

CHAUTAUQUA COUNTY LEGISLATURE

5/25/2022

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 HARMON

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 4/27/2022

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 4/27/2022**

COMMUNICATIONS:

- 1. Letters (2) – NYS Agriculture and Markets Law – Re: Agriculture Districts**
- 2. Report – Finance Director Crow – February 2022 Investment Report**
- 3. Letter – Tom Harmon – Western Regional Off – Track Betting Corporation Resignation**
- 4. Minutes – Conewango Watershed Commission – May 11th, 2022 Meeting**
- 5. Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: 2022 CDBG – CV Funding (Observer and Post Journal)**
- 6. Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: Cooperative Agreement with NYS Department of Agriculture and Markets Related to SEQRA Procedures for the Agricultural Districts Program (Observer and Post Journal)**
- 7. Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: Extension of the North Chautauqua Lake Sewer District (Observer and Post Journal)**
- 8. Letter – NYS Department of Environmental Conservation – Public Notice Fact Sheet**

6:35 P.M.

PUBLIC HEARINGS

**Regarding Agricultural District State Environmental Quality Review Act (SEQRA)
Cooperative Agreement with NYS Department of Agriculture & Markets**

**Pursuant to County Law §254 Upon a Proposal to Extend
North Chautauqua Lake Sewer District Bounds in the Town of Chautauqua to
Encompass the Mandolin Ridge Development, a Chautauqua Institution Property,
and an Adjacent Property**

CHAUTAUQUA COUNTY LEGISLATURE

5/25/2022

To View the Meeting on-line go to

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

**Regarding a Potential Application for 2022 CDBG-CV
Funding – COI Affordable Housing Unit Improvement Project**

LOCAL LAW INTRO. 4-22 – A Local Law Amending the Chautauqua County Self-Insurance Plan and Providing for the Administration thereof Pursuant to Article 5 of the Workers' Compensation Law

RESOLUTIONS:

- 133-22 Confirm Appointment – Chautauqua County Office for the Aging Advisory Committee**
- 134-22 Appointing a Chautauqua County Director to the Western Regional Off-Track Betting Corporation**
- 135-22 Amend Budgets for Landfill Capital Projects**
- 136-22 Amend 2022 Adopted Budget Due to Office Relocations in the City of Dunkirk**
- 137-22 Authorize Lease of Office Space at 3988 Vineyard Drive, Dunkirk for the Chautauqua County DMV**
- 138-22 Adjust D5112-Capital Improvement Accounts**
- 139-22 Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Extend the South Chautauqua Lake Sewer District from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake**
- 140-22 Approving SEQRA Findings and Determinations for the North Chautauqua Lake Sewer District Boundary Extension in the Town of Chautauqua**
- 141-22 Determinations in Relation to Extension of North Chautauqua Lake Sewer District Bounds to encompass the Mandolin Ridge Development and Adjacent Parcels in the Town of Chautauqua**
- 142-22 Authorize Supplemental Agreement No.3 with NY State DOT for Performance of Federal Aid Project PIN 5761.82**
- 143-22 Authorize Agreement Between Chautauqua County EMS and Celoron Fire District for ALS-BLS Joint Prehospital Service Agreement**
- 144-22 Authorize Agreements with Various School Districts for School Resource Officer Services 2022-2023**
- 145-22 Amend 2022 Budget for Office of the Sheriff**
- 146-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Equipment and Contractual Costs**
- 147-22 Accept Grant Funding from the New York State Department of State for Chautauqua County Consolidated Code Enforcement Study**
- 148-22 Amend 2022 Budget to Implement the Broadband Infrastructure Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**
- 149-22 Authorizing the Submittal of a New York State CDBG-CV Grant to Repair and Renovate Affordable Housing**

CHAUTAUQUA COUNTY LEGISLATURE

5/25/2022

To View the Meeting on-line go to

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

- 150-22 Authorizing Approval of Agricultural District State Environmental Quality Review Act (SEQRA) Cooperative Agreement with NYS Department of Agriculture & Markets**
- 151-22 Accept State Environmental Quality Review (SEQR) for the Adoption of the Chautauqua County Agricultural Development and Enhancement Strategy**
- 152-22 Adoption of Chautauqua County Agricultural Development and Enhancement Strategy**
- 153-22 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Lake Effect Trail Breakers, Inc. Proposed Trail TBD – Harris Hill State Forest**
- 154-22 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Lake Effect Trail Breakers, Inc. Trail C1D GPS Update**
- 155-22 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail S16A GPS Update**
- 156-22 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Lake Effect Trail Breakers, Inc. Proposed Trail TBD – Cockaigne**
- 157-22 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C1/C4 GPS Update**
- 158-22 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C1F GPS Update**
- 159-22 Authorizing SEQRA Review of Waterways Panel 2023 2% Occupancy Tax Recommendations**

MOTION:

- A. Proclaiming June 19, 2022 as JUNETEENTH in Chautauqua County**

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.

LOCAL LAW
INTRODUCTORY NO. 4-22
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY SELF-INSURANCE PLAN
AND PROVIDING FOR THE ADMINISTRATION THEREOF
PURSUANT TO ARTICLE 5 OF THE WORKERS' COMPENSATION LAW

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

Section 1. The Chautauqua County Self-Insurance Plan ("Plan") provided for by Local Law 4-1984, as amended by Local Laws 3-1989, 7-1993, 4-2007, and 5-2014, and adopted pursuant to Article 5 of the Workers' Compensation Law, is hereby amended by substitution to read as set forth herein.

Section 2. The Plan shall be administered by the Chautauqua County Director of Finance ("Administrator"). The Administrator shall supervise all activities of other county officers and employees relating to the administration of the Self-Insurance Plan.

Section 3. The Administrator, within the limits of appropriations provided therefore, and subject to the approval of the County Executive as may be provided in the County Charter, may contract for such services as are necessary for the proper and efficient administration of the Plan. The Administrator shall audit all bills or claims against the Plan before payment and shall have authority to perform all acts necessary and proper in the settlement of any case subject to such rules, regulations, and limitations as the County Legislature may establish from time to time and in accordance with statute.

Section 4. (a) The County of Chautauqua shall be a participant in the Plan. The cities of Dunkirk and Jamestown, the towns and villages located within the geographical boundaries of Chautauqua County, and other eligible public entities within the County which are not members of the Plan, may elect to become participants in the Plan. Any eligible municipality or public entity electing to become a participant shall file a certified copy of the local enactment of its governing body electing to become a participant on or before the 1st day of July in any year, with membership to be effective on the 1st day of January following such election, provided, however, that the County Legislature may impose fair and equitable terms and conditions to be fulfilled by such new participant as a condition precedent to acceptance as a participant in said Plan. Any municipality or public entity which has been a participant in the plan under the terms and conditions of Local Law 4-1984, as amended, shall continue to be deemed a participant in the plan and shall not be required to file a certified copy of its election to become a participant, as aforesaid.

(b) Any participant may withdraw from the Plan, effective at the end of their fiscal year, by filing a certified copy of a local enactment of its governing body electing to withdraw by the preceding July 1 upon the condition that it agree to pay its Proportionate Share of the estimated Outstanding Liabilities of the Plan, together with an amount equal to its share of Future Administration Costs for a period of five (5) years minus a Proportionate Share of Plan Reserves

at the time of its withdrawal. No later than March 31 of the year following a municipality's withdrawal from the Plan, the municipality's final Proportionate Share shall be determined by multiplying their Proportionate Share times the Plan's terminal liability as of December 31 of their final year of participation in the Plan. This payment shall be due to the Chautauqua County Plan Administrator no later than April 15 of the year following their termination from the Plan. If payment is not received by April 15, Chautauqua County may offset the amount due against the municipality's sales tax payments until the Plan is made whole. Payment of such liabilities shall be made in a lump sum or the Administrator may, with the authorization of the County Legislature, permit said payment to be made in installments.

