

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

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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 PENHOLLOW

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 10/26/22

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 10/26/22

COMMENDATION:

CHRISTINE L. SCHUYLER

By

Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.

COMMUNICATIONS:

1. Minutes – Conewango Watershed Commission – October 12, 2022 Meeting
 2. Report – Finance Director Crow, Re: July 2022 Investment Report
 3. Letter – NYS Department of State – Acknowledgement of Local Law 9-22
 4. Minutes – Conewango Watershed Commission – November 9, 2022 Meeting
 5. Letter – NYSAC– Acknowledgement of Resolution No. 6-22
-

LOCAL LAW INTRO. 12-22 – A Local Law Amending the Chautauqua County Code of Ethics

LOCAL LAW INTRO. 13-22 – A Local Law Amending Local Law 8-02 of the County of Chautauqua Adopting the Alternative Veterans' Exemption for County Real Property Taxes

LOCAL LAW INTRO. 14-22 – A Local Law Amending Local Law 11-08 of the County of Chautauqua Regarding the Cold War Exemption for County Real Property Taxes

CHAUTAUQUA COUNTY LEGISLATURE

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Renew & Amend Res. No. 258-22 - Authorize Agreement with Various Towns for Enhanced Police Protection Services FY23

RESOLUTIONS:

- 272-22 Confirm Appointments – Landfill Commission**
- 273-22 Amend Landfill and Transfer Station User Fees**
- 274-22 Amend Capital Project Accounts—Jamestown Community College**
- 275-22 Amend 2022 Budget—District Attorney**
- 276-22 Amend 2023 Budget for ATI Pre-Trial Award**
- 277-22 Authorize Agreements between Chautauqua County EMS (CCEMS) and the Village of Brocton, Village of Cassadaga, Village of Mayville and Village of Westfield for ALS-BLS Joint Prehospital Service Agreements**
- 278-22 Authorize Agreements between Chautauqua County EMS (CCEMS) and the Fire Districts of Ashville, Cherry Creek, Ellery Center, Ellington, Hartfield, Kiantone and Ripley for ALS-BLS Joint Prehospital Service Agreement**
- 279-22 FY2022 Emergency Management Performance Grant (EMPG)**
- 280-22 Amend 2022 Budget to Implement the Jail Needs Assessment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**
- 281-22 Authorize Execution of NYS Office of Homeland Security State Law Enforcement Terrorism Prevention Program Grant FY22**
- 282-22 Authorize Execution of NYS Office of Homeland Security Funding Grant for Bomb Squad Initiative Program FY20**
- 283-22 Authorize MOU with the Federal Bureau of Investigation for Joint Operation Participation**
- 284-44 Authorize Execution of NYS Office of Homeland Security Funding Grant Operation Stonegarden FY22**
- 285-22 Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Explosive Detection Canine Team FY20**
- 286-22 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY23**
- 287-22 Amend 2022 Budget for Office of the Sheriff**
- 288-22 Authorize Lease Agreement with Town of Chautauqua for Academy Office Space**
- 289-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Actual Youth Bureau Allocations Received**
- 290-22 Amend 2022 Budget Appropriations to Include Funds Received in Cooperation with Erie 2 Chautauqua Cattaraugus Boards of Cooperative Educational Services (E2CCB) Students, Teachers, and Officers Preventing (STOP) School Violence Program (SSV Program) Allocation**
- 291-22 Use of 2022 2% Occupancy Tax Funds for Acquisition of Near-shore Cleanup Equipment**

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- 292-22 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Business Development, Assistance, and Promotion**
- 293-22 Authorize Agreement with CCIDA for Establishment of Brownfield Revolving Loan Fund**
- 294-22 Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses**
- 295-22 Authorize Agreement with Small Business Development Center at Jamestown Community College**
- 296-22 Authorize Extension of Lease Agreement for Department of Planning & Development at the BWB Center**
- 297-22 Amend 2022 Budget to Increase Funds for Employee Recognition Account**
- 298-22 Distribution of Mortgage Taxes**
- 299-22 Authorize Transfer of Tax Foreclosure Property to City of Dunkirk Local Development Corporation**
- 300-22 Authorize Transfer of Tax Foreclosure Property to Town of Ripley**
- 301-22 Authorize Transfer of Tax Foreclosure Property to Village of Mayville**
- 302-22 Making Appropriations for the Conduct of County Government For Fiscal Year 2023**
- 303-22 Authorize Tax Levy**
- 304-22 Authorize Levy of Town Taxes**
- 305-22 Authorize Levy of Unpaid Town Charges**
- 306-22 Authorize Levy of Omitted Taxes**
- 307-22 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts**
- 308-22 Fixing Equalization Rates for 2023**

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. 12-22
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

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

I. Local Law 3-21 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.

2. "Appear" and "Appear Before" mean communicating in whatever form, whether personally or through another person.

3. "County Officer or Employee" means any officer or employee of the County, whether paid or unpaid, including Public Officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.

4. "Dependent" means an individual who will be claimed by the County Officer or Employee as a dependent on the current year's State or Federal tax return.

5. "Family Member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County Officer or Employee.

6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.

7. "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew.

8. "Public Official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County Officer or Employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:

- a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County Officer or Employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
- b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family Member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County Officer or Employee knows is considering or has had any transactions with the County that involves any discretionary act by the County Officer or Employee.
- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:

- (i) himself or herself;
- (ii) a Family Member;
- (iii) any partnership or unincorporated association of which the County Officer or Employee is a member or employee or in which he or she has a proprietary interest;
- (iv) any corporation of which the County Officer or Employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
- (v) any Person with whom the County Officer or Employee or his or her Family Member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County Officer or Employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
- (vi) any Person from whom the County Officer or Employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County Officer or Employee from performing a purely ministerial act.

Notwithstanding the above, a County Officer or Employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- d. solicit directly or indirectly any non-elected County Officer or Employee or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign, or to otherwise participate in political activities. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited County Officer or Employee happens to be a member.

- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.
- f. after termination of his or her term of office or employment with the County, Appear Before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County; provided, however, that this provision shall not prohibit the continuance of an existing contract when the former County employee has become the head of an entity that is a sole source for goods or services required by the County, or when the County Department Head determines that there is insufficient alternative availability of needed goods or services.
- g. no paid County Officer or Employee shall for two years after the termination of employment provide professional or managerial services for a third party on any matter involving his or her former County Agency; provided, however, that this provision shall not prohibit the continuance of an existing contract when the former County employee has become the head of an entity that is a sole source for goods or services required by the County, or when the County Department Head determines that there is insufficient alternative availability of needed goods or services.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct. Retired County Officers or Employees who were working for a third party on a matter involving their former County Agency at the time of enactment of this Law may continue to perform such work as long as their actions do not violate the terms of this paragraph “g” as it was written on their date of retirement.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself of herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County Officer or Employee shall Appear Before any County department or Agency which employs such County Officer or Employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County Officer or Employee who is an elected Public Official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or Appearing for a third party regarding a contract with the County when such member has no power or duty on behalf of the County to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint a County Officer or Employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County Officer or Employee.

8. Nothing in this Local Law shall be construed to prohibit a member of a County advisory board, bureau, council, committee, or commission (collectively Advisory Body), who was selected to serve on the Advisory Body due to involvement in a particular industry, or employment by a particular entity, from taking action on a matter before the Advisory Body which has the potential to benefit or result in additional revenues to the industry or entity, provided such action is not binding on the County and is subject to further County approval.

Section 5. Interests in Contracts Pursuant to General Municipal Law

1. No County Officer or Employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County Officer and Employee shall disclose interests in actual or proposed contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County Officers and Employees shall be in compliance with County policies and procedures.

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County Officer or Employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public Officials who are elected or paid, and all County Officers or Employees who are authorized to use County-issued credit cards or to approve vouchers, invoices, purchase orders or contracts, such as purchasing clerks and purchasing agents, shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement using a form approved by the Ethics Board which shall be substantially in conformance with the 2022 disclosure statement form filed with the Clerk of the County Legislature.

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

A list of those titles which are subject to County disclosure requirements, as the same may be amended from time to time by the Ethics Board, is on file with the Clerk of the Legislature and in the office of the County Executive.

The Ethics Board shall have free and unlimited access to all forms at all times.

County department heads shall ensure that if an Officer or Employee under the department head's purview who is required to file a statement does not timely file a statement, such Officer or Employee's ability to directly or indirectly expend County funds is suspended until such time as the statement has been filed. This will include without limitation suspension of use of County-issued credit cards and suspension of the ability to approve vouchers, invoices, purchase orders, and contracts. Before May 15th of each year, the County Executive shall verify that every affected County Officer or Employee has filed his or her annual disclosure statement. Failure of the Department Head or the County Executive to comply with these requirements shall not relieve any individual from his or her duty to timely file a disclosure statement pursuant to this Code of Ethics.

2. Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the County Officer or Employee shall file a signed amendment to the statement indicating the change.

3. If a County Officer or Employee subject to the filing requirement is unable to timely file the statement or amended statement due to approved leave-time (excluding vacation time), illness, injury, lack of County engagement, or other justifiable circumstances, such individual must submit for Ethics Board approval a written request for an extension of time to file, approved by such Officer or Employee's department head or by the County Executive or Legislative Chair. The request shall be supported by such documentation as may be reasonably requested by the Ethics Board. The prioritization of other County matters over the filing of the disclosure statement is not grounds for an extension of time to file.

4. If a County Officer or Employee who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

5. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

6. If the Ethics Board finds a disclosure statement to be deficient, the Ethics Board will provide written notification of the deficiency(ies) to the filer along with a date or period of time by which the deficiency(ies) must be cured. If all deficiencies are not cured within the specified date or time period, and the otherwise applicable filing deadline has passed, the Disclosure Statement may be deemed to have been untimely filed.

Section 9. Training and Distribution of Code

1. All County Officers and Employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of this Code. At least every five (5) years starting in 2022, the training will consist of or include the Code of Ethics. In other years, the training will include either a paper copy of the Code or information about where the Code can be found online.

2. County employees shall confirm completion of Ethics Board training, and County board, bureau, council, committee, and commission members (collectively County Participants) shall acknowledge receipt of such training, in written or electronic form in the manner specified by the Department of Human Resources or the County Executive's office, as follows:

- a. on the day of employee orientation for all new employees;
- b. within thirty days of receipt of training materials for newly appointed County Participants; and
- c. by March 31st for existing employees and County Participants;

Notwithstanding the above, the Ethics Board may extend a due date due to approved

leave-time (excluding vacation time), illness, injury, lack of County engagement, or other justifiable circumstances. The prioritization of other County matters over completion of ethics training is not grounds for an extension of time to file.

County employees shall cooperate with any request made by their supervisor that they complete, and confirm completion of, the annual training, *earlier than* March 31st.

Notwithstanding the fact that the Ethics Board's training is administered by the Department of Human Resources and Department Heads, County Officers and Employees bear ultimate responsibility for their timely compliance with this Law.

3. Training will be administered as follows:

- a. The County Department of Human Resources will provide the Ethics Board's training materials to:
 - (i) new employees, as part of the new employee orientation process, securing written confirmation of completion during orientation; and
 - (ii) County Department Heads annually, no later than March 1st, with optional Human Resources distribution to some or all County employees.
- b. Department Heads shall administer annual training for all County employees under their purview and shall ensure that each employee timely confirms completion of the training. In the event an employee under the Department Head's purview fails to timely confirm completion of the training, the Department Head shall remit to the County Executive and Legislative Chair, documentation demonstrating efforts made by the Department Head to secure timely confirmation. Such documentation shall reflect arrangements made by the Department Head for the employee to receive training at a designated date, time and location prior to the training confirmation due date.
- c. For board members and others subject to the training requirement who are not County employees, the appointing authorities or their designees shall provide a copy of the training materials to each such individual upon such individual's appointment, and annually no later than March 1st, and shall secure written or electronic confirmation of receipt in the manner specified by the Office of the County Executive.
- d. Appointing authorities or their designees shall certify to the County Ethics Board within five (5) business days of the annual confirmation due date that all non-employees under their purview and subject to the training requirement have acknowledged receipt of the annual training materials. If such an individual has not timely acknowledged receipt of the materials, the certification shall include a written explanation of efforts made to secure timely acknowledgment as well as a recommendation on retention or dismissal of such individual.

