

**CHAUTAUQUA COUNTY LEGISLATURE**

**09/22/2021**

*To View the Meeting on-line go to*

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

**This meeting is open to the public and subject to all current COVID-19 guidelines.**

# Chautauqua County Legislature

**6:30 p.m.**

**CALL TO ORDER**

**ROLL CALL**

**PRAYER BY LEGISLATOR NAZZARO**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 08/25/2021**

**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.

---

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 08/25/2021**

**COMMENDATIONS:**

**Accreditation of Chautauqua County  
Sheriff's Department  
By  
NYS Sheriff's Association**

---

**Jamestown Community College  
Swim Team  
By  
County Executive Paul M. Wendel, Jr.  
And  
Legislator Lisa Vanstrom**

**PROCLAMATION:**

**Declaring October 24, 2021 as  
"World Polio Day"  
By  
Chairman Pierre E. Chagnon  
and  
County Executive Paul M. Wendel, Jr.**

**CHAUTAUQUA COUNTY LEGISLATURE**

**09/22/2021**

*To View the Meeting on-line go to*

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

---

**6:40 P.M.**

**PUBLIC HEARING**

**Regarding a Potential Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal and the Uses of Said Funding**

---

**PRESENTATION:**

**2022 CHAUTAUQUA COUNTY  
TENTATIVE BUDGET**

**By**

**COUNTY EXECUTIVE PAUL M. WENDEL, JR.**

---

**COMMUNICATIONS:**

- 1. Letter – NY Connects – Chautauqua County Long Term Care Council (CCLTCC)**
  - 2. Letter – Chautauqua County Department of Planning and Development – County Ag. and Farmland Protection Board Concerns Regarding Renewable Energy Projects on Ag. Lands**
  - 3. Letter – NYS Agriculture and Markets – Consolidation of Agricultural Districts**
  - 4. Reports (2) – Department of Finance – 2021 Investment Reports – Re: June & July**
  - 5. Affidavit of Publication – Post-Journal – Re: Community Development Block Grant Public Hearing**
  - 6. Affidavit of Publication – Observer – Re: Community Development Block Grant Public Hearing**
- 

**TABLED RES 169-21 – Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Dunkirk Airport**

**TABLED RES 170-21 – Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Jamestown Airport**

---

**CHAUTAUQUA COUNTY LEGISLATURE**

**09/22/2021**

*To View the Meeting on-line go to*

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

**RESOLUTIONS:**

- 187-21 Authorization for Agreements with New York State to Maintain Overland Trails**
- 188-21 Amend 2021 Budget for Public Facilities Maintenance of Roads**
- 189-21 MOA with NYS DHSES for Temporary Loan of Interoperable Communications Resources**
- 190-21 Amend 2021 Budget for Office of the Sheriff**
- 191-21 FEMA Hazard Mitigation Grant Program (HMGP)**
  
- 192-21 Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY22**
- 193-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Employee Benefits Costs**
- 194-21 Authorize Grant Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal – Septic and Wells Program**
- 195-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased ELC COVID Grant**
- 196-21 Accept New York State Department of Health COVID 19 Vaccine Response Award**
- 197-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for New York State Department of Health ELC Reopening Schools Award**
- 198-21 Amend 2021 Budget Appropriations to Include Additional IGT Matching Funds**
- 199-21 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Mallard Cove Repairs**
- 200-21 Amend 2021 Budget – Village of Lakewood Loan**
- 201-21 Authorizing and Approving a Settlement Agreement in an Action Relating to the Opioid Crisis (Big 3 Distributors)**
- 202-21 American Rescue Plan Act (ARPA) Spending Plan**
- 203-21 Quit Claim Deeds**