Section 5. All participants in the Plan shall cooperate fully with the Administrator in the administration of the Plan. Each participant shall annually within 30 days of the close of each calendar year, and at such other times as the Administrator may require, render such reports as may be requested, and shall promptly furnish all pertinent information relative to any claim and aid in the investigation of any claim.

Section 6. The Administrator may require a physical examination or re-examination of employees of any participant in the Plan, in which case the participant employing such employees shall arrange for such physical examination that shall be paid from the funds of the Plan.

Section 7. For any violation of the provisions of Section 5 and 6 of this Local Law or the requirements of the Workers' Compensation Law by a participant, the Administrator shall charge a penalty of up to \$500.00 against said participant. In addition thereto, the County Legislature may, by majority vote, expel such participant from the Plan.

Section 8. (a) The annual estimate of expenses shall be apportioned among the participants. The apportioned share of each participant shall be based forty percent (40%) on the total amount of the participant's gross wages in the proportion that the wages bear to the aggregate gross wages of all participants, and sixty percent (60%) on the loss-percentile experience of the participant, said loss percentile to be calculated based on the losses of each participant in relation to aggregate losses of Compensation and Medical for the entire Plan for each of five (5) preceding years immediately preceding the year in which said budget estimate is presented, omitting the current year.

(b) There shall be no monetary cap for any single occurrence in any one year assessed against a participant's annual experience charge, provided, however, that the increase or decrease in the experience factor used to determine the participant's share pursuant to this section shall be limited to the greater of five thousand dollars (\$5,000) or twenty percent (20%) of the amount used for the experience factor for the prior year.

(c) The share of each participant in the Plan shall be collected as provided in Section 67 of the Workers' Compensation Law. Participants that fail to pay such share when due shall be liable for a penalty of one percent (1%) for each month, or fraction thereof, that such payment is late, provided, however, that the Administrator may authorize a participant to pay in installments the amount of any substantial increase in the annual share of a participant that may occur.

Section 9. The Plan Reserve shall not to exceed Three Million Dollars (\$3,000.000). There shall be contributed to such reserve a sum to be determined by the Administrator annually, and any existing balance in the Workers' Compensation Fund on December 31 of any year may be transferred to the reserve by resolution of the County Legislature.

Section 10. The Administrator may purchase excess or catastrophe insurance. The cost of such insurance shall be paid from the funds of the plan.

Section 11. The County Department of Finance shall pay to claimants workers' compensation benefits as provided in Section 25 of the Workers' Compensation Law upon the order of the Administrator.

Section 12. Any representative or agent under contract with the Plan shall perform such duties as may be necessary to operate the plan in accordance with the Workers' Compensation Law; shall make the reports required by law; shall attend hearings of cases before the Workers' Compensation Board; and in accordance with such contract, shall have the power to authorize necessary medical care which appears from medical reports and information to be reasonable and necessary and to purchase supplies, stationery, forms, books and equipment necessary for the operation of said plan.

Section 13. As used in this Local Law, the following terms shall have the following meanings:

Proportionate Share - The proportionate share shall be equal to the participating municipality's average percentage of annual premium compared to the total Plan premium for the last three years of the municipality's participation.

Outstanding Liabilities – The Plan's outstanding liabilities shall consist of the Plan's fully developed case reserves.

Future Administration Costs – Future administration costs shall be the cost of administering Outstanding Liabilities for the municipality withdrawing from the Plan for a period of five (5) years from the date of withdrawal from the Plan, to include, but not be limited to, the municipality's share of excess liability coverage, third party administrator expenses, Chautauqua County internal administration costs, and New York State assessments.

Plan Reserves – Cash reserves or fund balance of Workers' Compensation Fund as of December 31st of the last year of participation.

Section 14. This local law shall become effective upon filing with the Secretary of State.

Sponsor: Chairman Pierre Chagnon

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 133-22

Confirm Appointment – Chautauqua County Office for
the Aging Advisory Committee

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 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 Office for the Aging Advisory Committee

Ann Sullivan

41 Center St

Fredonia, NY 14063

Term Expires: 12/31/23

(New Appointment)

Signed: Pavlock, Whitford, Torres, Rankin, Proctor

RES. NO. 134-22

Appointing a Chautauqua County Director to the Western Regional
Off-Track Betting Corporation

By Planning and Economic Development Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, the position of Chautauqua County Director for the Western Regional Off-Track Betting Corporation is vacant due to the resignation of Legislator Tom Harmon; and

WHEREAS, it is in the best interest of Chautauqua County to appoint a new member to replace Legislator Harmon to continue the effective representation of our County on this important corporation,; therefore be it

RESOLVED, The Chautauqua County Legislature hereby appoints Shawn Smith, 933 Post Rd, Irving, N.Y. 14081 as the Chautauqua County Director to the Western Regional Off-Track Betting Corporation and that his term shall begin May 25, 2022.

Signed: Lawton, Penhollow, Rankin, Harmon, Wilfong

RES. NO. 135-22

Amend Budgets for Landfill Capital Projects

By Public Facilities and Audit & Control Committees:

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

WHEREAS, capital project H.8160.509 Closed Landfills (1980) was created to cover the cost of improvements and other expenses at closed landfills the County adopted before the current county-wide landfill was created; and

WHEREAS, capital project H.8160.509 was created in the capital fund (H Fund) instead of the landfill fund (EL Fund) because it was originally funded by a transfer of \$250,000 from

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

the general fund balance (A Fund), as well as a transfer of \$500,000 from the landfill fund balance; and

WHEREAS, in 2016, sub-department EL.8160.6000 Environment, Closed Landfills was created to separately identify expenditures associated with closed landfills that are clearly in addition to expenditures associated with operating the current landfill, and it was no longer necessary to record closed landfill expenditures in capital project H.8160.509; and

WHEREAS, since 2016, the EL Fund has absorbed more than \$2 Million in expenditures associated with closed landfills, as evidenced by expenditures recorded in sub-department EL.8160.6000; and

WHEREAS, the remaining balance of the appropriations budget for capital project H.8160.509 is \$488,334, so closing the project could result in a contribution to the landfill fund balance, and this contribution would partially offset expenditures for closed landfills that were charged to the EL Fund; and

WHEREAS, the Landfill has a balance of \$395,864 in a miscellaneous reserve account for gas well maintenance; and

WHEREAS, the Landfill needs access to funds for capital improvements to expand and/or maintain the gas collection system; now therefore be it

RESOLVED, That the Director of Finance close capital project H.8160.509; reconcile, post adjustments and begin capitalization as necessary; and upon completion of audit and reconciliation of the closed capital project, adjust any surplus or deficit to the EL Fund; and be it further

RESOLVED, That if, in the future, the EL Fund does not have adequate funds to cover closure/post-closure obligations associated with landfills closed before the creation of the current county-wide landfill, the General Fund (A Fund) shall meet those obligations; and be it further

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

INCREASE THE USE OF FUND BALANCE:

	Reserved Fund Balance--Misc Res: Gas Well	
EL.-----889.METH	Maintenance	\$395,864

DECREASE THE USE OF FUND BALANCE:

	Unassigned Fund Balance--Nets Assets-Unrestricted	
EL.-----924.0000	(Deficit)	\$488,334

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

	Contractual – Environment-	
EL.8160.24405.4	Gas Well Maintenance (2022)	\$395,864

DECREASE APPROPRIATION ACCOUNT:

	Contractual - Environment-Closed Landfills	
H.8160.509.4	(1980)	\$488,334

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

ESTABLISH AND INCREASE REVENUE ACCOUNT:

EL.8160.6000.R503.1000 Interfund Transfers-Interfund Transfer \$488,334

DECREASE REVENUE ACCOUNTS:

H.8160.509.R503.1000 Interfund Transfers-Interfund Transfer \$162,778

H.8160.509.R503.1ELF Interfund Transfers-I/F Transf: Landfill Fund \$325,556

Total \$488,334

Signed: Niebel, Harmon, Wilfong, Parker, Davis, Gould, Scudder (P.F. – Amended with additional account information)

RES. NO. 136-22

Amend 2022 Adopted Budget Due to Office Relocations in the City of Dunkirk

By Public Facilities, Public Safety, Human Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution No. 246-21, the County entered into a lease with Agricultural Land Holdings LLC for office space in the City of Dunkirk for use by the Chautauqua County Departments of Probation and Mental Hygiene; and

WHEREAS, budget amendments are needed to: add a budget for the new location; reduce rent expense for the North County Office Building (NCOB) because the departments will only occupy NCOB for part of 2022; and add revenue and expense associated with the build out of the premises to be occupied by the Department of Mental Hygiene; now be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2022 Adopted Budget:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

	Contractual - Buildings & Grounds – Dunkirk Ag	
A.1620.6010.4	Center	\$103,796 \$113,855
A.4320.----.4	Contractual - Mental Hygiene Programs	<u>\$32,477</u>
	Total	\$136,273 \$146,332

DECREASE APPROPRIATION ACCOUNTS:

A.1620.6080.	Contractual - Buildings & Grounds - North Co	
4	Office Building	\$89,530
A.3140.----.4	Contractual - Probation	<u>\$8,917</u> \$11,996
	Total	\$98,447 \$101,526

INCREASE REVENUE ACCOUNT:

A.4320.----	Departmental Income-Fees: Mental	
.R162.0000	Health	\$37,826 \$44,806

Signed: Parker, Davis, Scudder, Gould, Whitford, Bankoski, Proctor, Niebel, Torres, Rankin, Pavlock, Wilfong, Harmon (P.F. – Amended with strike through and additional text)

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 137-22

Authorize Lease of Office Space at 3988 Vineyard Drive,
Dunkirk for the Chautauqua County DMV

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

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

WHEREAS, Chautauqua County currently maintains a Department of Motor Vehicle (DMV) office at 3988 Vineyard Drive in Dunkirk, New York; and

WHEREAS, the County's lease for that DMV office expires August 31, 2022, and the County finds it advantageous to maintain the DMV at that location; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with Joseph B. Roosa for such office space on substantially the following terms and conditions:

1. Premises. Approximately 2447 square feet of office space located at 3988 Vineyard Drive in Dunkirk, New York.
2. Term. September 1, 2022 to August 31, 2027 with options to renew for up to five additional years.
3. Rent: \$18.80 per square foot, including parking, for the initial five year term, and \$21.00 per square foot, including parking, during the optional five year extension period.
4. Utilities. Landlord shall be responsible for water, sewer, electric and heat. County is responsible for the installation and maintenance of phone, data and security systems.
5. Other: As negotiated by the County Executive.

Signed: Parker, Davis, Scudder, Gould, Vanstrom, Harmon, Wilfong, Niebel

RES. NO. 138-22

Adjust D5112-Capital Improvement Accounts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County's transportation system, which includes roads and bridges, is essential to everyone and it contributes to economic development, job creation and to quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$4,567,069 in CHIPS Funding for capital improvements; and

WHEREAS, New York State has adjusted the 2022-2023 CHIPS appropriations for Chautauqua County to \$4,567,359.37; and

WHEREAS, the Chautauqua County capital budget includes \$1,275,428 in PAVE-NY funding for capital improvements; and

WHEREAS New York State has adjusted the 2022-2023 PAVE-NY appropriations for Chautauqua County to \$1,275,527.44; and

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and it has appropriated funds under the EWR program in the amount of \$841,994.40; and

WHEREAS the County's budget should be amended to conform to these adjustments to funding; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with New York State, in connection with the funding; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following budgetary changes to the 2022 Adopted Budget:

INCREASE REVENUE ACCOUNTS:

D.5112.391.R350.1000	New York State Aid-NYS Aid CHIPS	\$ 290
D.5112.391.R350.PAVE	New York State Aid-NYS Aid PAVE NY	\$ 99
D.5112.391.R350.EWR	New York State Aid-NYS Aid – Extreme Weather Recovery	<u>\$841,994</u>
	Total	\$842,383

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual-Capital Improvements, Highway Improvements	\$842,383
--------------	--	-----------

Signed: Wilfong, Harmon, Niebel, Parker, Davis, Scudder, Gould

RES. NO. 139-22

Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Extend the South Chautauqua Lake Sewer District from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake

By Public Facilities and Audit and Control Committees:

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

WHEREAS, in 2004, Chautauqua Lake was officially designated as an impaired water body by the NYS DEC pursuant to Section 303(d) of the federal Clean Water Act due to phosphorus loadings; and

WHEREAS, a Total Maximum Daily Load (TMDL) phosphorus allocation for Chautauqua Lake was completed in 2012, which provides an official regulatory plan for reducing phosphorus inputs and restoring the impaired water body, and requires substantial reductions in phosphorus inputs to Chautauqua Lake; and

WHEREAS, septic systems surrounding Chautauqua Lake have been identified as a source of phosphorus inputs to the lake; and

WHEREAS, it is likely that 50% of such existing septic systems in proximity to Chautauqua Lake would fail tests for adequacy pursuant to applicable sanitary codes, and the cost to property owners for replacement of such septic systems can be in a range of approximately \$15,000 to \$30,000 or more; and

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

WHEREAS, recognizing the need to reduce wastewater phosphorus entering Chautauqua Lake, the County, the North Chautauqua Lake Sewer District (NCLSD), the South Chautauqua Lake Sewer District (SCLSD), the Center Chautauqua Lake Sewer District (CCLSD) and other stakeholders worked collaboratively and contracted with engineers to develop the “Chautauqua Lake Integrated Sewage Management Plan” (CLISMP), completed in October 2014; and

WHEREAS, a portion of the CLISMP recommendations include the extension and development of sewer infrastructure to replace existing septic systems in the Towns of Chautauqua, Ellery and North Harmony; and

WHEREAS, public sewer service along the northwestern shore of Chautauqua Lake will provide an environmentally sound alternative to the reliance on septic systems by area residents; and

WHEREAS, such service will also provide long-term public health benefit by protecting area water resources, including Chautauqua Lake, groundwater, and local streams and creeks; and

WHEREAS, the SCLSD has commenced a Phase 1 project currently under construction to extend sewer service along the western shore of Chautauqua Lake from previous SCLSD bounds to the Hamlet of Stow; and

WHEREAS, pursuant to Resolution 208-21 the County Sewer Agency was reestablished to review and make a recommendation on the Phase 2 map and plan which would extend service from the Hamlet of Stow to the southern bounds of the NCLSD; and

WHEREAS, the proposed Phase 2 extension project is eligible for the County to apply for state and federal grant monies including New York State DEC Water Quality Improvement Project (WQIP) and Environmental Facilities Corporation (EFC) Water Infrastructure Improvement Act (WIIA) grant funds, and is further eligible for the County to apply for a 30 year interest-free loan through EFC’s Clean Water State Revolving Fund program; and

