\$100,349.00*</b>	<b>\$39,252.00**</b>

\*County Cash Match source from already-approved Chautauqua County DPF Mayville Parking Lot Reconstruct Account.

\*\*County Cash Match source from reallocated Alliance member water quality projects program funds established under Resolution 131-15.

WHEREAS, pursuant to Resolution 131-15, the County reallocated project program dollars to the Alliance to specifically provide matching funding for grants to undertake the Alliance’s member water quality projects to help Chautauqua Lake and its watershed and has \$39,252 still available; and

WHEREAS, based on improvements already needed for the County’s complex infrastructure, it is in the best interest of the County to apply for such financial assistance when available; therefore be it

RESOLVED, That the County Executive is authorized to apply for a New York State Environmental Facilities Corporation GIGP grant for funding assistance for the County Complex Green Infrastructure Retrofit Project; and be it further

RESOLVED, That the County shall commit a cash match of \$139,601 in local funding toward the County Complex Green Infrastructure Retrofit Project.

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton, Nazzaro, Gould, Niebel  
(Voted “yes” by Video Conference)

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RES. NO. 19-21

Authorizing the Adoption of a Section 3 Participation Plan in Connection With Community Development Block Grant Funding

By Planning & Economic Development Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County (the “County”) has been awarded Federal grant assistance from the New York State Housing Trust Fund Corporation (hereinafter the “HTFC”)

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represented by the New York State Office of Community Renewal (hereinafter the “OCR”) through the Community Development Block Grant (hereinafter “CDBG”) Program for the purpose of assisting Webb Hospitality Group LLC in its plans to develop and operate a restaurant and other commercial operations as part of the “Lodge at Chautauqua Lake” to be located on Route 394, Mayville, New York, including the acquisition and installation of equipment and furnishings (the “Project”), and

WHEREAS, for all projects that would result in CDBG assistance in excess of \$200,000, OCR requires that the municipality applying for and receiving the grant adopt a Section 3 Participation Plan, which describes how the municipality will, to the greatest extent possible, provide job training, employment, and contract opportunities for low-or very-low income residents in connection with housing rehabilitation, housing construction or other public construction projects, in accordance with Section 3 of the Housing and Urban Development Act of 1968; and

WHEREAS, the County wishes to adopt the Section 3 Plan in order to meet OCR requirements and permit the grant for funding for the Project to go forward; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby adopts the Section 3 Participation Plan for Section 3 Covered Contracts, as presented to the Legislature and on file with the Clerk of the County Legislature.

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton (Voted “yes” by Video Conference)

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RES. NO. 20-21

Confirming 2021 Salary of Public Defender

By Public Safety and Audit & Control Committees:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, Pursuant to Resolution 4-20, the County Legislature established the 2021 salary of the Public Defender to be an annual base salary of \$83,618.00, with an additional salary supplement subject to confirmation by the County Legislature to the extent of available grant funds received from the New York State Office of Indigent Legal Services (OILS) with no local share; and

WHEREAS, the County Legislature accepted a \$269,919.00 grant from OILS pursuant to Resolution 187-20, which contains \$89,973.00 to be utilized for the additional salary supplement for the Public Defender in 2021; and

WHEREAS, the Budget Director has calculated the appropriate allocation of the \$89,973.00 between salary and benefits expense; therefore be it

RESOLVED, That the County Legislature hereby confirms the amount of \$74,321.00 as the additional 2021 salary supplement for the Public Defender to be funded by the grant from OILS referenced above with no local share.

Signed: Niebel, Pavlock, Bankoski, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by Video Conference)



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



**TITLE:** Proclaiming February Black History Month

**AT THE REQUEST OF:** Chairman Pierre E. Chagnon and Legislators Nazzaro, Rankin, Odell, Whitford, Hemmer, Starks, Bankoski, Ward, and Vanstrom:

WHEREAS, the idea to observe and honor the accomplishments of Black Americans was first established as Negro History Week in 1926 at the suggestion of one of the greatest Black historians of all time, Dr. Carter Woodson; and

WHEREAS, February was first proclaimed Black History Month in 1979 and sponsored as such by the Association for the Study of Afro-American Life and History; and

WHEREAS, Black Americans contributed to the development of Chautauqua County as slaves and as free men and women since the county's inception and continue to contribute to the richness and vitality of our County community today; and

WHEREAS, the observance of Black History Month affords the special opportunity to become more knowledgeable concerning our Black heritage in this County and our country and to honor the many black leaders who have contributed to the progress of our nation; and

WHEREAS, the knowledge and awareness of the many and varied contributions of Black men and women can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers to equality for minority groups, and the continuing struggle against racial discrimination and poverty; therefore be it

KNOWN, The Chautauqua County Legislature, with great pride, hereby proclaims February 2021 Black History Month in Chautauqua County; and let it be

MOVED, The County Legislature urges all residents to familiarize themselves with the significant contributions made by Black Americans in the field of science, industry, religion, entertainment, and others, and to join together to make this a period when all of us rededicate ourselves to the principles of justice and equality for all people.