---

**MOTION:**

- A. Proclaiming October 3-9, 2021 as 4-H Week in Chautauqua County**

---

**ANNOUNCEMENTS**

---

**CHAUTAUQUA COUNTY LEGISLATURE**

**09/22/2021**

*To View the Meeting on-line go to*

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

---

**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.

**CHAUTAUQUA COUNTY  
RESOLUTION NO. 169-21**

BPB 08/10/21  
KMD 08/10/21  
ABC 08/10/21  
SMA 08/10/21  
KLC 08/10/21  
PMW 8/10/21

**TITLE:** Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Dunkirk Airport

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

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

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

WHEREAS, pursuant to Public Law 117-2 (ARPA), Federal funds were made available to U.S. public airports in the NPIAS to “provide economic assistance to airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received American Rescue ~~Grant Program Plan Act (ARGP ARPA)~~ Grant Offer, Grant No. 3-36-0022-0XX-2021 in the amount of \$32,000 (hereinafter called “the Grant”) for the Chautauqua County Dunkirk Airport, and said funds will be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, and combating the spread of pathogens at the airport; and

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

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than September XX, 2021 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution 84-21, the Chautauqua County Legislature accepted the American Rescue Grant Program (ARGP Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA) Grant No. 3-36-0022-060-2021 in the amount of \$13,000 for the Chautauqua County Dunkirk Airport, but the resolution did not include any budget amendments necessitated by the grant; now therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the ARPA Grant Offer, Grant No. 3-36-0022-0XX-2021 in the amount of \$32,000 for the Chautauqua County Dunkirk Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant; and be it further

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

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

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

8/16/21: Public Facilities – Amended by Substitution (Changes shows by underline and strikethrough)  
P.F. Carried with Legislator Scudder Voting “No”  
Signed: PF – Nazzaro, Hemmer, Davis, Gould  
8/25/21: Legislature Tabled

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.1	Personal Services—Chautauqua County Airport, Dunkirk Airport	\$45,000
---------------	---	----------

INCREASE REVENUE ACCOUNT:

A.5610.5612.R458.9000	Federal Aid—Transportation	\$45,000
-----------------------	----------------------------	----------

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

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

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

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

8/16/21: Public Facilities – Amended by Substitution (Changes shows by underline and strikethrough)  
P.F. Carried with Legislator Scudder Voting “No”  
Signed: PF – Nazzaro, Hemmer, Davis, Gould  
8/25/21: Legislature Tabled

**CHAUTAUQUA COUNTY  
RESOLUTION NO. 170-21**

BPB 8/10/21 KMD 08/10/21 ABC 8/10/21 SMA 08/10/21 KLC 08/10/21 PMW 8/10/2
--

**TITLE:** Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Jamestown Airport

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

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

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

WHEREAS, pursuant to Public Law 117-2 (ARPA), Federal funds were made available to U.S. public airports in the NPIAS to “provide economic assistance to airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received American Rescue ~~Grant Program~~ Plan Act (ARPA ARPA) Grant Offer, Grant No. 3-36-0048-0XX-2021 in the amount of \$32,000 (hereinafter called “the Grant”) for the Chautauqua County Jamestown Airport, and said funds will be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, and combating the spread of pathogens at the airport; and

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

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than September XX, 2021 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution 85-21, the Chautauqua County Legislature accepted ~~the American Rescue Grant Program (ARGP Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA))~~ Grant No. 3-36-0048-055-2021 in the amount of \$13,000 for the Chautauqua County ~~Dunkirk~~ Jamestown Airport, but the resolution did not include any budget amendments necessitated by the grant; now therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the ~~ARGP~~ ARPA Grant Offer, Grant No. 3-36-0048-0XX-2021 in the amount of \$32,000 for the Chautauqua County Jamestown Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant; and be it further

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

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

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

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

8/16/21: Public Facilities – Amended by Substitution (Changes shows by underline and strikethrough)  
P.F. Carried with Legislator Scudder Voting “No”  
Signed: PF – Nazzaro, Hemmer, Davis, Gould  
8/25/21: Legislature Tabled

INCREASE APPROPRIATION ACCOUNT:

A.5610.5610.1	Personal Services—Chautauqua County Airport, Jamestown Airport	\$45,000
---------------	---	----------

INCREASE REVENUE ACCOUNT:

A.5610.5610.R458.9000	Federal Aid—Transportation	\$45,000
-----------------------	----------------------------	----------



CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

RES. NO. 187-21

Authorization for Agreements with New York State to Maintain Overland Trails

By Public Facilities Committee:

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

WHEREAS, Chautauqua County maintains private and public land for the purpose of the Overland Trails; and

WHEREAS, the public land is located within New York State Reforestation Areas and a Wildlife Management Area to minimize impacts and reduce costs; and

WHEREAS, in order for the County to continue maintaining the Overland Trails on the public land owned by New York State, agreements must be entered into between the County and New York State; and

WHEREAS, the Parks Commission has reviewed and supports having ongoing agreements between the County and New York State for purposes of continuing the use of this land; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive to enter into agreements with New York State in order to continue County maintenance of public land for the purposes of the Overland Trails.

