

CHAUTAUQUA COUNTY LEGISLATURE

06/28/2023

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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 GUSTAFSON

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 05/24/2023

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.

COMMENDATIONS:

CERTIFICATE AWARDS

To High School

VALEDICTORIANS and SALUTATORIANS

By

Chairman Pierre E. Chagnon

County Executive Paul M. Wendel, Jr.

PRESENTATION:

Planning Board's Review of

2024 Capital Projects

By Doug Bowen

VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL

NO VETOES FROM 05/24/2023

COMMUNICATIONS:

- 1. Letter – NYS Department of Taxation and Finance – 2023 State Equalization Rates**
- 2. Minutes – Conewango Watershed Commission – April 6th, 2022 Meeting**
- 3. Affidavit of Publication – Legal Notice – Local Law 6-23 - (Post Journal and Observer)**
- 4. Affidavit of Publication (2) – Legal Notice – Local Law Intro 6-23 (Post Journal and Observer)**
- 5. Affidavit of Publication (2) – Legal Notice – Local Law 5-23 (Post Journal and Observer)**

CHAUTAUQUA COUNTY LEGISLATURE

06/28/2023

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6. Letter – Senator George Borrello – Acknowledgement of Motion 13-23 (Opposing Waste Disposal Surcharges and Requesting an Exemption for Planning Units)
7. Letter – NYS Department of Taxation and Finance – 2023 State Equalization Rates
8. Affidavit of Publication (2) – Legal Notice – Public Hearing re: 2023 CDBG Application (Post Journal and Observer)
9. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Concerning the Proposed Reduction of Inflow and Infiltration in the NCLSD Collection System (Post Journal and Observer)
10. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Modifications to Chautauqua County Agricultural District 7 (Post Journal and Observer)

6:35 P.M.

PUBLIC HEARINGS

A Public Hearing Pursuant to County Law §268 Upon a Proposal to Reduce Infiltration and Inflow in the North Chautauqua Lake Sewer District

A Public Hearing on Modifications to Chautauqua County Agricultural District 7

A Public Hearing Regarding a Potential Application for 2023 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding

RESOLUTIONS:

- 171-23 Appointment of County Salary Commission
- 172-23 Confirm Re-Appointment – Jamestown Community College Board of Trustees
- 173-23 Confirm Appointments and Re-appointments –Traffic Safety Board
- 174-23 Confirm Appointments – Chautauqua County Board of Health
- 175-23 Amend 2023 Budget to Implement the New Gerace Office Building Roof Restoration Project, Using Funding from the American Rescue Plan Act (ARPA)
- 176-23 Authorize Transfer of Capital Funds between Capital Accounts and Closing of Capital Accounts
- 177-23 Acceptance of FAA and NYSDOT Funds to Replace thirty-four (34) Airfield Guidance Signs - Design project at the Chautauqua County/Jamestown Airport
- 178-23 Acceptance of FAA and NYSDOT Funds for the Rehabilitate Taxiway A East Construction project at the Chautauqua County/Dunkirk Airport
- 179-23 Adjust D.5112-Capital Improvement Accounts

