

CHAUTAUQUA COUNTY LEGISLATURE

6/22/2022

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 HEMMER

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 5/25/22

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 5/25/22**

COMMENDATIONS:

CERTIFICATE AWARDS

To High School

VALEDICTORIANS and SALUTATORIANS

By

Chairman Pierre E. Chagnon

County Executive Paul M. Wendel, Jr.

SCOTT CUMMINGS

By

Chairman Pierre E. Chagnon

County Executive Paul M. Wendel, Jr.

COMMUNICATIONS:

- 1. Affidavit of Publication (2) – Legal Notice- Publication of Resolution No. 141-22 (Post-Journal and Observer)**
- 2. Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: Extension of South Chautauqua Lake Sewer District (Post-Journal and Observer)**
- 3. Affidavit of Publication (2) – Legal Notice – Public Hearing of Local Law Intro No. 4-22 (Post-Journal and Observer)**
- 4. Letter – Department of Planning and Development – Chautauqua County Ag. Development & Enhancement Strategy 2022**

CHAUTAUQUA COUNTY LEGISLATURE

6/22/2022

To View the Meeting on-line go to

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

- 5. Letter – Western Regional Off-Track Betting Corporation – Invitation to Annual Legislative Night at the Races**
- 6. Report – Finance Director Crow – March 2022 Investment Report**
- 7. Report – NYS Department of Taxation and Finance – 2022 State Equalization Rates**

6:35 P.M.

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

LOCAL LAW INTRO. 5-22 – A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (re: Director of Emergency Services and Workplace Safety)

RESOLUTIONS:

- 160-22 Authorize Entering into an Inter-Municipal Agreement with the City of Jamestown for Performance of Federal-Aid Project PIN 5761.83**
- 161-22 Adjust D5112-Capital Improvement Accounts**
- 162-22 Determinations in Relation to the Extension of South Chautauqua Lake Sewer District Bounds from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake**
- 163-22 A Resolution Authorizing the Issuance of \$24,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County**
- 164-22 Establishment of Capital Accounts for South Chautauqua Lake Sewer District (SCLSD) Extension Phase 2**
- 165-22 Distribution of Mortgage Taxes**
- 166-22 Authorizing 2023 Levy of Participant's Share of Chautauqua County Self Insurance Plan (Workers' Compensation) Costs**
- 167-22 Amend 2022 Budget for Office of the Sheriff**
- 168-22 Authorize Acceptance of 2022-2023 Aid to Prosecution Funds**
- 169-22 Emergency Services 2022 Budget Adjustments**
- 170-22 Amend 2022 Budget Appropriations to Include Office of Mental Health (OMH) School Based Mental Health Grant Allocation**
- 171-22 Amend 2022 Adopted Budget for Mental Hygiene Department Due to Leasehold Improvements**

CHAUTAUQUA COUNTY LEGISLATURE

6/22/2022

To View the Meeting on-line go to

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

- 172-22 Amend 2022 Budget Appropriations to Include Additional IGT Matching Funds**
- 173-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for National Association of County & City Health Officials (NACCHO) Vector Control Collaborative Mentorship Program Funding**
- 174-22 To Accept New York State Department of Health (NYSDOH) State Indoor Radon Grants Program Funding**
- 175-22 To Amend 2022 Budget for Implement the Community Contracts/ PH Emergency Response Planning & Preparation Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**
- 176-22 Environmental Assessment of Projects for 2023 2% Occupancy Tax Projects**
- 177-22 Authorize Public Hearings Relating to Reapportionment of County Legislature Districts**

MOTION:

- A. In Support of Assembly Bill A9990 and Senate Bill S8999 to Allow New York State-Produced Whole and 2% Milk Back Into Schools**

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. 5-22
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A
MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: DIRECTOR OF EMERGENCY SERVICES AND WORKPLACE SAFETY)

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan set forth in Local Law 7-90, and as amended, to set the salary for the Director of Emergency Services and Workplace Safety.

Section 2. Salary Levels.