Signed: Nazzaro, Scudder, Davis, Gould

---

RES. NO. 188-21

Amend 2021 Budget for Public Facilities Maintenance of Roads

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some expenses in the Public Facilities Maintenance of Roads Department are anticipated to exceed initial budgetary estimates; and

WHEREAS, the Public Facilities Maintenance of Roads Department has received 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 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5110. ----.4	Contractual –Maintenance of Roads	\$160,000
D.5110.3310.4	Contractual-Maintenance of Roads, Pavement Marking	<u>\$ 25,810</u>
	Total	\$185,810

INCREASE REVENUE ACCOUNTS:

D.5110.----.R270.1000	Miscellaneous--Refunds: Prior Yr Exp	\$106,924
D.5110.----.R396.0000	NYS Aid--Emergency Disaster Assistance	\$ 38,946
D.5110.----.R496.0000	Federal Aid--Fema Disaster Reimbursement	<u>\$ 39,940</u>
	Total	\$185,810

Signed: Nazzaro, Scudder, Davis, Gould, Niebel, Harmon

---

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

RES. NO. 189-21

MOA with NYS DHSES for Temporary Loan of Interoperable Communications Resources

By Public Safety and Audit & Control Committees:

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

WHEREAS, New York State Department of Homeland Security and Emergency Services (NYS DHSES) has acquired the hardware, software and user Mutualink Edge Subscription Services for Mutualink Interoperability platforms and wishes to temporarily loan or continue to loan such equipment at no cost to New York State counties for communications purposes; and

WHEREAS, the State and County have tentatively negotiated a Memorandum of Agreement (MOA) which establishes the responsibilities, rules, and procedures for the deployment and use of the equipment, software, and user subscriptions provided to the County by NYS DHSES; and

WHEREAS, the term of this Agreement shall commence on the first Monday immediately following approval by the Office of the State Comptroller and shall terminate March 31, 2024; and

WHEREAS, the County acknowledges receipt of said equipment; and

WHEREAS, this agreement is at no cost to the County so no budget amendment is needed at this time; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the NYS DHSES as set forth above.

Signed: Bankoski, Pavlock, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 190-21

Amend 2021 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 less than budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3189.3111.4	Contractual – Navigation/Snowmobile	\$9,504
---------------	-------------------------------------	---------

DECREASE APPROPRIATION ACCOUNTS:

A.3189.3111.1	Personal Services – Navigation/Snowmobile	\$9,504
A.3110.GRNT.1	Personal Services – Sheriff Grants	\$12,738
A.3110.GRNT.8	Employee Benefits – Sheriff Grants	<u>\$1,163</u>
	TOTAL	\$23,405

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

DECREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9004 Federal Aid – Sheriff Grants

\$13,901

Signed: Bankoski, Pavlock, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 191-21

FEMA Hazard Mitigation Grant Program (HMGP)

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$85,333.00 with a twenty-five percent (25%) in kind match from the County in the amount of \$21,333.00; and

WHEREAS, the grant is to update the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan (HMP), last revised in 2016; and

WHEREAS, the grant period runs from July 28, 2021 through June 17, 2024, or as may be amended; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the proposed 2022 County Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award and subsequent changes to work plans.