4. If a County Officer or Employee subject to the training requirement is unable to

complete the training by the deadline due to approved leave-time (excluding vacation time), illness, injury, lack of County engagement, or other justifiable circumstances, such individual must submit for Ethics Board approval a written request for an extension of time to complete the training, approved by such Officer or Employee's department head, board liaison, the County Executive, or the Legislative Chair. The request shall be supported by such documentation as may be reasonably requested by the Ethics Board. The prioritization of other County matters over completion of ethics training is not grounds for an extension of time to file.

Section 10. Reporting Violations.

All County Officers and Employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, to the Chautauqua County Ethics Board c/o Office of the County Executive, 3 North Erie Street, Mayville, New York 14757, or to the Ethics Board at PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that all or part of the information in the report is false or misleading is a violation of this Code and may result in penalties as provided herein.

Section 11. Inducement of Violations

Any Person, whether or not a County Officer or Employee, who intentionally induces any County Officer or Employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County Officer or Employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County Officer or Employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County Officer or Employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, have a Family Member who is a County Officer or Employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
- b. Review with County Officers or Employees the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
- c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- e. Render advisory opinions upon request of any County Officer or Employee;
- f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
- g. Prepare an annual report;
- h. Recommend changes or improvements to the Code of Ethics;
- i. Perform such other related duties as requested by the County Executive;
- j. Meet at least four times a year, and send notice of meetings and the names of Ethics Board members to the County's official newspapers and to radio stations in the County. In addition, notice of meetings and the names of Ethics Board members shall be posted on the County's website; and

- k. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

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

Sponsor: Legislator Scudder

LOCAL LAW
INTRODUCTORY NO. 13-22
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 8-02 OF THE COUNTY OF CHAUTAUQUA
ADOPTING THE ALTERNATIVE VETERANS' EXEMPTION FOR COUNTY REAL
PROPERTY TAXES

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

1. Amendment. Local Law 8-02 of the County of Chautauqua is hereby amended in Section 3 to read as follows:

3. Maximum Allowable Exemption. Pursuant to Section 458-a(2) of New York State Real Property Tax Law, the maximum exemption allowable for each category of alternative veterans' exemption shall be as follows:

Section 458-a(2)(a)	War Veteran	\$12,000.00
Section 458-a(2)(b)	Combat Zone Veteran	\$8,000.00
Section 458-a(2)(c)	Disabled Veteran	\$40,000.00

2. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Parker, Legislator Scudder, Legislator Davis

LOCAL LAW
INTRODUCTORY NO. 14-22
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 11-08 OF THE COUNTY OF CHAUTAUQUA
REGARDING THE COLD WAR EXEMPTION FOR COUNTY REAL PROPERTY TAXES

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

1. Amendment. Local Law 11-08 of the County of Chautauqua, as amended by Local Law 1-18, is hereby further amended in Section 3 to read as follows:

3. Maximum Allowable Exemption. Pursuant to Section 458-b(2) of New York State Real Property Tax Law, the maximum exemption allowable for each category of alternative veterans' exemption shall be as follows:

Section 458-b(2)(a) Cold War Veteran \$12,000.00

Section 458-b(2)(b) Cold War Disabled Veteran \$40,000.00

2. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Parker, Legislator Scudder, Legislator Davis

CHAUTAUQUA COUNTY LEGISLATURE
11/16/2022

RENEW AND AMEND
RES. NO. 258-22
(At the Request of Legislator Niebel)
Authorize Agreement with Various Towns for
Enhanced Police Protection Services FY23

By Public Safety and Audit & Control Committees:

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

WHEREAS, various municipalities or school districts have requested the Chautauqua County Office of the Sheriff provide enhanced police services within their respective geographic boundaries during the 2023 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with these entities for the period of January 1, 2023 through December 31, 2023 for an estimated cost not to exceed amounts listed, based on an hourly rate of at least \$47.46 and a holiday hourly rate of at least \$59.92:

Town of Ripley \$35,000
Chautauqua Lake Central School \$3,000
Town of Charlotte ~~\$4,000~~ **\$9,000**

and

WHEREAS, this revenue is included in the 2023 Tentative Budget so no budget amendments are needed; now therefore be it

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

RES. NO. 272-22
Confirm Appointments – Landfill Commission

By Public Facilities Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Landfill Commission.

Michael Saar
4182 Maple Grove Road
Bemus Point, NY 14712

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

Term Expires 12/31/24
(New Appointment – Large Municipal Costumer)

Christine Storer
7684 Cummings Rd,
Stockton, NY 14784

Term Expires 12/31/24

(New Appointment – Waste Hauler)

Signed: Hemmer, Davis, Gould, Scudder

(P.F. 11-7-22 – Typo Correction by strikethrough and additional text shown)

RES. NO. 273-22

Amend Landfill and Transfer Station User Fees

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County operates a Landfill and several transfer stations that provide environmentally sound waste disposal services for County residents and businesses; and

WHEREAS, services are funded by user fees which, pursuant to Local Law 13-95, are to be based on projected costs of operation, market prices, and the nature and volume of refuse; and

WHEREAS, Landfill operational costs, including costs of handling and hauling transfer station waste, have experienced cost of living increases; and

WHEREAS, the Deputy Director of the DPW Division of the Environment has reviewed the current user charge schedule and, taking into consideration the factors specified in Local Law 13-95, recommends changes to user fees consistent with such cost of living increases; now therefore be it

RESOLVED, That the following Landfill user charge fee changes, as recommended by the Deputy Director, be approved, to be effective as of January 1, 2023

TRANSFER STATION FEES:

Construction & Demolition - Cubic Yard - From \$60.00 to \$64.00 per ton
Construction & Demolition – Scaled Weight - From \$60.00 to \$64.00 per ton
Municipal Solid Waste – Cubic Yard - From \$42.00 to \$45.00 per ton
Municipal Solid Waste – Scaled Weight - From \$42.00 to \$45.00 per ton

LANDFILL FEES:

Asbestos – Friable – From \$80.00 to \$85.00 per ton
Asbestos – Non-friable – From \$40.00 to \$43.00 per ton
Construction & Demolition – From \$40.00 to \$43.00 per ton
Municipal Solid Waste – From \$30.00 to \$31.00 per ton