WHEREAS, the Sewer Agency has transmitted to this Legislature a map and plan made by GHD Consulting Services, Inc., engineers licensed by the State of New York, dated April 18, 2022, entitled “Westside Sewer Extension phase 2,” and a “Report and Resolution In the Matter of the Extension of the South Chautauqua Lake Sewer District (SCLSD) Westside Sewer Extension Phase 2” recommending the extension of SCLSD (collectively referred to as the Map, Plan and Report) for a maximum amount to be expended of \$24,000,000; and

WHEREAS, the administrative board of the South & Center Chautauqua Lake Sewer Districts at its meeting April 19, 2022 approved the Map, Plan, and Report and support the Phase 2 extension; and

WHEREAS, the Towns of Chautauqua and North Harmony passed Resolutions in support of the Phase 2 extension on May 9, 2022; and

WHEREAS, County Law §254 requires this Legislature to call a public hearing on the Map, Plan and Report; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on June 22, 2022, at 6:35 PM, prevailing time, on the proposal to extend SCLSD as set forth in the Map, Plan and Report; and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers of the County and to be transmitted by first class mail to each assessed owner of property within the proposed extension area of SCLSD as their names and addresses appear on

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

the current assessment roll not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

RESOLVED, That pursuant to County Law §254(2)(a), the Clerk of the Legislature is directed to cause a certified copy of the Notice of Public Hearing hereinafter provided to be filed with the New York State Comptroller on or about the date of the publication of such notice; and be it further

RESOLVED, That the Notice of Public Hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Chautauqua, New York will meet in the Legislative Chambers, Gerace Office Building, Mayville, New York on June 22, 2022 at 6:35 PM, prevailing time, for the purpose of conducting a public hearing on the question of the extension of the South Chautauqua Lake Sewer District (SCLSD) from the Hamlet of Stow on the west side of Chautauqua Lake to the bounds of the North Chautauqua Lake Sewer District in the Town of Chautauqua, for a maximum amount to be expended of \$24,000,000. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

The proposed improvements include the construction of a new low-pressure force main sewer system with approximately 54,600 linear feet of new force main, 25,000 linear feet of service laterals, one sewage pumping station, two duplex pumping stations, 11 booster stations, and 250 grinder pumping stations. The boundary of the Phase 2 Extension will be comprised of properties on the western shore of the Lake in the Towns of North Harmony and Chautauqua, generally along New York State (NYS) Route 394, from the Hamlet of Stow to the NCLSD, and east along Davis Road from NYS Route 394 to Camp Prendergast.

The area to be included is set forth as follows:

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of North Harmony and Town of Chautauqua, County of Chautauqua, State of New York, shown on Figure 2.1 and being further described as follows:

BEGINNING AT THE POINT OF INTERSECTION on the south shore of Chautauqua Lake in the Town of North Harmony at its intersection with the westerly line of the Phase 1 Sewer Extension as described in the Sewer District Extension Report, dated September 2017 and entitled "Sewer Extension through the Hamlet of Stow for the West Side of Chautauqua Lake," said point also being the division line between current Section Block and Lot (SBL) tax parcel number 332.0-2-14 on the east and SBL tax parcel number 332.11-1-17.3.2 on the west; Thence

Southwesterly along the said division line and on the westerly line of the Phase 1 Sewer Extension to a point in the center of New York State Route 394 right-of-way; Thence

Southeasterly in the center of New York State Route 394 right-of-way on a curve to the right an approximate distance of 845 feet more or less to a point in the center of the Stow Road right-of-way; Thence

Southwesterly along the center of Stow Road right-of-way 570 feet more less to a point in the center of Stow Road right-of-way; Thence

Northwesterly to a point in the northerly right-of-way of Stow Road said northerly line being 500 feet westerly offset from and at all points parallel to the westerly right-of-way of New York State Route 394; Thence

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

Northwesterly continuing along the said 500-foot westerly offset line crossing the rights-of-way of Carpenter Pringle Road, Morley Road and Magnolia-Stedman Road crossing into the Town of Chautauqua to a point being 500 feet southerly offset from all points parallel to the southerly right-of-way of Davis Road; Thence

Westerly along the said 500-foot southerly offset line to a point in the westerly line of SBL tax parcel 314.00-1-14, said point also being the division line of SBL tax parcel 314.00-1-14 on the east and SBL tax parcel 314.00-1-67.1 on the west; Thence

Northerly along said division line to a point in the southerly right-of-way Davis Road; Thence

Continuing in the same northerly direction, across the right-of-way of Davis Road to a point in the northerly right-of-way of Davis Road, said point also being the division line between SBL tax parcel 314.00-1-13 on the east and SBL tax parcel 314.00-1-2.1 on the west; Thence

Continuing in the same northerly direction along said division line to a point in the northerly line of 314.00-1-13, said point also being the southerly line of 314.00-1-4; Thence

Easterly along the northerly line of SBL tax parcels 314.00-1-13, 314.00-1-12, 314.00-1-11, 314.00-1-9, 314.00-1-8, 314.00-1-7 and 314.00-1-22 to a point in the easterly line of 314.00-1-22 being 468 feet northerly offset from all points parallel to the northerly right-of-way of Davis Road, said point also being the division line of SBL tax parcel 314.00-1-4 on the west and SBL tax parcel 314.00-1-6.2 on the east ; Thence

Easterly along the said 468-foot northerly offset line to a point in the westerly right-of-way New York State Route 394; Thence

Northerly along the westerly right-of-way 1,190 feet more or less; Thence

Easterly to a point in the center of New York State Route 394 and Prendergast Boulevard right-of-way; Thence

Continuing in the same easterly direction in the center of the right-of-way of Prendergast Boulevard to a point in the center of Manor Drive; Thence

Southeasterly to a point in the westerly right-of-way of Manor Drive, said point also being the division line between SBL tax parcel 297.20-2-23 on the north and SBL tax parcel 314.08-1-1 on the south; Thence

Easterly along said division line to a point in the westerly shore of Chautauqua Lake; Thence

Southerly and easterly along the shore of Chautauqua Lake 19,300 feet more or less crossing into the Town of North Harmony and to the point or place of beginning.

Exclude: 314.00-1-24, 314.00-2-38, 314.00-2-39, 331.00-2-6, 332.00-1-3, 332.00-1-5, 332.00-1-14, 332.00-1-15, 332.00-1-37, 332.00-2-12, 332.00-2-13.2, 332.00-2-42, 332.00-2-44.

The local costs for the proposed SCLSD sewer extension will be assessed on an equivalent dwelling unit (EDU) basis solely to new users within the extension area. A listing of tax parcels within the extension area and a unit assessment table have been included as Appendices B and C, respectively, in the SCLSD Phase 2 extension report, which is on file for inspection in the office of the Clerk of the County Legislature, Gerace Office Building, Mayville, New York, and available on-line at <https://chqgov.com/legislature/Legislature>. The listing of tax parcels and unit assessment table outline how residential, commercial, and vacant properties will be assessed. A single family home constitutes 1 EDU and a two family home constitutes 2 EDUs. The estimated annual cost is \$1,000/EDU, consisting of \$646 per EDU per year for capital costs and \$354 per EDU per year for operation and maintenance costs associated with the collection, conveyance, and treatment of wastewater; therefore, properties assessed at 1 EDU

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

will pay \$1,000/year, properties assessed at greater than 1 EDU will pay some multiple of \$1,000 annually, and vacant properties will pay \$100/year. Said allocations of cost may be changed from time to time by the County Legislature after a public hearing whenever the County Legislature shall determine that such changes are necessary in the public interest. The allocation of the cost of the extension shall not include any proportion of the cost of the system of the original districts. Implementation of the project to extend the SCLSD is contingent upon the receipt of grants and no-interest financing similar to the estimated amounts set forth in the above-referenced SCLSD extension report.