Signed: Bankoski, Pavlock, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 192-21

Authorize Execution of New York State Governor's Traffic Safety Committee Grant for the Police Traffic Services Program FY22

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Governor's Traffic Safety Committee has approved the application submitted for the Police Traffic Services Program; and

WHEREAS, the State of New York will provide funding in the amount of \$22,700 with no local funds required for the contract period from October 1, 2021 to September 30, 2022; and

WHEREAS, this grant is new to the Chautauqua County Office of the Sheriff and is not included in the 2021 Adopted Budget, but is included in the proposed 2022 Budget; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Governor's Traffic Safety Committee to secure the grant funding as set forth above; and also be it

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.1                      Personal Services – Sheriff, Sheriff Grants    \$2,600

INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R338.9000    NYS Aid—Other Public Safety                      \$2,600

Signed: Bankoski, Pavlock, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 193-21

Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Employee Benefits Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, 2021 expenditures for Employee Benefits for the Home Energy Assistance Program are now projected to be in excess of the budgeted amount; and

WHEREAS, 2021 expenditures for Employee Benefits for Social Services Administration are now projected to be less than the budgeted amount; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6141.----.8    Employee Benefits—Home Energy Assist Prog                      \$21,000

DECREASE APPROPRIATION ACCOUNT:

A.6010.----.8    Employee Benefits—Social Services Admin                      \$21,000

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 194-21

Authorize Grant Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal – Septic and Wells Program

By Human Services and Audit & Control Committees:

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

WHEREAS, the County desires to submit a 2021 Community Development Block Grant (CDBG) Unified Funding Round application to the New York State Office of Community Renewal seeking \$224,950.00 for a private water and wastewater assistance project (the Project),

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

designed to assist low and moderate income persons with repair and replacement of their water and wastewater systems; and

WHEREAS, pursuant to Resolution 178-21, the Chautauqua County Legislature held a public hearing to obtain public input relevant to the proposed Project; and

WHEREAS, the Project grant application requires the applicant to certify that the governing body has authorized and directed certain actions by a designated representative of the County; therefore be it

RESOLVED, That the Director of Health and Human Services, Christine Schuyler, is hereby designated as the official representative of the County to act in connection with the submission of this CDBG Project application; and be it further

RESOLVED, That the Director of Health and Human Services is authorized and directed to submit a Project application for CDBG funding and all understandings and assurances contained therein, and to provide such additional information as may be required; and be it further

RESOLVED, That the County Executive is authorized to execute any agreements and associated documents necessary to receive such funding.

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 195-21

Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased ELC COVID Grant

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded New York State Department of Health (NYSDOH) funding in the amount of \$303,643 for Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) for the two year period from July 1, 2020 to June 30, 2022; and

WHEREAS, the amount of the ELC COVID grant has been increased to \$717,015 and the term of the grant has been modified to July 1, 2020 to March 31, 2023; and

WHEREAS, 2021 revenue for the ELC COVID grant is now projected to be higher than the budgeted amount; and

WHEREAS, 2021 expenditures for the ELC COVID grant are now projected to be in excess of the budgeted amount; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—

Unassigned Fund Balance

\$ 36,256

; and be it further

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

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

INCREASE REVENUE ACCOUNT:

A.4010.---- R440.1001	Federal Aid — Publ Hlth: ELC & CDC COVID	
	Grants	\$137,627

DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000	New York State Aid — Public Health Grant	\$ 11,037
-----------------------	--	-----------

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services— Public Health Admin	\$ 26,288
A.4010.----.2	Equipment— Public Health Admin	\$ 11,466
A.4010.----.4	Contractual— Public Health Admin	\$ 36,791
A.4010.----.8	Employee Benefits— Public Health Admin	<u>\$ 15,789</u>
	Total	\$ 90,334

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 196-21

Accept New York State Department of Health COVID 19 Vaccine Response Award

By Human Services and Audit & Control Committees:

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

WHEREAS, the New York State Department of Health (NYSDOH) has awarded a COVID 19 Vaccine Response Award to the Chautauqua County Department of Health and Human Services to promote and increase COVID-19 vaccine and other vaccine uptake for the period January 1, 2021 through June 30, 2024 in the amount of \$142,088.42; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary award-related documents for, the above-named award, for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate the County's receipt of such funds.