The title of Director of Emergency Services and Workplace Safety shall be placed in Range 9 (\$67,272 - \$103,302) of the 2022 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Sponsored by Legislator Scudder

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

RES. NO. 160-22

Authorize Entering into an Inter-Municipal Agreement with the City of Jamestown for Performance of Federal-Aid Project PIN 5761.83

By Public Facilities Committee:

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

WHEREAS, the Project for the Replacement of the County Bridge 1080, Hopkins Ave. over Chadakoin River, BIN 2258430, in the City of Jamestown, Chautauqua County, PIN 5761.83 (the Project) is currently under design; and

WHEREAS, the County of Chautauqua will complete the design, let and construct the Project; and

WHEREAS, because work required in the replacement of County Bridge 1080 will occur within properties owned by the City of Jamestown, permission from the City of Jamestown is required to allow the County access for construction activities; and

WHEREAS, it is necessary to enter into an Inter-Municipal Agreement with the City of Jamestown for this Project; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves entering into an Inter-Municipal Agreement for the Project; and it is further

RESOLVED, That the County Executive be authorized to enter into the necessary Inter-Municipal Agreement with the City of Jamestown.

Signed: Scudder, Hemmer, Gould, Parker

RES. NO. 161-22

Adjust D5112-Capital Improvement Accounts

By Public Facilities and Audit and 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, New York State's fiscal year 2022-23 Budget provides \$100 Million to counties, cities, towns, and villages for a new Pave Our Pothole (POP) Program to resurface and renew the worst roadway pavement in the State; and

WHEREAS, the County of Chautauqua has an apportionment under the POP Program in the amount of \$850,351.63; 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:

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

ESTABLISH AND INCREASE REVENUE ACCOUNT:

D.5112.391.R350.POP	New York State Aid-NYS Aid-Pave Our Potholes (POP)	\$850,351
---------------------	--	-----------

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual-Capital Improvements, Highway Improvements	\$850,351
--------------	--	-----------

Signed: Scudder, Hemmer, Gould, Parker, Pavlock, Wilfong, Niebel, Harmon

RES. NO. 162-22

Determinations in Relation to the Extension of South Chautauqua Lake Sewer District Bounds 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, the Chautauqua County Legislature adopted Resolution 139-22 calling a public hearing for the purpose of considering a proposal to extend South Chautauqua Lake Sewer District (SCLSD) bounds along the west side of Chautauqua Lake to the southern bounds of the North Chautauqua Lake Sewer District (NCLSD); and

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 June 22, 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 April 18, 2022 relating to the proposed extension of the SCLSD 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 SCLSD bounds are satisfactory and sufficient.
2. All of the property and property owners within the proposed SCLSD boundary extension are benefitted thereby.
3. All of the property and property owners benefitted are included within the limits of the proposed SCLSD boundary extension.
4. It is in the public interest to extend the SCLSD as proposed.
5. The zones of assessment within the area of the proposed extension of the SCLSD and the allocation of the costs of the facilities thereto represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in such zones will derive therefrom.
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

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

RESOLVED, That the extension of SCLSD bounds to the southern bounds of the NCLSD as described in the Map, Plan and Report and in the Notice of Public Hearing and the construction of the improvements described in the Map, Plan and Report for a maximum amount to be expended of \$24,000,000 are hereby approved; and be it further

RESOLVED, That the establishment of the initial zones of assessment within the area of the proposed extension of the Districts and the initial allocation of the costs of the facilities as between said zones of assessment 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 that the cost of the improvements and the expense of operation and maintenance are not paid from the revenues of the SCLSD, they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the SCLSD 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 SCLSD 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: Scudder, Hemmer, Gould, Parker, Pavlock, Wilfong, Niebel, Harmon

RES. NO. 163-22

A Resolution Authorizing the Issuance of \$24,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County

By Public Facilities and Audit & Control Committees:

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing and undertaking of such capital project; NOW THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of improvements for the extension of the South Chautauqua Lake Sewer District to be located in the Towns of North Harmony and Chautauqua, in and for the County of Chautauqua, New York, including installation of new facilities for the sewer extension that include gravity and/or pressure sewers, pumping stations, as well as incidental improvements and expenses in connection therewith, is hereby authorized at

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

a maximum estimated cost of \$24,000,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$24,000,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received, including estimated American Rescue Plan Act (ARPA) funds of up to \$7,045,342 set aside by the County Legislature for this project.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The Director of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from assessments within the Extension or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. No expenditure shall be made or contract let for the purpose authorized by this bond resolution unless and until the State Comptroller shall consent to such expenditure.

Section 11. This resolution, which takes effects immediately, shall be published in summary form in the official newspapers of Chautauqua County, together with a notice of the clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Scudder, Hemmer, Gould, Parker, Pavlock, Wilfong, Niebel, Harmon

RES. NO. 164-22

Establishment of Capital Accounts for South Chautauqua Lake Sewer District (SCLSD)
Extension Phase 2

By Public Facilities and Audit and Control Committees:

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

WHEREAS, pursuant to Resolution SCLSD-June 1, the County Legislature determined it was in the public interest 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; and

WHEREAS, it is appropriate to establish capital accounts for the undertaking of the work; and

WHEREAS, the financing of the work will be accomplished by a combination of grants, American Rescue Plan Act (ARPA) funds, loan funding, and bonds, but the exact dollar amount of each revenue source is not known so the revenue budgets cannot be established at this time; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to establish accounts for the District’s capital improvements, as follows:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

ESS.8130.27006.4	Contractual—Sewage Treatment—	
	SCLSD Extension	Phase 2 (2022) \$24,000,000

Signed: Scudder, Hemmer, Gould, Parker, Pavlock, Wilfong, Niebel, Harmon

RES. NO. 165-22

Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

Director of Finance for the distribution to said municipalities of all monies due pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2021 through March 31, 2022

TOWNS		CITIES	
Arkwright	\$7,313.22	Dunkirk	\$56,281.79
Busti	\$81,712.64	Jamestown	\$124,957.91
Carroll	\$30,292.18		
Charlotte	\$4,679.26	TOTAL	\$181,239.70
Chautauqua	\$90,709.96		
Cherry Creek	\$7,319.31		
Clymer	\$11,500.53		
Dunkirk	\$10,918.00		
Ellery	\$73,593.92		
Ellicott	\$124,283.03		
Ellington	\$8,169.24		
French Creek	\$9,012.93		
Gerry	\$16,410.45		
Hanover	\$58,393.99		
Harmony	\$10,279.89		
Kiantone	\$10,152.47		
Mina	\$14,686.18		
North Harmony	\$30,004.74		
Poland	\$8,930.33		
Pomfret	\$92,396.25		
Portland	\$28,980.56		
Ripley	\$13,041.16		
Sheridan	\$25,604.19		
Sherman	\$9,206.74		
Stockton	\$13,889.96		
Villanova	\$4,884.42		
Westfield	\$33,748.71		
TOTAL	\$830,114.26		
GRAND			
TOTAL			\$1,146,056.88

VILLAGES

Bemus Point	\$4,987.04
Brocton	\$2,638.98
Cassadaga	\$2,498.83
Celoron	\$9,524.81
Falconer	\$13,782.43
Fredonia	\$46,602.85
Lakewood	\$24,472.23
Mayville	\$7,045.68
Panama	\$1,227.05
Sherman	\$1,577.21
Silver Creek	\$6,787.92
Sinclairville	\$1,163.54
Westfield	\$12,394.35
TOTAL	\$134,702.92

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

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

RES. NO. 166-22

Authorizing 2023 Levy of Participant's Share of Chautauqua County Self Insurance Plan
(Workers' Compensation) Costs

By Administrative Services and Audit & Control Committees:

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

RESOLVED, That pursuant to the Workers' Compensation Law and Chautauqua County Local Law 11-79, as amended by Local Laws 1-82, 4-84, 3-89, 7-93, 4-06, 4-07, 5-14 and 4-22, the following amounts shall be apportioned in 2023 to each municipal participant, forty percent (40%) of such amounts being based 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%) of such amounts being based on the loss- percentile experience of the participant as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2023:

		<u>Towns</u>	
Arkwright	\$24,342.29	Harmony	\$39,903.21
Busti	\$12,993.71	Kiantone	\$3,693.04
Carroll	\$8,641.77	Mina	\$9,705.35
Charlotte	\$5,367.87	N Harmony	\$37,323.03
Chautauqua	\$12,145.77	Poland	\$36,555.09
Cherry Creek	\$10,755.81	Pomfret	\$68,007.28
Clymer	\$3,403.02	Portland	\$34,052.89
Dunkirk	\$4,542.31	Ripley	\$24,799.26
Ellery	\$14,969.70	Sheridan	\$30,393.31
Ellicott	\$84,711.03	Sherman	\$10,223.58
Ellington	\$8,185.87	Stockton	\$8,161.94
French Creek	\$2,675.79	Villanova	\$19,107.65
Gerry	\$9,733.03	Westfield	\$9,120.47
Hanover	\$27,392.29		
Subtotal Towns			\$560,906.39

		<u>Villages / Cities</u>	
Bemus Point	\$1,789.18	Panama	\$120.50
Brocton	\$31,165.09	Sherman	\$4,103.77
Cassadaga	\$1,705.93	Silver Creek	\$25,738.98
Celoron	\$2,394.66	Sinclairville	\$1,192.63
Falconer	\$6,445.32	Westfield	\$104,598.24
Fredonia	\$191,882.37		
Lakewood	\$17,782.86	Dunkirk (City)	\$361,293.09
Mayville	\$14,108.73	Jamestown (City)	\$946,981.39

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

Subtotal Villages / Cities	\$1,711,302.75
Chautauqua County	\$1,722,802.86
Grand Total	<u>\$3,995,012.00</u>

Signed: Scudder, Pavlock, Gould, Vanstrom, Harmon, Niebel, Wilfong (A.S. Carried with Parker voting “No”)

RES. NO. 167-22
Amend 2022 Budget for Office of the Sheriff

By Public Safety and Audit and 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 ACCOUNT:

A.3110.GRNT.2	Equipment – Sheriff-Sheriff Grants	\$14,310
---------------	------------------------------------	----------

INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R438.9BMB	Federal Aid – Bomb Detection	\$14,310
-----------------------	------------------------------	----------

Signed: Niebel, Bankoski, Hemmer, Proctor, Pavlock, Wilfong, Gould, Harmon

RES. NO. 168-22
Authorize Acceptance of 2022-2023 Aid to Prosecution Funds

By Public Safety and Audit and Control Committees:

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$54,460.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program (“ATP”) for the period from April 1, 2022 through March 31, 2023; and

WHEREAS, such funds are to be utilized to enhance the prosecution of violent felony offenses within Chautauqua County; and

WHEREAS, the 2022 Adopted Budget includes appropriations and funding for this grant; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

RESOLVED, That the County of Chautauqua accepts the ATP grant from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$54,460.00 for the term of April 1, 2022 to March 31, 2023 and any amendments thereto; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any necessary agreements with the State of New York to accept said grant and obtain these funds.

Signed: Niebel, Bankoski, Hemmer, Proctor, Pavlock, Wilfong, Gould, Harmon

RES. NO. 169-22

Emergency Services 2022 Budget Adjustments

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County Emergency Management Services has \$6,500 in Capital Project H.3010.14004 for a Security System; and

WHEREAS, Emergency Services needs additional training equipment; and

WHEREAS, Emergency Services wishes to repurpose the Security System Capital Project funds for the needed training equipment; 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 ACCOUNT:

A.3010.----.4	Contractual--Emergency Services	\$ 6,500
---------------	---------------------------------	----------