The estimated unit costs for new users do not include the cost to connect to the system including permit fees to SCLSD. Each new user is responsible for paying the costs to install a sewer line from their dwelling to the property line (for gravity connections) or to a grinder pumping station installed near the dwelling. Price will vary depending on type of service and subsurface conditions. A cost of \$3,000-\$5,000 for the exterior connection is a reasonable budget. Current connection permit fees are from \$50-\$150. Reconfiguration of existing plumbing within the dwelling may also be required. Eligible property owners may apply for grants to offset the connection cost through the United States Department of Agriculture Rural Development.

Signed: Wilfong, Harmon, Parker, Davis, Scudder, Gould, Niebel

RES. NO. 140-22

Approving SEQRA Findings and Determinations for the North
Chautauqua Lake Sewer District Boundary Extension in
the Town of Chautauqua

By Public Facilities Committee:

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

WHEREAS, the County, by its North Chautauqua Lake Sewer District (NCLSD), owns and operates a sewage treatment facility and collection system which serve a portion of the Town of Chautauqua in Chautauqua County; and

WHEREAS, H & H Chautauqua Development, LLC (Developer) has proposed construction of a development in the Town of Chautauqua known as the Mandolin Ridge Development (Development) which will have approximately fifty-seven (57) residential lots and three (3) commercial lots; and

WHEREAS, Developer and two nearby property owners have requested that the bounds of the NCLSD be extended to include their lots; and

WHEREAS, the Town of Chautauqua, as the State Environmental Quality Review Act (SEQRA) Lead Agency, conducted a SEQRA review for the Development, including preparation of a Full Environmental Assessment Form (FEAF), and found that the proposed action is a "Type I" action under SEQRA and that the action will not result in any significant adverse environmental impacts; and

WHEREAS, the Town of Chautauqua SEQRA review did not include extension of NCLSD bounds to encompass the property in which the Development sits, which extension renders the NCLSD a SEQRA Involved Agency for the Development project; and

WHEREAS, the NCLSD Board and the County Law Department have reviewed the proposed Development project, have reviewed the project FEAF and supporting documentation,

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

copies of which are on file with the Clerk of the County Legislature, and concur that the project, including extension of NCLSD bounds, is a “Type I” action, and that there is no or very low probability of any significant adverse impact on the environment; and

WHEREAS, considered independently, the District’s extension of its bounds to include the Development would be a Type II Action not subject to further review; and

WHEREAS, considered independently, extension of District bounds to include the residential lot situated adjacent to the Development (SBL 297.00-1-48) would be a “Type II” action under SEQRA and not subject to further review, in that the Legislature’s approval of extension of District bounds to include this lot is for purposes of the provision of necessary sewer utility connections for a single-family residence on an approved lot (6 NYCRR 617.5(11), (13) and (33)); and

WHEREAS, considered independently, extension of District bounds to include Chautauqua Institution’s parking lot across the street from the Development (SBL 297.00-1-19) would not be an “Action” under SEQRA because it does not involve a project or other physical activity that may affect the environment (6 NYCRR 617.2(b)), there being no improvement on the lot with the potential to connect to District infrastructure, and Chautauqua Institution’s future construction of a building or other improvement will be subject to separate, project and site-specific environmental review; now therefore be it

RESOLVED, That in consideration of the FEAF, 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 extension of District Bounds will not result in any significant adverse environmental impacts; and be it further

RESOLVED, that the Chautauqua County Legislature has determined that the proposed extension of the boundary of the North Chautauqua Lake Sewer District to include the Mandolin Ridge Development, a Chautauqua Institution parcel, and a single privately owned parcel, will not have a significant impact, and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

Signed: Parker, Davis, Scudder, Gould

RES. NO. 141-22

Determinations in Relation to Extension of North Chautauqua Lake
Sewer District Bounds to encompass the Mandolin Ridge Development and
Adjacent Parcels in the Town of Chautauqua

By Public Facilities Committee:

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 113-22 calling a public hearing for the purpose of considering a proposal to extend the North Chautauqua Lake Sewer District (NCLSD) bounds in the Town of Chautauqua to encompass the Mandolin Ridge Development, a Chautauqua Institution Property, and an Adjacent Property; and

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

WHEREAS, notice of said public hearing was duly published and mailed as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, Mayville, New York on May 25, 2022 at 6:35 PM, prevailing time; and

WHEREAS, the Legislature has duly considered the Map, Plan and Report filed with it by the County Sewer Agency dated March 2022 relating to the proposed extension of NCLSD bounds (Map, Plan and Report), as well as the testimony and other information received by it at the public hearing and otherwise; now therefore be it

RESOLVED, upon the Map, Plan and Report and other data filed with it, the Legislature hereby determines in accordance with County Law §§274 and 256:

1. The proposed facilities for the extension of NCLSD bounds are satisfactory and sufficient.
2. All of the property and property owners within the proposed NCLSD boundary extension are benefitted thereby.
3. All of the property and property owners benefitted are included within the limits of the proposed NCLSD boundary extension.
4. It is in the public interest to extend the NCLSD boundary as proposed.
5. There are no proposed zones of assessment.
6. The proportion of the cost of the system of the original District to be included in the cost of the extension shall be zero.

; and be it further

RESOLVED, That the extension of NCLSD bounds in the Town of Chautauqua in the vicinity of the Mandolin Ridge Development with boundaries as described in the Map, Plan and Report and in the Notice of Public Hearing are hereby approved; and be it further

RESOLVED, That to the extent the cost of the improvements and the expense of operation and maintenance are not paid from the revenues of the NCLSD, they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the NCLSD will derive therefrom; and be it further

RESOLVED, That this resolution is subject to permissive referendum pursuant to County Law §§ 101, 102, 256, 257, and 274 and the Clerk of the Legislature is directed to cause a notice to be published at least once in the official newspapers of the County within ten (10) days after the adoption of this resolution, such notice to contain the number, date of adoption, a true copy of the resolution and a statement that such resolution is subject to a permissive referendum, and the Clerk of the Legislature is further directed to prepare and have available for distribution proper forms for such petition; and be it further

RESOLVED, That in the event no valid petition requesting a referendum vote is filed and the time for doing so has expired, or if a referendum vote is held and the NCLSD extension is approved, the Clerk of the Legislature shall within ten days cause a certified copy of this Resolution to be recorded in the office of the County Clerk and in the office of the state department of audit and control at Albany, New York, pursuant to County Law §259.