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 197-21

Amend Chautauqua County Health & Human Services 2021 Adopted Budget for New York State Department of Health ELC Reopening Schools Award

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County has been awarded a New York State Department of Health Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) Reopening Schools Award in the amount of \$4,339,779 for the period July 1, 2021 through July 31, 2022; and

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

**WHEREAS, revenues and appropriations associated with this award were not included in the 2021 Adopted budget; now therefore be it**

~~WHEREAS, 2021 revenue for the ELC Reopening Schools Award is now projected to be higher than the budgeted amount; and~~

~~WHEREAS, 2021 expenditures for the ELC Reopening Schools Award are now projected to be in excess of the budgeted amount; now therefore be it~~

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—  
Unassigned Fund Balance \$ 20,637

; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4010.---- R440.1001 Federal Aid — Publ Hlth: ELC & CDC  
COVID Grants \$1,606,054

DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000 New York State Aid — Public Health Grant \$ 5,988

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services— Public Health Admin	\$ 14,663
A.4010.----.4	Contractual— Public Health Admin	\$1,555,958
A.4010.----.8	Employee Benefits— Public Health Admin	\$ 8,808
	Total	\$1,579,429

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould (A.C. – Amended by strike through and additional text indicated by bold)

---

RES. NO. 198-21

Amend 2021 Budget Appropriations to Include Additional IGT Matching Funds

By Human Services and Audit & Control Committees:

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

WHEREAS, for the period April 1, 2018 through March 31, 2019, free-standing mental health clinics operated by the Chautauqua County Department of Mental Hygiene (CCDMH) can qualify for a match of federal funds, expected to be no less than 50%, through the Intergovernmental Transfer (IGT) program; and

WHEREAS, the County must provide a local share contribution separate and apart from CCDMH operating revenues in order to qualify for the IGT match; and

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

WHEREAS, the County has been notified that the IGT for the State Fiscal year 2018-2019 is now being offered; and

WHEREAS, it is optimal that the surplus revenue from the IGT program be made available to the CCDMH so it can offset the expenses associated with a recently settled grievance filed by current and former employees of CCDMH; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.6101.----.4	Contractual—Medical Assistance	\$131,213
A.4320.----.1	Personal Services—Mental Hygiene Programs	\$ 82,000
A.4320.----.8	Employee Benefits—Mental Hygiene Programs	<u>\$ 49,213</u>
	Total	\$262,426

INCREASE REVENUE ACCOUNTS:

A.4320.----.R349.0000	NYS Aid—Mental Health	\$131,213
A.4320.----.R449.0000	Federal Aid—Federal Aid-Ment Hlth	<u>\$131,213</u>
	Total	\$262,426

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 199-21

Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Mallard Cove Repairs

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, in 2017 a 2% Occupancy Tax grant-funded streambank stabilization project was implemented on an unnamed tributary to Chautauqua Lake that adjoins the Mallard Cove Subdivision; and

WHEREAS, the severe storm event of July 17-18, 2021 resulted in the failure of the streambank and streambed immediately upstream of the 2017 project, and the failing streambank and streambed will eventually cause the 2017 project to also fail unless remedial measures are implemented; and

WHEREAS, the Chautauqua County Soil & Water Conservation District recommends a remedy whereby large rock riprap will be used to stabilize the failing streambed and the existing streambank stabilization materials will be re-oriented in a manner that better protects the adjoining properties and extends the useful life of the project, at a cost not to exceed \$8,500; and

WHEREAS, the 2% Occupancy Tax Program Reserve has a balance of \$235,634 for projects of special opportunity and need; therefore be it



CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

RESOLVED, That the Chautauqua County Legislature designates \$8,500 from the 2% Occupancy Tax Program Reserve to be dispersed to the Chautauqua County Soil & Water Conservation District for implementation of the remedy; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That the A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$8,500

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$8,500

Signed: Niebel, Nazzaro, Gould, Muldowney, Harmon, Rankin, Starks, Ward, Lawton, Penhollow

---

RES. NO. 200-21

Amend 2021 Budget – Village of Lakewood Loan

By Planning & 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 Chautauqua County Department of Planning and Development (CCDPD), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Lakewood, and the Town of Busti successfully partnered in 2016 to procure previous state funding pursuant to Resolution No. 193-16, which produced a stormwater engineering study and report completed May 2018, identifying stormwater projects located within the Village of Lakewood and Town of Busti that were then pursued through 2018 CFA grant funding, implementation of which will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the Chautauqua County Legislature committed to extending a 0% loan for up to \$450,000 in Resolution 22-19, with a term no longer than the corresponding state assistance contracts between the Village of Lakewood and New York State granting agencies, generally 5 years in length, to assist the Village of Lakewood in accessing working capital to offset the burden of the reimbursable nature of these two grants; and