DECREASE APPROPRIATION ACCOUNTS:

H.3010.14004.4	Contractual—Emergency Services, Security System (2019)	\$ 6,500
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$ 6,500</u>
	Total	\$13,000

DECREASE REVENUE ACCOUNT:

H.3010.14004.R503.1000	Interfund Transfers—Interfund Transfer	\$ 6,500
------------------------	--	----------

; and be it further

RESOLVED, That the Director of Finance, after making the amendments stated above, close capital account H.3010.14001 for any further expenditures, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of the closed capital project, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Niebel, Bankoski, Hemmer, Proctor, Pavlock, Wilfong, Gould, Harmon

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

RES. NO. 170-22

Amend 2022 Budget Appropriations to Include Office of Mental Health (OMH) School Based Mental Health Grant Allocation

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County Mental Hygiene has been awarded a School Based Mental Health Grant to be used for educational/training, billing, equipment and electronic medical record expenses; and

WHEREAS, the grant covers the period of July 1, 2022 through December 31, 2022, and the maximum amount of funding over the term of the grant is \$150,000; and

WHEREAS, the grant was not included in the 2022 Adopted Budget so amendments to the budget are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents for the acceptance of such grant funds, and is further authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, colleges and universities; 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:

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene Programs	\$150,000
---------------	-------------------------------------	-----------

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000	Federal Aid—Federal Aid-Ment Hlth	\$150,000
-----------------------	-----------------------------------	-----------

Signed: Gould, Niebel, Wilfong, Pavlock, Torres, Rankin, Proctor, Harmon

RES. NO. 171-22

Amend 2022 Adopted Budget for Mental Hygiene Department Due to Leasehold Improvements

By Human Services and Audit & Control Committees:

At the Request of County Executive Paul M. 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 Department of Mental Hygiene (CCDMH); and

WHEREAS, pursuant to Resolution No. 136-22, the 2022 Adopted Budget was amended to add revenue and expense associated with the build out of the premises to be occupied by the CCDMH; and

WHEREAS, the appropriation amendment increased the contractual classification, but most of the build out is considered a leasehold improvement, so the appropriation amendment should increase the equipment classification; now therefore be it

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

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.2 Equipment - Mental Hygiene Programs \$105,000

DECREASE APPROPRIATION ACCOUNT:

A.4320.----.4 Contractual - Mental Hygiene Programs \$105,000

Signed: Gould, Niebel, Wilfong, Pavlock, Torres, Rankin, Proctor, Harmon

RES. NO. 172-22

Amend 2022 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 calendar year 2020, 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

WHEREAS, the County has been notified that the IGT for the calendar year 2020 is now being offered; 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.6101.----.4 Contractual—Medical Assistance MMIS \$128,384

A.4320.----.4 Contractual—Mental Hygiene Programs \$128,383

Total \$256,767

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000 Federal Aid—Federal Aid-Mental Health \$256,767

Signed: Gould, Niebel, Wilfong, Pavlock, Torres, Rankin, Proctor, Harmon

RES. NO. 173-22

Amend Chautauqua County Health & Human Services 2022 Adopted Budget for National Association of County & City Health Officials (NACCHO) Vector Control Collaborative Mentorship Program Funding

By Human Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Department of Health and Human Services has been selected as one of two mentee sites for NACCHO's Vector Control Collaborative Mentorship Program (VCC); and

WHEREAS, this mentorship program will help to ensure that local health departments have the support necessary to start or expand vector control programs to fit their community's needs; and

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

WHEREAS, participants in the VCC will be awarded funding in the amount of \$10,000 for the period March 14, 2022 through July 31, 2022; and

WHEREAS, the purpose of the award is to support local health departments in improving jurisdictional capacity to prevent and respond to vector-borne threats and selected mentees will work with NACCHO and subject matter experts from the Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services throughout the program; and

WHEREAS, revenues and appropriations associated with this award were not included in the 2022 Adopted Budget; 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 \$ 2,568

; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4090.---- R168.9000 Departmental Income—Oth Public Health Income \$ 10,000

INCREASE APPROPRIATION ACCOUNTS:

A.4090.----.2	Equipment—Environmental Health	\$ 2,337
A.4090.----.4	Contractual—Environmental Health	<u>\$ 5,095</u>
	Total	\$ 7,432

Signed: Gould, Niebel, Wilfong, Pavlock, Torres, Rankin, Proctor, Harmon

RES. NO. 174-22

To Accept New York State Department of Health (NYSDOH) State Indoor Radon Grants Program Funding

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County has been awarded New York State Department of Health (NYSDOH) State Indoor Radon Grants Program funding in the amount of \$10,000 annually for the period June 1, 2022 to May 31, 2027; and

WHEREAS, the primary purpose of this funding is to conduct radon outreach and education programs designed to reduce the public health risk from exposure to indoor radon; and

WHEREAS, this program will allow the Chautauqua County Department of Health and Human Services (DHHS) to educate County residents about radon and the dangers of radon exposure, and to partner with schools, physician offices and outside agencies to provide educational materials and distribute radon detectors; and

WHEREAS, this program will allow DHHS to utilize its lead programming operations for assistance with testing and remediation suggestions; and

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

WHEREAS, revenues and appropriations associated with this award were not included in the 2022 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary grant-related documents for, the above-named program, 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 County's receipt of such funds; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$8,900

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.4090.----.4 Contractual—Environmental Health \$1,100

INCREASE REVENUE ACCOUNT:

A.4090.----.R445.0000 Federal Aid—Other Public Health \$10,000
Signed: Gould, Niebel, Wilfong, Pavlock, Torres, Rankin, Proctor, Harmon

RES. NO. 175-22

To Amend 2022 Budget for Implement the Community Contracts/ PH Emergency Response Planning & Preparation Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

By Human Services and Audit & Control Committees:

At the Request of Chairman Pierre Chagnon:

WHEREAS, pursuant to Resolution 121-22, the 2022 Adopted Budget was amended to authorize spending and utilize ARPA funds for the Implement the Community Contracts/ PH Emergency Response Planning & Preparation project, identified as one of the priority projects recommended in the ARPA spending plan adopted pursuant to Resolution 202-21; and

WHEREAS, the scope and expenditures for said project are expected to be less than originally anticipated; and

WHEREAS, ARPA funds not needed for said project can be used to fund other projects that meet the ARPA criteria; 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:

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

DECREASE REVENUE ACCOUNT:

A.4010.----.R408.9ARP Federal Aid—Oth Fed Aid ARPA Funds \$186,605

DECREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual- Public Health Admin \$186,605

Signed: Gould, Niebel, Wilfong, Pavlock, Torres, Rankin, Proctor, Harmon

RES. NO. 176-22

Environmental Assessment of Projects for 2023 2% Occupancy Tax Projects

By Planning and Economic Development and Audit and Control Committees:

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

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 159-22 that the Chautauqua County Department of Planning and Development (“CCDPD”) conduct a New York State Environmental Quality Review (“SEQRA”) for the projects approved by the Waterways Panel for funding in 2023 as set forth below and provide a report and recommendations to the County Legislature; and

WHEREAS, CCDPD and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the CCDPD recommends that the projects that are ranked as numbers 1 through 8 on the Waterways Panel list provided below be classified as Unlisted Actions under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law; and

WHEREAS, the County has caused the attached Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

WHEREAS, the County has reviewed and analyzed the SEAF for each project, and considered any relevant areas of environmental concern and probable environmental impacts of the Actions to determine if the Actions may have any significant adverse environmental effects; now, therefore be it

RESOLVED, That the County hereby finds and determines that Actions listed and identified below will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, is issuing a negative declaration.