Signed: Parker, Davis, Scudder, Gould

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 142-22

Authorize Supplemental Agreement No.3 with NY State DOT
for Performance of Federal Aid Project PIN 5761.82

By Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolutions 161-17, 68-21,18-22 and 61-22, the Chautauqua County Legislature approved the Replacement of County Bridge 1082, Foote Ave (the Project) and committed to \$2,470,000 to cover 100% of the Project’s Preliminary Engineering Design I-VI and Right-of-Way Incidental Phases and Construction/Construction Inspection Phases; and

WHEREAS, the New York State Department of Transportation has issued Supplemental Agreement No. 3, with funding under title 23 U.S. Code, for the Construction/Construction Inspection Phases, which now calls for the apportionment of the costs of such program, now estimated to be \$2,884,000, to be \$2,307,200 Federal Funds, \$304,500 State Marchiselli funds, and \$272,300 local funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project PIN 5761.82; and

WHEREAS, the local share is now calculated to increase by \$82,800; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceed the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County’s first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2022 Adopted Budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements, County Bridge Program	\$ 82,800
--------------	--	-----------

DECREASE REVENUE ACCOUNT:

D.9901.----.R503.1000	Interfund Transfers—Interfund Transfer	\$ 82,800
-----------------------	--	-----------

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4	Contractual – Capital Improvements, Funded Bridge Program	\$414,000
--------------	--	-----------

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R503.1000	Interfund Transfers—Interfund Transfer	\$ 82,800
D.5112.389.R458.9002	Federal Aid--Surface Transp Program	<u>\$331,200</u>
	Total	\$414,000

Signed: Wilfong, Parker, Davis, Scudder, Gould, Harmon, Niebel

RES. NO. 143-22

Authorize Agreement Between Chautauqua County EMS and Celoron Fire
District for ALS-BLS Joint Prehospital Service Agreement

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County Emergency Management Services (CCEMS) and the
Celoron Fire District both operate emergency ambulance services; and

WHEREAS, CCEMS can supply Advanced Life Support (ALS) services in addition to
the Fire District Basic Life Support (BLS) services; and

WHEREAS, CCEMS already contracts with an outside agency for billing for ambulance
services and can assume billing for Celoron Fire District ambulance services, with funds to be
accounted according to negotiated rates; therefore be it

RESOLVED, The County Executive is authorized to enter into an agreement with the
Celoron Fire District wherein CCEMS will collaborate to supply ALS services on Celoron Fire
District ambulance runs, as needed, and that CCEMS will undertake billing for Celoron Fire
District ambulance services.

Signed: Whitford, Bankoski, Proctor, Niebel, Wilfong, Harmon, Gould

RES. NO. 144-22

Authorize Agreements with Various School Districts for School
Resource Officer Services 2022-2023

By Public Safety and Audit & Control Committees:

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

WHEREAS, various school districts have requested the Chautauqua County Office of the
Sheriff provide School Resource Officers during the term of July 1, 2022 through June 30, 2023
school year; and

WHEREAS, the Chautauqua County Sheriff has negotiated tentative agreements with
these entities for the period of July 1, 2022 through June 30, 2023 for estimated costs not to
exceed amounts listed, based on a per deputy rate of \$100,847:

Silver Creek Central School \$100,847

Forestville Central School \$100,847

Brocton Central School \$100,847

BOCES (2 deputies) \$201,694

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

; and

WHEREAS, these revenues are included in the 2022 Adopted Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with these entities for School Resource Officer services as set forth above with revenues to be credited to revenue account A.3110.R226.0000.

Signed: Whitford, Bankoski, Proctor, Harmon, Niebel, Wilfong, Gould

RES. NO. 145-22
Amend 2022 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 to offset said expenses; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.E911.4	Contractual – Publ Safety Communication – E911 System	\$49,283
A.3020.W911.4	Contractual – Publ Safety Communication – E911 Wireless	\$49,283
	Total	\$98,566

INCREASE REVENUE ACCOUNTS:

A.3020.E911.R114.0000	Non Property Tax Items – Surchg: Emerg Phone Sys	\$49,283
A.3020.W911.R114.0000	Non Property Tax Items – Surchg: Emerg Phone Sys	\$49,283
	Total	\$98,566

Signed: Whitford, Bankoski, Proctor, Harmon, Niebel, Wilfong, Gould

RES. NO. 146-22
Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Equipment and Contractual Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, due to an error in the categorization of an equipment purchase in the 2022 Adopted Budget, actual equipment expenditures for Public Health Administration are expected to be in excess of the budgeted amount; and

WHEREAS, due to the same error in the categorization of an equipment purchase in the 2022 Adopted Budget, actual contractual expenditures for Public Health Administration are expected to be less than the budgeted amount; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2022 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.2 Equipment—Public Health Administration \$300,000

DECREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual—Public Health Administration \$300,000
Signed: Gould, Niebel, Wilfong, Pavlock, Whitford, Torres, Rankin, Proctor, Harmon

RES. NO. 147-22

Accept Grant Funding from the New York State Department of State for
Chautauqua County Consolidated Code Enforcement Study

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Department of Planning and Development (hereinafter called “CCDPD”) has been exploring the practicality of, and specific action steps necessary to, ensure a more effective means of code enforcement and compliance across Chautauqua County; and

WHEREAS, the CCDPD has conducted a preliminary survey of county and municipal officials, as well as code enforcement officers (hereinafter called “CEOs”) to gauge the current state of service delivery, costs, and interest in development of a menu of potential shared service options among individual municipalities and potentially the County itself; and

WHEREAS, based on these survey results, large support was received to move forward with a grant application through New York State Department of State’s (hereinafter called “NYSDOS”) Local Government Efficiency Program to fund a Chautauqua County Consolidated Code Enforcement Study; and

WHEREAS, the County was awarded a \$32,500 grant (Contract # T1002103) from the NYSDOS for the Chautauqua County Consolidated Code Enforcement Study through the Local Government Efficiency Program; and

WHEREAS, the cost of the project is estimated to be \$65,000, funded 50% from the NYSDOS from the Local Government Efficiency Program and 50% from local sources; and

WHEREAS, the County’s \$32,500 share of the local match is included in the 2022 Adopted Budget; and

WHEREAS, the County is required to officially accept the NYSDOS funding and establish the revenue and expense accounts; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYSDOS funding, and execute all agreements necessary to implement Chautauqua County Consolidated Code Enforcement Study; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2022 Adopted Budget:

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4 Contractual – Planning \$32,500

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.8020.----.R308.9000 NYS Aid—Other State Aid \$32,500

Signed: Lawton, Penhollow, Rankin, Harmon, Wilfong, Niebel, Gould

RES. NO. 148-22

Amend 2022 Budget to Implement the Broadband Infrastructure
Project within the Chautauqua County American
Rescue Plan Act (ARPA) Spending Plan

By Planning and 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, Chautauqua County received an award of ~~\$24,600,000~~ \$24,649,420 in ARPA funding, *all* 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, an ARPA working group consisting of the County Executive, several legislators, and several department heads worked for many months to create an ARPA Spending Plan (Plan) consisting of priority projects to address the key strategic categories as defined by the Department of Treasury, to be sustainable, and to have a County-wide impact; and

WHEREAS, the Plan, consisting of the priority projects, was thoroughly reviewed by the ARPA working group, the County Executive, and the County Legislature and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, the Broadband Infrastructure Project (Project #11), identified as one of the priority projects recommended in Resolution 202-21, is a project that will have many community and economic development benefits; and

WHEREAS, the County desires to contract with the County of Chautauqua Industrial Development Agency and/or Chautauqua Regional Economic Development Corporation (CCIDA/CREDC), who are highly qualified to administer this project, and who may utilize an expert consultant to assist in seeking and securing funding from the myriad of sources available to communities like ours, and also assist in overseeing the process of rolling out the broadband program in Chautauqua County; and

WHEREAS, CCIDA/CREDC will work with the County Executive, Legislature, County Planning staff, and others to effectively and efficiently expand broadband offerings to unserved and underserved communities, while simultaneously leveraging the ARPA funding to secure other sources of state and federal broadband funding; and, more specifically, the CCIDA/CREDC team

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

will do what is necessary to identify and work with the various stakeholders to define a strategic solution and accompanying action plan for implementation; develop a funding strategy based on available funding opportunities; assist in the development and submission of grant proposals; and assist in RFP and vendor solicitation; and

WHEREAS, budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into contract(s) with CCIDA and CREDC as necessary to implement the Broadband Infrastructure Project; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget in order to allocate funding to CCIDA/CREDC to initiate the process of implementing the Broadband Infrastructure Project:

INCREASE APPROPRIATION ACCOUNT:

A.6420.COMC.4	Contractual—Promotion of Industry- Community Contracts	\$2,500,000
---------------	---	-------------

INCREASE REVENUE ACCOUNT:

A.6420.COMC.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$2,500,000
-----------------------	------------------------------------	-------------

Signed: Gould, Lawton, Penhollow, Rankin, Harmon, Wilfong, Niebel (A.C. – Amended with strike though and new text)

RES. NO. 149-22

Authorizing the Submittal of a New York State CDBG-CV Grant to
Repair and Renovate Affordable Housing

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the NYS Homes and Community Renewal’s Office of Community Renewal (OCR) administers CDBG funding to support communities throughout the state by providing funding for decent housing and suitable living environments for low-and moderate-income persons; and

WHEREAS, The 2020 Coronavirus Aid, Relief, and Economic Security Act, or commonly referred to as the CARES Act, allows CDBG-CV funds to be used to prepare, prevent, and/or respond to the COVID-19 pandemic; and

WHEREAS, Chautauqua County (“the County”) desires to partner with Chautauqua Opportunities, Inc. (“COI”) as a subrecipient to apply for CDBG-CV funds through the New York State Office of Community Renewal (“OCR”) for grant funding up to \$300,000 to establish repair and renovate COI-owned affordable housing units on Arrowhead Drive in the Town of Dunkirk; and

WHEREAS, if awarded, the County will not be responsible for any local matching share requirements; and

WHEREAS, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the proposed microenterprise program; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RESOLVED, That the County is hereby authorized to submit a grant application in the amount of up to \$300,000 with such amount to be used to repair and renovate affordable housing and fund the costs of grant administration and program activities; and be it further

RESOLVED, That the County Executive is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant; and be it further

RESOLVED, That if awarded, the County Executive is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with COI relating to the use and administration of the grant funds.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon, Niebel, Gould

RES. NO. 150-22

Authorizing Approval of Agricultural District State Environmental
Quality Review Act (SEQRA) Cooperative Agreement with NYS
Department of Agriculture & Markets

By Planning and Economic Development Committee:

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

WHEREAS, the New York State Department of Agriculture and Markets (hereinafter referred to "AGM") and Chautauqua County Legislature (hereinafter referred to "County") are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter referred to "SEQRA") and its implementing regulations (Title 6 of the New York Code of Rules and Regulations, Part 617) that requires agencies to review environmental impact in its related planning and decision-making processes; and

WHEREAS, the Agricultural District Law, Article 25AA Agriculture and Markets Law (AML) established a process by which county legislative bodies may create, review, modify consolidate or terminate Agricultural Districts through the State, that the Commissioner of AGM then certifies; and

WHEREAS, the New York State Department of Environmental Conservation (hereinafter referred to "DEC") has determined that the creation, modification, consolidation, termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA; and

WHEREAS, AGM and the County wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural District Law; and

WHEREAS, the DEC has promulgated regulations pursuant to SEQRA which strongly encourage agencies to enter into cooperative agreements with other agencies regularly involved in carrying out or approving the same actions for the purpose of coordinating their procedure; and

WHEREAS, the required public hearing was held on May 25, in order to receive comments; therefore it be

RESOLVED, That the County Executive is authorized and empowered on behalf of Chautauqua County to enter into a cooperative agreement with AGM, that includes, but is not limited to, coordinated review for purposes of conducting SEQR review for actions taken under the Agricultural District Law, and the use of the short environmental assessment form for agricultural districts; and be it further

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RESOLVED, That the Clerk of the Legislature be and hereby is directed to file this resolution, cooperative agreement, and all things necessary to be filed with the Commissioner of Agriculture and Markets and Commissioner of Environmental Conservation.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

RES. NO. 151-22

Accept State Environmental Quality Review (SEQR) for the Adoption of the Chautauqua County Agricultural Development and Enhancement Strategy

By Planning and Economic Development Committee:

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

WHEREAS, Article 25AA Section 324 of the New York State Agriculture and Markets Law authorizes the County Agricultural and Farmland Protection Board to develop agricultural and farmland protection plans; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Conservation Law the adoption of a municipality's land use plan or a comprehensive resource management plan is subject to the provision of the State Environmental Quality Review (hereinafter called "SEQR"); and

WHEREAS, pursuant to Resolution No. 111-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for the Adoption of the Chautauqua County Agricultural Development and Enhancement Strategy (hereinafter called "CCADES"), and as lead agency must evaluate the environmental impact of adopting this plan; and

WHEREAS, the Chautauqua County Department of Planning and Development (hereinafter called "CCDPD") has prepared a Full Environmental Assessment Form (hereinafter called "FEAF") for consideration by the Chautauqua County Legislature with said FEAF indicating that the probability of any adverse impact of adopting the CCADES is very low; and

WHEREAS, the CCDPD sent lead agency notices to involved and interested parties and comments were to be submitted to the Chautauqua County Department of Planning and Development; and

WHEREAS, the Chautauqua County Legislature has reviewed the FEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the adoption of the CCADES will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action; and be it further

RESOLVED, That the Clerk of the Legislature be and hereby is directed to file the notice of Type I negative declaration in the Environmental Notice Bulletin (ENB) as required by 6C CRR-NY Part 617.12 (c) 1.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 152-22

Adoption of Chautauqua County Agricultural Development
and Enhancement Strategy

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Article 25AA Section 324 of the New York State Agriculture and Markets Law authorizes the County Agricultural and Farmland Protection Board (hereinafter called “AFPB”) to develop agricultural and farmland protection plans; and

WHEREAS, the current Chautauqua County Farmland Protection Plan (hereinafter called “CCFPP”) was adopted in 2000 and reflects agricultural and economic information that is outdated and no longer useful as Chautauqua County’s agricultural industry and agricultural markets have changed over the past twenty-two years, creating new and evolving challenges; 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

WHEREAS, pursuant to Resolution No. 244-18, the Chautauqua County Legislature authorized the County to submit an application for funding for County Agricultural and Farmland Protection Planning Grants from the New York State Department of Agriculture and Markets; and

WHEREAS, pursuant to Resolution No. 253-19, the Chautauqua County Legislature officially accepted the County Agricultural and Farmland Protection Planning Grant from the New York State Department of Agriculture and Markets in the amount of \$50,000; and

WHEREAS, pursuant to Resolution No. 17-21, the Chautauqua County Legislature officially accepted the Chautauqua Region Community Foundation \$30,000 grant to be used towards the required match for this project; and

WHEREAS, the Department of Planning and Development, Cornell Cooperative Extension of Chautauqua County, Chautauqua County Farmland Protection Plan Steering Committee and the AFPB undertook updating the CCFPP; and

WHEREAS, the AFPB conducted two public hearings to solicit citizen views and recommendations as required by 1 CRR-NY 390.3 (b) 1; and

WHEREAS, the AFPB was presented an updated CCFPP entitled “Chautauqua County Agricultural Development and Enhancement Strategy” by the consultants Agricultural and Community Development Services (ACDS), LLC and voted to recommend the updated plan to the Legislature as such plans must be submitted to the County Legislative body for its approval; and now therefore be it

RESOLVED, That the Chautauqua County Legislature adopts “Chautauqua County Agricultural Development and Enhancement Strategy” as the Agricultural and Farmland Protection Plan for Chautauqua County; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file this resolution, “Chautauqua County Agricultural Development and Enhancement Strategy,” and all things necessary to be filed with the Commissioner of Agriculture and Markets for final approval.