WHEREAS, revenues and expenditures associated with the loan were not included in the 2021 Adopted Budget; now therefore be it

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

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4 Contractual—Planning \$450,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.8020.----.R238.9002 Shared Services—Oth Home & Community Svcs-  
Oth Govts \$450,000

Signed: Muldowney, Harmon, Rankin, Starks, Lawton, Penhollow, Ward, Niebel, Nazzaro, Gould

---

RES. NO. 201-21

Authorizing and Approving a Settlement Agreement in an Action Relating to the Opioid Crisis  
(Big 3 Distributors)

By Human Services and Audit & Control Committees:

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

WHEREAS, there is pending litigation regarding the opioid addiction crisis on behalf of New York State and its local subdivisions, in which the County of Chautauqua is a named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids, and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Drug Corporation, PSS World Medical, Inc., Kinray, LLC, Bellco Drug Corporation, and American Medical Distributors, Inc. (the “Big 3 Distributors”) based on claims that the Big 3 Distributors contributed to the opioid epidemic by failing to comply with their obligations under the federal Controlled Substances Act and the New York Controlled Substances Act to implement adequate measures to prevent diversion of the prescription opioids they distributed to pharmacies and others in Chautauqua County, all of which contributed to a public health crisis in Chautauqua County; and

WHEREAS, the New York State Attorney General’s office has approved a settlement agreement and release form with the Big 3 Distributors (the “Agreement”) to settle the claims of the State and its subdivisions, and pursuant to the Agreement, the Big 3 Distributors shall pay the State and its subdivisions a minimum of approximately \$550 million and a maximum of approximately \$1 billion, with the County’s share between approximately \$2,544,362.32 and approximately \$4,494,579.61 over eighteen (18) years, and the Big 3 Distributors shall agree to create and maintain a national clearinghouse with strict requirements on data sharing designed to account for opioid shipments by the distributors and others; and

WHEREAS, the Agreement provides that approximately 21% of the County’s final settlement proceeds will be unrestricted as to their use, and approximately 79% of the County’s final settlement proceeds may only be used for Approved Uses, which are defined to include the following categories: Treating Opioid Use Disorder; Supporting People in Treatment and Recovery; Connecting People who Need Help to Help; Addressing the Needs of Criminal-Justice Involved Persons; Addressing the Needs of Pregnant or Parenting Women and Their Families, Including Babies with Neonatal Abstinence Syndrome; Preventing Over-Prescribing and Ensuring Appropriate Prescribing and Dispensing of Opioids; Preventing Misuse of Opioids;

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

Preventing Overdose Deaths and Other Harms; Supporting Law Enforcement and First Responders; Supporting Opioid Abatement Research; Supporting Post-Mortem Efforts (such as toxicology tests, autopsies, investigations, indigent burial, and epidemiologic data); and

WHEREAS, it is in the best interest of the County to resolve the Action with the Big 3 Distributors without further litigation, and enter into the proposed Agreement as it shall settle all allegations against the Big 3 Distributors and avoid protracted litigation; therefore be it

RESOLVED, That the County Executive and the County's counsel are each authorized and empowered on behalf of the County of Chautauqua to execute the Agreement with the Big 3 Distributors to settle the Action of the County against Big 3 Distributors relating to the opioid addiction crisis, and execute such other documents as may be necessary and appropriate to effectuate said settlement with the Big 3 Distributors.