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

SURCHARGE FEES for PROBLEMATIC WASTE LOADS:

Frozen materials – Large Load Excavation fee – From \$75.00 to \$80.00

Frozen materials – Small Load Excavation fee – From \$50.00 to \$53.00

Contains Excessive Liquid (the greater of ½ the load cost or minimum) – From \$75.00 to \$80.00

Uncovered Load – From \$50.00 to \$10.00

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

RES. NO. 274-22

Amend Capital Project Accounts—Jamestown Community College

By Administrative Services and Audit & Control Committees:

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

WHEREAS, in previous budgets, Chautauqua County approved a number of capital projects for Jamestown Community College; and

WHEREAS, the funding needs for some projects exceed original estimates and the funding needs for some projects are less than original estimates; and

WHEREAS, for some functional areas, the projects are too specific and it would be beneficial to combine the budgets for some projects; and

WHEREAS, after some projects are combined, the following capital projects will no longer be needed and can be closed:

H-2490-00003 - Capital Projects-COMMUNITY COLLEGE TUITION-IT EQUIPMENT (2020)

H-2490-00004 - Capital Projects-COMMUNITY COLLEGE TUITION-IT UPG NETWORK EQUIP (2020)

H-2490-00006 - Capital Projects-COMMUNITY COLLEGE TUITION-IT STORAGE (2020)

H-2490-00007 - Capital Projects-COMMUNITY COLLEGE TUITION-SAFETY & SECURITY (2020)

H-2490-00008 - Capital Projects-COMMUNITY COLLEGE TUITION-IT COMMUNICATIONS SYSTEMS (2020)

H-2490-00013 - Capital Projects-COMMUNITY COLLEGE TUITION-SIGNAGE & WAYFINDING (2022)

H-2490-00015 - Capital Projects-COMMUNITY COLLEGE TUITION-DISTANCE LEARNING (2022)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, 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 projects, any surplus or deficit be adjusted to the appropriate fund or reserve; and be it further

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

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.2490.00002.4	Contractual - Community College Tuition-Roofs (2020)	\$14,693
H.2490.00005.4	Contractual - Community College Tuition-IT Security (2020)	\$300,733
H.2490.00010.4	Contractual - Community College Tuition-Scharmman Theatre (2021)	<u>\$15,324</u>
	Total	\$330,750

INCREASE CAPITAL REVENUE ACCOUNTS:

H.2490.00002.R503.1000	Interfund Transfers-Interfund Transfer	\$14,693
H.2490.00005.R503.1000	Interfund Transfers-Interfund Transfer	\$300,733
H.2490.00010.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$15,324</u>
	Total	\$330,750

DECREASE CAPITAL APPROPRIATION ACCOUNTS:

H.2490.00003.4	Contractual - Community College Tuition-IT Equipment (2020)	\$122,500
H.2490.00004.4	Contractual - Community College Tuition-IT UPG Network Equip (2020)	\$46,000
H.2490.00006.4	Contractual - Community College Tuition-IT Storage (2020)	\$13,750
H.2490.00007.4	Contractual - Community College Tuition-Safety & Security (2020)	\$70,000
H.2490.00008.4	Contractual - Community College Tuition-IT Communications Systems (2020)	\$19,500
H.2490.00015.4	Contractual - Community College Tuition-Distance Learning (2022)	\$46,000
H.2490.00009.4	Contractual - Community College Tuition-Sidewalks (2020)	\$8,000
H.2490.00013.4	Contractual - Community College Tuition-Signage & Wayfinding (2022)	<u>\$5,000</u>
	Total	\$330,750

DECREASE CAPITAL REVENUE ACCOUNTS:

H.2490.00003.R503.1000	Interfund Transfers-Interfund Transfer	\$122,500
H.2490.00004.R503.1000	Interfund Transfers-Interfund Transfer	\$46,000
H.2490.00006.R503.1000	Interfund Transfers-Interfund Transfer	\$13,750
H.2490.00007.R503.1000	Interfund Transfers-Interfund Transfer	\$70,000
H.2490.00008.R503.1000	Interfund Transfers-Interfund Transfer	\$19,500
H.2490.00015.R503.1000	Interfund Transfers-Interfund Transfer	\$46,000
H.2490.00009.R503.1000	Interfund Transfers-Interfund Transfer	\$8,000
H.2490.00013.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$5,000</u>
	Total	\$330,750

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

CHAUTAUQUA COUNTY LEGISLATURE
11/16/2022

RES. NO. 275-22
Amend 2022 Budget–District Attorney

By Public Safety and Audit & Control Committees:

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

WHEREAS, the District Attorney was awarded the Criminal Justice Discovery Reform Funding grant through the New York State Division of Criminal Justice Services (DCJS); and

WHEREAS, equipment purchases are an eligible expense for this grant; and

WHEREAS, the expenses for equipment purchases have exceeded the amount budgeted in the 2022 Adopted Budget; now therefore it be

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.1165.----.2	Equipment - District Attorney	\$6,000
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DECREASE APPROPRIATION ACCOUNT:

A.1165.----.4	Contractual - District Attorney	\$6,000
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Signed: Niebel, Whitford, Bankoski, Hemmer, Pavlock, Wilfong, Harmon, Gould

RES. NO. 276-22
Amend 2023 Budget for ATI Pre-Trial Award

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Probation Department received notice that the New York State (NYS) Division of Criminal Justice Services has provided funding for ATI Pre-Trial Services; and

WHEREAS, revenues and expenditures associated with this funding were not included in the 2023 Adopted budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.4	Contractual—Probation	\$ 22,920
A.3140.----.2	Equipment –Probation	<u>\$117,090</u>
	Total	\$140,010

CHAUTAUQUA COUNTY LEGISLATURE

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INCREASE REVENUE ACCOUNT:

A.3140.----.R331.0ATI NYS Aid--NYS AID: Probation – ATI Pre-Trial \$140,010
Signed: Niebel, Whitford, Bankoski, Hemmer, Wilfong, Pavlock, Harmon, Gould

RES. NO. 277-22

Authorize Agreements between Chautauqua County EMS (CCEMS) and the Village of Brocton, Village of Cassadaga, Village of Mayville and Village of Westfield for ALS-BLS Joint Prehospital Service Agreements

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 Villages of Brocton, Cassadaga, Mayville and Westfield each operate emergency ambulance services; and

WHEREAS, CCEMS can supply Advanced Life Support (ALS) services in addition to the each of the above named entities' Basic Life Support (BLS) services; and

WHEREAS, CCEMS already contracts with an outside agency for billing for ambulance services and can assume billing for each of the above named entities ambulance services, with funds to be accounted according to negotiated rates; therefore be it

RESOLVED, The County Executive is authorized and empowered to execute an agreement with each of those entities for CCEMS to supply ALS services for their ambulance runs, as needed, and that CCEMS will undertake billing for those entities for their ambulance services.