Signed: Niebel, Gould, Lawton, Penhollow, Rankin, Wilfong, Harmon

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 153-22

Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Lake Effect Trail Breakers, Inc. Proposed Trail TBD – Harris Hill State Forest

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called “SEQR”) requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 106-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2022, and as lead agency must evaluate the environmental impacts of any new proposed snowmobile trail; and

WHEREAS, the Lake Effect Trail Breakers, Inc. (hereinafter called “LETB”) snowmobile club has established Trail TBD in the Harris Hill State Forest in the Towns of Ellington and Gerry, approximately 5.3 miles long connecting existing snowmobile trail C1D to existing snowmobile trail S18 with a connection to the East Overland Trails parking; and

WHEREAS, the proposed Trail TBD encompasses ten landowners with the majority of the trail occurring in the Harris Hill State Forest owned by the State of New York and the LETB trail captains have worked with the landowners involved to establishing this trail utilizing existing trails and farm fields; and

WHEREAS, The Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called “SEAF”) for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of proposed Trail TBD – Harris Hill State Forest is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the proposed Trail TBD – Harris Hill State Forest will not have a significant impact and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 154-22

Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Lake Effect Trail Breakers, Inc. Trail C1D GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 106-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2022, and as lead agency must evaluate the environmental impacts of any modification; and

WHEREAS, the Lake Effect Trail Breakers, Inc. snowmobile club has modified trail C1D in the Towns of Ellicott and Gerry and moved the trail north due to changes in landowners; and

WHEREAS, The Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C1D is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C1D will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

RES. NO. 155-22

Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail S16A GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

WHEREAS, pursuant to Resolution 106-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2022, and as lead agency must evaluate the environmental impacts of any modification; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. snowmobile club has modified trail S16A in the Town of Cherry Creek and moved the trail north to the Deermtont Road right of way as requested by the landowners; and

WHEREAS, The Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail S16A is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail S16A will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

RES. NO. 156-22

Accept State Environmental Quality Review (SEQR) Determination for the
New York State Snowmobile Trails Grant-in-Aid Program for Lake Effect
Trail Breakers, Inc. Proposed Trail TBD – Cockaigne

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 106-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2022, and as lead agency must evaluate the environmental impacts of any new proposed snowmobile trail; and

WHEREAS, the Lake Effect Trail Breakers, Inc. (hereinafter called "LETB") snowmobile club has established Trail TBD to Cockaigne in the Towns of Cherry Creek and Ellington, approximately 1 mile long connecting existing snowmobile trail C1 to existing snowmobile trail S16A with a connection to Cockaigne Resort; and

WHEREAS, the proposed Trail TBD encompasses two landowners and the LETB trail captains have worked with the landowners involved to establishing this trail utilizing existing trails and roadways within Cockaigne Resort; and

WHEREAS, The Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of proposed Trail TBD – Cockaigne is very low; and

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the proposed Trail TBD – Cockaigne will not have a significant impact and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

RES. NO. 157-22

Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trails Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C1/C4 GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called “SEQR”) requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 106-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2022, and as lead agency must evaluate the environmental impacts of any modification; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. snowmobile club has modified trail C1/C4 in the Towns of Arkwright and Charlotte and have moved the trail north out of the Boutwell Hill State Forest on to a private landowner’s property to avoid windmill construction/traffic; and

WHEREAS, The Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called “SEAF”) for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C1/C4 is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C1/C4 will not have a significant impact and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

RES. NO. 158-22

Accept State Environmental Quality Review (SEQR) Determination for the
New York State Snowmobile Trails Grant-in-Aid Program for Cherry Creek
Sno-Goers, Inc. Trail C1F GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 106-22, Chautauqua County Legislature designated itself lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2022, and as lead agency must evaluate the environmental impacts of any modification; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. snowmobile club has modified trail C1F in the Town of Arkwright and moved the trail west of Putman Road as requested by the landowners; and

WHEREAS, The Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C1F is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C1F will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon

RES. NO. 159-22

Authorizing SEQRA Review of Waterways Panel 2023 2%
Occupancy Tax Recommendations

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, thirteen applications for the 2023 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the thirteen requests; and

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

RESOLVED, That the Chautauqua County Legislature requests the Division of Planning and Community Development to arrange New York State Environmental Quality Review Act

CHAUTAUQUA COUNTY LEGISLATURE

5/25/22

(SEQRA) review of the projects recommended by the Waterways Panel for 2023 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Clementi – Mud Creek	1	\$32,266.58	\$32,266.58
Chautauqua Escapes – Stormwater Management	2	\$30,000.00	\$30,000.00
Village of Silver Creek – Walnut Creek	3	\$30,000.00	\$30,000.00
Victoria – Stormwater Management	4	\$20,000.00	\$20,000.00
Bart’s Cove – Lake Erie	5	\$21,226.43	\$21,226.43
Watershed Friendly Landscapes	6	\$29,953.35	\$29,953.35
Giacchino – Canadaway Creek	7	\$30,000.00	\$30,000.00
Montgomery – Bemus Creek	8	\$40,000.00	\$40,000.00
Boat Stewards	9	\$39,972.50	\$ 0
Big Inlet Brewing – Stormwater Management	10	\$40,000.00	\$ 0
Abinader – Prendergast Creek	11	\$40,000.00	\$ 0
Powall – Chautauqua Lake	12	\$21,426.00	\$ 0
Emergency Erosion Control	13	\$25,000.00	\$ 0
TOTALS		\$399,844.86	\$233,446.36

Signed: Lawton, Penhollow, Rankin, Wilfong, Harmon, Niebel, Gould

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Proclaiming June 19, 2022 as JUNETEENTH in Chautauqua County

AT THE REQUEST OF: Legislators Bankoski, Lawton, Parker, Rankin, Torres and Wilfong:

WHEREAS, our Juneteenth National Independence Day, otherwise known simply as Juneteenth and celebrated each year on June 19th, is a national celebration of the freeing of our country’s enslaved people by way of Abraham Lincoln’s Emancipation Proclamation; and

WHEREAS, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863 as a strategic wartime effort to cripple the Southern economy and recruit much-needed “Freedmen” soldiers as Union troops; and

WHEREAS, the Emancipation Proclamation did not free all the people enslaved in the United States, but only those enslaved in the eleven Confederate states (and the areas within those states not under Union Army control); and

WHEREAS, the people enslaved in Texas were made unaware of the Emancipation Proclamation and their freedom until June 19, 1865 when Union troops arrived in Texas two and a half years following the Proclamation’s effective date and two months after the Civil War ended in April 1865; and

WHEREAS, human enslavement remained otherwise legal and within the “loyal” Union enslaving states of Maryland, Delaware, Kentucky, and Missouri throughout the Civil War and did not end in the whole of the United States until passage of the 13th Amendment to the United States Constitution on December 6, 1865; and

WHEREAS, Juneteenth has become a day of profound weight and power; a day in which we remember the moral stain and terrible toll of human enslavement on our country — what is so often called America’s original sin — a long legacy of systemic racism, inequality, and inhumanity; and

WHEREAS, Juneteenth’s profound weight and power also recognizes and celebrates the strength and indomitable human spirit of Black Americans especially and is a day of opportunity for all Americans to recommit ourselves to the work of equity, equality, and justice and continue to make real the ideals of our founding documents; and

WHEREAS, Juneteenth has been celebrated formally in Chautauqua County since 1996, declared a New York State Holiday in 2020, and declared a National Holiday in 2021; now therefore

LET IT BE KNOWN, That the Chautauqua County Legislature, hereby recognizes and celebrates and proclaims June 19, 2022 as Juneteenth in Chautauqua County; and be it further

LET IF FURTHER BE KNOWN, That the Chautauqua County Legislature urges all residents to remember our country’s history represented in this day and celebrate and recommit ourselves to the work of equity, equality, and justice that Juneteenth represents.