Signed: Whitney, Rankin, Pavlock, Lawton, Whitford, Niebel, Nazzaro, Harmon, Gould

---

RES. NO. 202-21

American Rescue Plan Act (ARPA) Spending Plan

By Public Facilities, Administrative Services, Public Safety, Human Services, Planning & Economic Development, and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, as part of the \$1.9 trillion package, \$350 billion was allocated into a State and Local Fiscal Recovery fund to help offset revenue losses and address specific public health and economic initiatives; and

WHEREAS, the U.S. Treasury Department issued detailed guidelines for the allowable use of this funding by county governments, which include four categories:

- Respond to COVID-19 and its economic effects
- Provide premium pay to essential workers
- Restore lost revenue
- Water, Sewer, and Broadband Infrastructure Projects; and

WHEREAS, Chautauqua County received an award of \$24,600,000 in ARPA funding, of which \$18,219,169 is available for general county spending based on the Treasury Department's revenue loss formula and other guidance, and the remaining \$6,380,831 in funding can only be spent on designated ARPA categories including premium pay; water, sewer, and broadband projects; and responding to the COVID-19 pandemic and its associated economic impacts; and

WHEREAS, the ARPA funding is to be committed in two equal tranches of \$12,300,000, and unexpended funds are not subject to recapture or return until December 31, 2026; and

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

WHEREAS, an ARPA Committee consisting of the County Executive, several legislators, and several department heads worked for many months to create an ARPA Plan (Plan) consisting of projects that will be implemented to address the key strategic categories as defined by the Department of Treasury; and

WHEREAS, a request for projects addressing the key strategic categories as defined by the Department of Treasury was sent to all County department heads; and

WHEREAS, the County Executive and the ARPA committee are placing a special emphasis on Public Health, Infrastructure, Economic/Workforce Development, Clean Water, and Public Safety projects; and

WHEREAS, a work group session, open to the public, was held on September 8, 2021 with the County Legislature wherein the Plan was presented and discussed; and

WHEREAS, the Plan has been thoroughly reviewed by the ARPA Committee who recommended its adoption to the County Executive, who, in turn, is recommending approval of this Plan to the County Legislature; and

WHEREAS, the projects in the Plan identified in the table below, and recommended for approval by County Legislature, are sustainable, and have a County-wide impact; and

<b>Public Health</b>	
Healthy Housing/Lead-based Paint Remediation (Yr. 1)	\$700,000
Strong Starts Chautauqua (Yr. 1)	\$378,000
IT Upgrades for PH (Yr. 1)	\$110,000
Ag Bldg Upgrades/Building Consolidations/Relocation Costs (Yr. 1)	\$1,100,000
Replenish PPE (Yr. 1)	\$90,000
Purchase Detera Pouches (Yr. 1)	\$45,000
Address Isolation/Quarantine Housing (Yr. 1)	\$100,000
HVAC/Indoor Quality Improvements for County-owned Properties (Yr. 1)	\$640,000
Paving Project at EOC for drive through PH Clinic (Yr. 1)	\$250,000
Community Contracts/ PH Emergency Response Planning & Preparation (Yr. 1)	\$200,000
<b>Infrastructure</b>	
Provide Broadband to Unserved or Under-served Communities (Yr. 2)	\$2,500,000
County Internet Bandwidth Upgrades (Yr. 1)	\$173,000
Water/Sewer Infrastructure for Shovel-Ready Site(s) (Yr. 2)	\$1,400,000
Purchase 60 Ton Crane (Yr. 1)	\$650,000
Purchase 2 new dump/plow Trucks (Yr. 1)	\$480,000
Purchase 1 new snow blower (Yr. 1)	\$810,000
Purchase Long Arm Excavator (Yr. 1)	\$400,000
Air Service Development Study (Yr. 1)	\$72,000
<b>Conewango Watershed Dam Rehabilitation</b>	<b>\$500,000</b>
<b>Economic/Workforce Development</b>	
Site Acquisition for Shovel-Ready Site(s) (Yr. 1)	\$1,400,000
Occupancy Tax Program Bolster (Yr. 1)	\$800,000
CCPEG - Multitude of Economic Development Initiatives (Yr. 1)	\$500,000
Workforce Dev. Initiative - WIB, JCC, CCVB, and other workforce partners (Yr. 1)	\$352,000
Environmental Permit Fee Waiver Program (Yr. 1)	\$240,000