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

RES. NO. 278-22

Authorize Agreements between Chautauqua County EMS (CCEMS) and the Fire Districts of Ashville, Cherry Creek, Ellery Center, Ellington, Hartfield, Kiantone and Ripley 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 Fire Districts of Ashville, Cherry Creek, Ellery Center, Ellington, Hartfield, Kiantone and Ripley all operate emergency ambulance services; and

WHEREAS, CCEMS can supply Advanced Life Support (ALS) services in addition to the each of the above named entities' Basic Life Support (BLS) services; and

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

WHEREAS, CCEMS already contracts with an outside agency for billing for ambulance services and can assume billing for each of the above named entities ambulance services, with funds to be accounted according to negotiated rates; therefore be it

RESOLVED, The County Executive is authorized and empowered to execute an agreement with each of those entities for CCEMS to supply ALS services for their ambulance runs, as needed, and that CCEMS will undertake billing for those entities for their ambulance services.

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

RES. NO. 279-22

FY2022 Emergency Management Performance Grant (EMPG)

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the amount of \$55,869.00 with an in-kind match from the County in the amount of \$55,869.00; and

WHEREAS, the grant is to help manage daily Emergency Management functions and to enhance planning, training, exercises, public preparedness, emergency alert and notification systems; and

WHEREAS, the grant period runs from October 1, 2021 through September 30, 2024; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the proposed 2023 County budget; now therefore be it

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

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

RES. NO. 280-22

Amend 2022 Budget to Implement the Jail Needs Assessment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

By Public Safety 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

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

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

WHEREAS, Chautauqua County received an ARPA award of \$24,649,420, and based on the Treasury Department's revenue loss formula and other guidance, all of the award is available for general county spending; 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 Jail Needs Assessment project fits within the guidelines for ARPA spending and is urgently needed to determine the viability of the jail structure and its compliance with current regulations, and unused funding not needed for the priority ARPA projects allocated in Resolution 202-21 has become available for the Jail Needs Assessment project; and

~~WHEREAS, (s), identified as one of the priority project(s) recommended in Resolution 202-21, is/are ready to proceed, and budget amendments are necessary to authorize spending for the project(s); therefore be it~~

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget in order to implement the Jail Needs Assessment project(s):

INCREASE APPROPRIATION ACCOUNT:

A.3150.---.4	Contractual—Jail	\$111,800
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ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3150.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$111,800
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Signed: Niebel, Wilfong, Harmon, Gould, Whitford, Bankoski, Hemmer, Pavlock
(11/9/22 – P.S. Amended by strikethrough and additional text shown underlined)

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

RES. NO. 281-22

Authorize Execution of NYS Office of Homeland Security State Law
Enforcement Terrorism Prevention Program Grant FY22

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services for continued implementation of the State Law Enforcement Terrorism Prevention Program (SLETPP); and

WHEREAS, the State of New York will provide funding in the amount of \$51,214 with no local funds required for the contract period from September 1, 2022 to August 31, 2025; and

WHEREAS, this grant is included in the 2022 and 2023 Adopted Budgets so no budget amendments are needed; now therefore be it

RESOLVED, The Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security and Emergency Services.

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

RES. NO. 282-22

Authorize Execution of NYS Office of Homeland Security
Funding Grant for Bomb Squad Initiative Program FY20

By Public Safety and Audit & Control Committees:

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

WHEREAS, the County Sheriff's Office received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of Bomb Squad Initiatives; and

WHEREAS, the State of New York will provide funding for a FY20 grant in the amount of \$85,000, with no local funds, for a contract period of October 1, 2022 through August 31, 2023; and

WHEREAS, this grant is included in the 2022 and 2023 ~~Proposed~~ **Adopted** Budgets so no budget amendments are needed at this time; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

(11/9/22 P.S. – Typo Correction – strikethrough and additional text)

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

RES. NO. 283-22

Authorize MOU with the Federal Bureau of Investigation
for Joint Operation Participation

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Federal Bureau of Investigations has requested that the Chautauqua County Office of the Sheriff provide a Deputy Sheriff Investigator to assist in a joint operation; and

WHEREAS, the Federal Bureau of Investigations would like to enter into a Memorandum of Understanding with an estimated start date of January 1, 2023, to reimburse the Sheriff's Office for any and all overtime costs associated with said joint operation; and

WHEREAS, this revenue is not included in the 2023 ~~Proposed~~ **Adopted** Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the Homeland Security Investigations for investigation assistance as set forth above; and also be it

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.3110.----.R438.9000	Federal Aid—Other Public Safety Aid	\$5,000
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INCREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services--Sheriff	\$5,000
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Signed: Niebel, Whitford, Bankoski, Hemmer, Wilfong, Pavlock, Harmon, Gould
(11/9/22 P.S. – Typo Correction – strikethrough and additional text)

RES. NO. 284-22

Authorize Execution of NYS Office of Homeland Security
Funding Grant Operation Stonegarden FY22

By Public Safety and Audit & Control Committees:

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

WHEREAS, the County Sheriff's Office received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation Operation Stone Garden; and

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

WHEREAS, the State of New York will provide funding for a FY22 grant in the amount of \$53,300, with no local funds, for a contract period of September 1, 2022 through August 31, 2025; and

WHEREAS, this grant is included in the 2022 and 2023 Adopted Budgets so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

RES. NO. 285-22

Authorize Execution of New York State Office of Homeland Security
and Emergency Services Grant for Explosive Detection Canine Team FY20

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for further implementation of the Explosive Detection Canine Team; and

WHEREAS, the State of New York will provide funding for the FY20 grant award in the amount of \$15,000, with no local funds, for the contract period from October 1, 2022 to August 31, 2023; and