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

CHAUTAUQUA COUNTY LEGISLATURE

6/22/22

Giacchino – Canadaway Creek	7	\$30,000.00	\$30,000.00
Montgomery – Bemus Creek	8	\$40,000.00	\$40,000.00
TOTALS		\$233,446.36	\$233,446.36

Signed: Muldowney, Penhollow, Wilfong, Rankin, Harmon, Pavlock, Niebel, Gould

RES. NO. 177-22

Authorize Public Hearings Relating to Reapportionment of County Legislature Districts

By Administrative Services Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, the Chautauqua County Reapportionment Commission recommended two (2) reapportionment plans of County Legislature districts for consideration by the County Legislature, consisting of a seventeen (17) district plan and a nineteen (19) district plan; and

WHEREAS, Section 10 of New York State Municipal Home Rule Law requires that the County Legislature hold a public hearing on a proposed reapportionment local law prior to adoption; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes public hearings pursuant to Section 10 of the New York State Municipal Home Rule Law to be held on a seventeen (17) district plan and a nineteen (19) district plan to be contained in proposed local laws to be prepared and finalized by the Chautauqua County Law Department in consultation with the legislative sponsors of the plans; and be it further

RESOLVED, That the Clerk of the Chautauqua County Legislature is hereby authorized and directed to publish notices of said public hearing in the official newspapers of Chautauqua County upon at least five (5) days' notice as required by the Municipal Home Rule Law; and be it further

RESOLVED, That such notices of public hearings shall specify that the public hearing on the local law containing a seventeen (17) district reapportionment plan shall be held at 6:35 PM during the regular meeting of the Chautauqua County Legislature to be held on Wednesday, July 27, 2022, and that the public hearing on the local law containing a nineteen (19) district reapportionment plan shall be held at 6:40 PM during the regular meeting of the Chautauqua County Legislature to be held on Wednesday, July 27, 2022.

Signed: Scudder, Vanstrom, Parker

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: IN SUPPORT OF ASSEMBLY BILL A9990 AND SENATE BILL S8999 TO ALLOW NEW YORK STATE-PRODUCED WHOLE AND 2% MILK BACK INTO SCHOOLS

AT THE REQUEST OF: Chairman Chagnon and Legislators Bankoski, Harmon, Hemmer, Muldowney, Niebel, Pavlock, Rankin and Vanstrom

WHEREAS, Federal regulations enacted under the Obama Administration were put in place about ten years ago prohibiting whole and 2% milk from being served in schools which was intended to lower childhood obesity and diabetes rates as it was thought that fat free and 1% milk were inherently healthier; and

WHEREAS, Since the implementation of this restriction, childhood obesity and diabetes rates have continued to rise and many have become concerned that the restriction could be exacerbating the problem; and

WHEREAS, Countering the belief that whole and 2% milk are unhealthy for children, recent studies have shown children who drink full-fat dairy products tend to be leaner than their peers and have a lower risk of becoming overweight; and

WHEREAS, Other studies have found those who consume whole-fat dairy may have a lower risk of heart disease and Type 2 diabetes, lower blood pressure, an increased satiety without weight gain and better sleep; and

WHEREAS, The removal of these milk options has also had a negative effect on dairy farms throughout upstate New York where milk dumping is on the rise. Already facing numerous obstacles in maintaining their viability as a business in recent years, dairy farms have long counted on revenue from milk sales to schools to keep their businesses operational; and

WHEREAS, The removal of whole and 2% milk from school cafeterias has had negative impacts on all involved, including children and farmers. Providing more dairy options to students will encourage students to get the nutrition their growing bodies need from milk and help farmers recoup revenue lost since the passage of this ill-conceived prohibition; now therefore

LET IT BE KNOWN, That the Chautauqua County Legislature fully supports Assembly Bill A9990 and Senate Bill S8999 to allow New York State-produced whole and 2% milk back into schools and encourages the State Legislature and Governor to enact the same; and be it further

MOVED, That the Clerk to the Legislature shall forward copies of this resolution to Governor Kathy Hochul, New York State Senator George Borrello, New York State Assemblyman Andrew Goodell, the New York State Association of Counties and all others deemed necessary and proper.