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

CCE Agricultural Improvement Program (Yr. 1)	\$232,540
Marketing Assistance to Businesses & NFPs via CCCC & CCIDA (Yr. 1)	\$400,000
<b>Clean Water</b>	
	<del>-\$8,408,342</del>
Phase 2 of the S&CCLSD west side extension from Stow to the terminus of the NCLSD at Prendergast Creek (Yr. 1: \$108,342 & Yr. 2: \$8,300,000)	<b>\$7,545,342</b> <b>\$7,045,342</b>
Soil & Water Conservation District (Yr. 1)	\$250,000
Chautauqua Lake District Work Plan (Yr. 1)	\$150,000
Jefferson Project County Contribution (Yr. 1)	\$250,000
<b>Repair &amp; Rehabilitation of NCIWD Water Storage Tank</b>	<b>\$863,000</b>
<b>Public Safety</b>	
Remodel Print Shop to expand Dist. Att. Office (Yr. 1)	\$70,000
New Handguns (Yr. 1)	\$64,610
Personal Ballistic Vests (Yr. 1)	\$30,000
Body & Mail Scanners (Yr. 1)	\$318,000
Communications (Yr. 1)	\$175,000
Message Board (Yr. 1)	\$30,000
EOC Upgrades (Yr. 1)	\$41,500
Replace Dive Boat (Yr. 1)	\$135,000
EMS Equipment (Yr. 1)	\$121,200
<b>Miscellaneous</b>	
Digitize County Records (Yr. 1)	\$33,808
Upgrade County Trails (Yr. 1)	\$250,000
ARPA Administrator (Part-Time) (Yr. 1)	\$250,000

WHEREAS, that while the descriptions and funding amounts for projects recommended in the Plan have been ascertained, they are subject to change in terms of the scope of each project, funding amounts, or in other ways, and maximum flexibility needs to be granted to the Department Heads managing these projects so that legislative review is not required every time a project undergoes a non-substantive change; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the projects in the ARPA Plan; and it is further

RESOLVED, That projects that change substantively or are removed from the ARPA Plan, and/or the introduction of new projects using ARPA funds, will require the Department Head responsible for managing the project to propose an amendment to the ARPA Plan; and be it further

RESOLVED, That the Director of Finance is authorized to make any technical adjustments necessary to facilitate this resolution.

Signed: Nazzaro, Niebel, Gould, Bankoski, Pavlock, Whitford, Whitney, Harmon, Rankin, Whitford, Lawton (P.S – Amended by strike through and additional project added)(A.C. – Amended by strike through and additional project added)

---

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2021

RES. NO. 203-21

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-56-2016	City of Jamestown	060800-387.08-4-72	Harold & Virginia Sweet	Adam Pirtz	\$300.00	\$526.37
PA-147-2019	City of Jamestown	060800-387.12-4-47	Voyle Thomas Meacham	Christopher & Tabitha Mascelli	\$1,000.00	\$435.45
PA-149-2018	City of Jamestown	060800-387.32-1-4	Barbara Johnson	Samuel Pollino	\$1.00	\$201.11
				<b>Total</b>	\$1,301.00	\$1,162.93

Signed: Vanstrom, Scudder, Davis, Starks, Muldowney, Niebel, Nazzaro, Harmon, Gould

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_-21**

**TITLE:** Proclaiming October 3-9, 2021 as 4-H Week in Chautauqua County

**AT THE REQUEST OF:** Legislators Hemmer and Pavlock:

WHEREAS, an annual celebration of 4-H is held the first full week of October; and

WHEREAS, Cornell Cooperative Extension of Chautauqua County 4-H will use National 4-H week to showcase the great things that 4-H offers young people and highlight the incredible 4-H youth in the community who work each day to make a positive impact on their community; and

WHEREAS, research has proven that participation in 4-H has a significant positive impact on young people; and

WHEREAS, 4-H, the nation's largest youth development and empowerment organization, cultivates confident kids who tackle the issues that matter most in their communities; and

WHEREAS, the 4-H program provides youths in Chautauqua County opportunities to learn, experience and grow in a safe and friendly environment; and

WHEREAS, 4-H in Chautauqua County includes over 120 registered adult volunteers that currently work with 250 youth members, and over 800 nonmember youth at special interest programming; now therefore be it; and

KNOWN, That the Chautauqua County Legislature does hereby proclaim October 3-9, 2021 to be:

***4-H Week***  
***In***  
***Chautauqua County***

And encourages all our citizens to recognize and celebrate the positive impact of the 4-H program on the youth of our county.