WHEREAS, this grant is currently included in the 2023 Adopted Budget so no amendment is needed at this time, now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

RES. NO. 286-22

Authorize Agreement with Town of Hanover for
Enhanced Police Protection Services FY23

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Town of Hanover and the Village of Silver Creek have requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographical boundaries of the Town of Hanover and the Village of Silver Creek for the 2023 calendar year; and

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Town of Hanover and the Village of Silver Creek for the period from January 1, 2023 through December 31, 2023 for an estimated cost not to exceed \$567,671; and

WHEREAS, this revenue is included in the 2023 Adopted Budget so no budget amendments are needed; now therefore be it

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

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

RES. NO. 287-22

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.3189.3111.4	Contractual – Other Law Enforcement, Navigation/Snowmobile	\$3,500
A.3110.----.4	Contractual – Sheriff	\$289,302
A.3110.GRNT.4	Contractual – Sheriff, Sheriff Grants	<u>\$352,765</u>
	TOTAL	\$645,567

INCREASE REVENUE ACCOUNTS:

A.3189.3111.R331.5000	New York State Aid – Navigation Law Enforcement	\$3,500
A.3150.----.R226.0MHS	Shared Services – Chrgs: Oth Gov- Marsh Hous	\$289,302
A.3110.GRNT.R438.9000	Federal Aid – Other Public Safety Aid	<u>\$352,765</u>
	TOTAL	\$645,567

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

CHAUTAUQUA COUNTY LEGISLATURE
11/16/2022

RES. NO. 288-22
Authorize Lease Agreement with Town of
Chautauqua for Academy Office Space

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of the Sheriff desires to lease approximately 852 square feet of office space at 2 Academy Street, Mayville, NY 14757, County of Chautauqua, New York, primarily for the Corrections Academy; and

WHEREAS, the Town of Chautauqua is ready, able, and willing to lease to the Office of the Sheriff a portion of the commercial building referenced above at a cost of \$5,824 per year starting January 1, 2023 through December 31, 2025; and

WHEREAS, this expense is not included in the 2023 ~~Proposed~~ **Adopted** Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Chautauqua for the lease of real property as set forth above; and be it also

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3150.----.4	Contractual — Jail	\$5,824
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INCREASE REVENUE ACCOUNT:

A.3150.----.R158.9012	Departmental Income — Other Public Safety Income Communication	\$5,824
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Signed: Niebel, Whitford, Bankoski, Hemmer, Pavlock, Wilfong, Harmon, Gould
(11/9/22 P.S. Typo Correction with strikethrough and new text)

RES. NO. 289-22
Amend Chautauqua County Health & Human Services 2022 Adopted Budget
for Actual Youth Bureau Allocations Received

By Human Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Youth Bureau's New York State Office of Children and Family Services (OCFS) Youth Development allocation and Runaway and Homeless Youth (RHYA) I and RHYA II allocations for calendar year 2022 total \$288,118; and

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

WHEREAS, the 2022 Youth Bureau budget was prepared based on an estimated calendar year 2022 allocation of \$206,755; and

WHEREAS, the 2022 Youth Bureau allocation available to fund administrative costs has decreased from an estimated amount of \$23,500 to \$17,353; and

WHEREAS, 2022 expenditures for State Training School are now projected to be lower than the budgeted amount, therefore be it

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

INCREASE REVENUE ACCOUNT:

A.7310.---- R382.0000 NYS Aid – Youth Programs \$ 81,363

INCREASE APPROPRIATION ACCOUNT:

A.7310.----.4 Contractual – Youth Programs \$ 87,510

DECREASE APPROPRIATION ACCOUNT:

A.6129.----.4 Contractual – State Training School \$ 6,147

Signed: Pavlock, Whitford, Torres, Wilfong, Harmon, Gould

RES. NO. 290-22

Amend 2022 Budget Appropriations to Include Funds Received in Cooperation with Erie 2 Chautauqua Cattaraugus Boards of Cooperative Educational Services (E2CCB) Students, Teachers, and Officers Preventing (STOP) School Violence Program (SSV Program) Allocation

By Human Services and Audit & Control Committees:

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

WHEREAS, Erie 2-Chautauqua-Cattaraugus BOCES (“BOCES”), is a recipient of a grant aimed at addressing the issues of school violence; and

WHEREAS, BOCES desires to provide funding to Chautauqua County Department of Mental Hygiene (CCMH) for training to enhance or expand school safety and violence prevention wherein County will provide Youth Mental Health First Aid (YMHFA) and Adult Mental Health First Aid (AMHFA) training and/or YMHFA and AMHFA Train-the-Trainer Facilitator/Instructor training as determined by E2CCB Director of Instructional Support Services(ISS); and

WHEREAS, BOCES Director of ISS will work with CCMH to identify additional training needs and instructors, and will work to create a comprehensive plan to provide adequate training opportunities to meet goals as defined in the Bureau of Justice Assistance Grant, STOP SSV Program awarded to E2CCB; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

11/16/2022

RESOLVED, That the County Executive is hereby authorized and empowered to enter into and execute any and all agreements, amendments, addenda, and all other necessary documents with BOCES; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000 Federal Aid—Ment Hlth \$ 15,000

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4 Contractual—Mental Hygiene Programs \$ 15,000
Signed: Pavlock, Whitford, Torres, Wilfong, Harmon, Gould
(11/9/22 H.S. – Amended by Substitution)

RES. NO. 291-22

Use of 2022 2% Occupancy Tax Funds for Acquisition
of Near-shore Cleanup Equipment

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake is an invaluable resource to Chautauqua County and New York State; and

WHEREAS, the environmental health of Chautauqua Lake is threatened by excessive weed and algae growth; and

WHEREAS, excessive weeds and algae accumulations in the south basin of Chautauqua Lake result in unhealthy shoreline conditions and require an increased level of lake maintenance activities; and

WHEREAS, Chautauqua County, the Town of Chautauqua, the Village of Celoron, The ~~Celoron~~ Chautauqua Harbor Hotel (dba Hart Hotels), the Chautauqua Lake Partnership and the Chautauqua Lake Association will collaborate to improve lake maintenance activities in the south basin; and

WHEREAS, the Town of Chautauqua operates and maintains near-shore cleanup equipment for the collection and removal of vegetation on Chautauqua Lake and desires to expand its capabilities in the south basin with additional equipment; and

WHEREAS, Chautauqua County desires to contribute an amount not to exceed \$141,703 from the 2% Occupancy Tax Program for Lakes and Waterways Program to assist the Town of Chautauqua with the acquisition of an additional Mobitrac, Conveyor and GPS equipment; and

CHAUTAUQUA COUNTY LEGISLATURE

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WHEREAS, the Town of Chautauqua will convey the ownership of the new equipment to Chautauqua County whereupon the County will license the equipment to the Town to operate and maintain for a period of 10 years; and

WHEREAS, the Village of Celoron will host a new off-loading site that will reduce travel time and increase the efficiency of south basin lake maintenance activities; and

WHEREAS, the skimmer barges now owned by Chautauqua County and licensed to the Chautauqua Lake Association will be used in conjunction with the Mobitracs to collect and transport weeds and other debris to the new off-loading site for disposal; and

WHEREAS, the Chautauqua Lake Partnership will contribute an amount not to exceed \$40,000 to facilitate this collaborative effort; and

WHEREAS, ~~Hart Hotels~~ **Chautauqua Harbor Hotel** will contribute funding for labor and operational costs; and

WHEREAS, 6 NYCRR 617.5(c)(25) of the State Environmental Quality Review Act classifies the purchase of maintenance equipment as a Type II action, and as such, this action requires no additional environmental review; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into any contracts, agreements, and amendments to implement the contribution of funds as set forth above, and for the purchasing and/or licensing of the equipment as set forth above.

Signed: Muldowney, Wilfong, Pavlock, Gould, Penhollow, Gustafson, Harmon
(11/9/22 P.E.D – Typo correction with strikethrough and new text)

RES. NO. 292-22

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

By Planning and Economic Development and Audit & Control Committees:

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

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2023 Adopted Budget; now therefore be it

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RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development, assistance, and promotion in the amount of \$161,107.00 for the period from January 1, 2023 through December 31, 2023.

Signed: Muldowney, Wilfong, Penhollow, Harmon, Gustafson, Pavlock

RES. NO. 293-22

Authorize Agreement with CCIDA for Establishment
of Brownfield Revolving Loan Fund

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the County and the County of Chautauqua Industrial Development Agency (“CCIDA”) initiated the development of a strategy to proactively engage in brownfields redevelopment activities to improve blighted and underutilized areas in the County, improve the health and safety of its citizens through cleaning up contaminated sites, increase the County’s tax base, spur job creation and, where applicable, kick-start revitalization activities within neighborhoods throughout the municipalities in the County; and

WHEREAS, based on one of the priority recommendations within this strategy, the CCIDA applied for and was awarded a \$600,000 grant from the USEPA to establish and capitalize a Brownfields Revolving Loan Fund (RLF) which will provide loans and subgrants to carry out cleanup activities at brownfield sites; and

WHEREAS, the CCIDA will finalize a Work Plan containing the goals and objectives of the program, specific tasks to carry out the program, a strategy for fund capitalization, a quality assurance plan, budget, schedules and milestones, and policies and procedures and financial underwriting services to execute a prudent and successful RLF lending/subgrant program; and

WHEREAS, the County has established a capital project account for brownfield remediation, H.6420.37012, with a current balance of \$118,950.40 for the purpose of providing matching funds for EPA grant endeavors in partnership with CCIDA; now therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of \$95,000 from capital project H.6420.37012 as a portion of the required local share for the aforementioned Project; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement, and any necessary amendments, with CCIDA to provide said funding for the aforementioned project for the term commencing as of October 1, 2022 through September 30, 2027; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all agreements for the aforementioned project, and execute any additional documentation, amendments, or addenda necessary to effectuate the aforementioned project.

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Signed: Muldowney, Wilfong, Gould, Penhollow, Harmon, Gustafson, Pavlock

RES. NO. 294-22

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

By Planning and Economic Development and Audit & Control Committees:

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

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

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

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2023 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency to provide services which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County, in the amount of \$80,000.00, for the period from January 1, 2023 through December 31, 2023.

Signed: Muldowney, Wilfong, Gould, Penhollow, Harmon, Gustafson, Pavlock

RES. NO. 295-22

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning and Economic Development and Audit & Control Committees:

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

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2023 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2023 through December 31, 2023.
Signed: Muldowney, Penhollow, Harmon, Gustafson, Pavlock, Wilfong, Gould

RES. NO. 296-22

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

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 & Development (“CCDPD”) and the Chautauqua County Industrial Development Agency (“CCIDA”) have shared office space for many years; and

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for this lease in its 2023 Adopted Budget; now therefore be it

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

1. Premises: 1,900 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$12,000.00 to be paid monthly at a rate of \$1,000.00 per month beginning in January 2023.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve (12) months commencing on January 1, 2023 and terminating on December 31, 2023, subject to termination by prior notice.
5. Other: As negotiated by County Executive.

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Signed: Muldowney, Gould, Penhollow, Harmon, Gustafson, Pavlock, Wilfong

RES. NO. 297-22
Amend 2022 Budget to Increase Funds for
Employee Recognition Account

By Audit & Control Committee:

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

WHEREAS, Chautauqua County provides an annual employee recognition gift to its employees; and

WHEREAS, employee recognition gifts show our support and appreciation for our employees, and assist in job retention; and

WHEREAS, historically our employee recognition gift has been funded through our vending machine contract; and

WHEREAS, due to the COVID-19 pandemic the use of county vending machines was limited, and a new vending machine contract has left Chautauqua County with less funds than it historically has for employee recognition; and

WHEREAS, Chautauqua County is expected to have a surplus versus its 2022 amended budget so it will make a significant contribution our County fund balance at the end of 2022; therefore be it

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance-Unassigned Fund Balance	\$10,000
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; 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 increase funds in the employee recognition account:

INCREASE APPROPRIATION ACCOUNT:

A.9901.----.9	Interfund Transfers--Transfers to Other Funds	\$10,000
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INCREASE APPROPRIATION ACCOUNT:

AD.1230.----.4	Contractual—County Executive	\$10,000
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ESTABLISH & INCREASE REVENUE ACCOUNT:

AD.1230.----.R503.1000 Interfund Transfers—Interfund Transfer \$10,000

Signed: Gould, Pavlock, Wilfong, Niebel, Harmon

(11/10/22 A.C. Amended by substitution)

RES. NO. 298-22
Distribution of Mortgage Taxes

By Audit & Control Committee:

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 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:

April 1, 2022 through September 30, 2022

TOWNS		CITIES	
Arkwright	\$11,291.21	Dunkirk	\$57,371.73
Busti	\$85,426.22	Jamestown	<u>\$152,107.62</u>
Carroll	\$23,993.49		
Charlotte	\$4,945.55	TOTAL	\$209,479.35
Chautauqua	\$56,058.28		
Cherry Creek	\$6,659.80		
Clymer	\$9,460.24		
Dunkirk	\$7,102.01		
Ellery	\$82,880.32	Bemus Point	\$5,570.04
Ellicott	\$103,817.10	Brocton	\$1,410.77
Ellington	\$13,526.55	Cassadaga	\$1,584.96
French Creek	\$41,617.34	Celoron	\$7,988.92
Gerry	\$7,569.22	Falconer	\$11,503.50
Hanover	\$51,178.03	Fredonia	\$33,247.28
Harmony	\$15,574.22	Lakewood	\$25,588.21
Kiantone	\$11,337.07	Mayville	\$4,503.89
Mina	\$19,313.62	Panama	\$1,845.78
North Harmony	\$27,034.01	Sherman	\$2,113.95

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Poland	\$12,464.37	Silver Creek	\$5,821.06
Pomfret	\$66,387.48	Sinclairville	\$766.79
Portland	\$15,520.76	Westfield	<u>\$8,566.81</u>
Ripley	\$11,688.95		
Sheridan	\$24,868.00		
Sherman	\$12,370.28		
Stockton	\$9,662.72	TOTAL	\$110,511.97
Villanova	\$8,346.48		
Westfield	<u>\$23,364.05</u>		
TOTAL	\$763,457.37		

\$1,083,448.69

GRAND TOTAL

Signed: Gould, Pavlock, Wilfong, Niebel, Harmon

RES. NO. 299-22
Authorize Transfer of Tax Foreclosure Property to City
of Dunkirk Local Development Corporation

By Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 110-17, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the City of Dunkirk has requested that the County convey to the City two tax delinquent properties (SBL #79.14-7-8 and #79.14-7-9); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcels #79.14-7-8 and #79.14-7-9 to the City of Dunkirk Local Development Corporation for \$2,000 at the time of closing, with the LDC responsible for any applicable real property taxes commencing with the 2022-23 school taxes; with the balance of tax liens to be paid at the time of sale or transfer by the LDC to a third party, and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Scudder, Wilfong, Vanstrom, Muldowney, Parker, Davis, Pavlock, Niebel, Harmon

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RES. NO. 300-22

Authorize Transfer of Tax Foreclosure Property to Town of Ripley

By Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 110-17, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Ripley has requested that the County convey to the Town two tax delinquent properties (SBL #240.11-1-20 and #240.11-1-30); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcels # 240.11-1-20 and #240.11-1-30 to the Town of Ripley for \$11,956.79, with the Town responsible for any applicable real property taxes commencing with the 2022-23 school taxes; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

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

RES. NO. 301-22

Authorize Transfer of Tax Foreclosure
Property to Village of Mayville

By Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 110-17, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Village of Mayville has requested that the County convey to the Village tax delinquent property (SBL #262.07-2-17, #262.07-2-18, #262.07-2-19.2); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcels #262.07-2-17, #262.07-2-18, and #262.07-2-19.2 to the Village of Mayville for \$3,648.70, with the Village responsible for any applicable real property taxes commencing with the 2022-23 school taxes; and be it further

RESOLVED, That in the event the Village should resell such property, then the proceeds of such sale shall be applied first to reimburse the Village for the reasonable demolition costs,

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and any remaining proceeds shall be split between the County and the Village based on the proportionate share of outstanding delinquent taxes existing at the time of the County's transfer to the Village; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Scudder, Pavlock, Wilfong, Niebel, Harmon, Gould
(11-7-22 A.S. - Amended by adding a Resolved Clause)

RES. NO. 302-22

Making Appropriations for the Conduct of
County Government For Fiscal Year 2023

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2023 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 270-22 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 270-22 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

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

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2023; therefore be it

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

Signed: Chagnon

RES. NO. 303-22

Authorize Tax Levy

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there has been adopted a budget for the fiscal year of 2023 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2023 therefore be it

RESOLVED, That this Legislature hereby levies:

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1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;
2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 166-22, adopted June 22, 2022.
5. Upon the property on which school taxes are uncollected as of November 30, 2023, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2023, the amount of such uncollected village taxes;

Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2023 pursuant to law or resolution of this Legislature.

Signed: Chagnon

RES. NO. 304-22

Authorize Levy of Town Taxes

At the Request of Chairman Pierre E. Chagnon:

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

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

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

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

Signed: Chagnon

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RES. NO. 305-22
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Pierre E. Chagnon:

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

Signed: Chagnon

RES. NO. 306-22
Authorize Levy of Omitted Taxes

At the Request of Chairman Pierre E. Chagnon:

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

Signed: Chagnon

RES. NO. 307-22
Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North,
South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Pierre E. Chagnon:

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

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

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

Signed: Chagnon

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RES. NO. 308-22
Fixing Equalization Rates for 2023

At the Request of Chairman Pierre E. Chagnon:

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

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2023 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2022 tax rolls in the following towns and cities:

Arkwright	41%	Harmony	87.60%
Busti	82.75%	Jamestown, City	88%
Carroll	85.75%	Kiantone	87.60%
Charlotte	78.15%	Mina	94.90%
Chautauqua	99%	North Harmony	76.20%
Cherry Creek	75.4%	Poland	92%
Clymer	97%	Pomfret	15%
Dunkirk, Town	58%	Portland	45%
Dunkirk, City	63%	Ripley	91%
Ellery	78.6%	Sheridan	51%
Ellicott	92.75%	Sherman	94.9%
Ellington	100%	Stockton	100%
French Creek	94.90%	Villanova	43%
Gerry	81.5%	Westfield	66%
Hanover	69%		

Signed: Chagnon