CHAUTAUQUA COUNTY LEGISLATURE

06/28/2023

To View the Meeting on-line go to

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- 180-23 North Chautauqua Lake Sewer District SEQRA Determination Concerning the Reduction of Inflow and Infiltration in the District**
- 181-23 North Chautauqua Lake Sewer District Determinations in Relation to Reduction of Infiltration and Inflow**
- 182-23 North Chautauqua Lake Sewer District Capital Account Establishment in Relation to Project for Reduction of Infiltration and Inflow**
- 183-23 A Resolution Authorizing the Issuance of \$5,480,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North Chautauqua Lake Sewer District Infiltration and Inflow Reduction Project**
- 184-23 Authorize County to Apply for Grants and Loans on Behalf of the North Chautauqua Lake Sewer District for Inflow and Infiltration Repair**
- 185-23 Authorization for the County to Apply for Grants on Behalf of the North Chautauqua Lake Sewer District for Review of Wastewater Treatment Plant Capacity**
- 186-23 Authorize Amended Technology Innovations and Election Resource Grant Award from the New York State Board of Elections**
- 187-23 Authorize the Amendment of the Absentee Ballot Pre Paid Postage Grant Award from the New York State Board of Elections**
- 188-23 Amend 2023 Budget to Implement the Sheriff's Office Upgrades-Jail & Patrol Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 189-23 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction 2023-2024**
- 190-23 Amend 2023 Budget for Office of the Sheriff**
- 191-23 Amend 2023 Budget for Probation**
- 192-23 Close Health Department Petty Cash Fund**
- 193-23 Amend 2023 Budget Appropriations to Include Office of Mental Health (OMH) Block Grant for Evidence-Based Practice (EBP), Training, and Implementation for Children and Families**
- 194-23 Amend 2023 Budget Appropriations to Include Revenues Received by the Opioid Settlement Fund Advisory Board (OSFAB)**
- 195-23 Authorizing Contracts with Cattaraugus and Allegany Counties for SNAP Education Programming**
- 196-23 Authorizing Submittal of Application for 2023 Community Development Block Economic Development Grant Funding through the New York State Office of Community Renewal**
- 197-23 Accept State Environmental Quality Review (SEQR) of Agricultural District 7 8-Year Review**
- 198-23 Accept Proposed Modifications and Continuation of Chautauqua County Agricultural District 7**
- 199-23 Commitment of Matching Funds for a Grant Application to the New York State Consolidated Funding Application Program for Nonpoint Source Planning Grant**
- 200-23 Authorizing SEQRA Review of 2024 Round of 2% Occupancy Tax Grant Program Recommendations**
- 201-23 Amend 2023 Budget to Implement Lake Erie Sediment Assessments Using**

CHAUTAUQUA COUNTY LEGISLATURE

06/28/2023

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**Funding from the 3% Occupancy Tax Program Reserve
202-23 Authorizing Sale of Frank W. Bratt Agricultural Center in the Town of
Ellicott Pursuant to County Law 215**

MOTION:

A. Promoting Equality and Inclusion and Denouncing Racism

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.

**Consideration of a Motion to enter into executive session, upon an affirmative vote
of the majority, pursuant to Section 105(e) of the Open Meetings law to discuss
collective negotiations pursuant to article fourteen of the civil service law**

CHAUTAUQUA COUNTY LEGISLATURE

5/28/2023

RES. NO. 171-23

Appointment of County Salary Commission

By Administrative Services Committee:

At the Request of Chairman Chagnon:

WHEREAS, Section 4.05 of the Chautauqua County Charter requires that there shall be appointed by the County Legislature a seven (7) member bi-partisan County Salary Commission to review and recommend the salaries of all County elected officials except those whose salaries are established pursuant to State law; and

RESOLVED, That the Chautauqua County Legislature hereby appoints the following individuals to the bi-partisan County Salary Commission:

Steve Abdella
276 Kiantone Road,
Jamestown, NY 14701

Frank Beach
11 Lakefront Blvd.
Dunkirk, NY 14048

Frank “Jay” Gould
2828 Thorton Road,
Sinclairville, NY 14782

Daniel Heitzenrater
1092 Ivory Road,
Frewsburg, NY 14738

Vince Horrigan
225 Lakeside Drive
Bemus Point, NY 14712

Greg Krauza
35 E. Main Street Ste 2
Fredonia, NY 14763

Sharon Smead
31 Academy Street
Mayville, NY 14757

and be it further

RESOLVED, That the County Salary Commission is requested to review and make recommendations to the Legislature by October 1, 2023 regarding the entire compensation package for elected officials, including salary, insurance, and mileage expense reimbursements.

Signed: Scudder, Parker, Vanstrom, Muldowney
(6-20-23 A.S. – Amended by adding Sharon Smead)

RES. NO. 172-23

Confirm Re-Appointment – Jamestown Community
College Board of Trustees

By Administrative Services Committee:

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

WHEREAS, resolution 129-95 authorized regional sponsorship of Jamestown Community College; and

WHEREAS, Resolution 129-95 created a community college region by the City of Jamestown, County of Chautauqua and County of Cattaraugus, with two appointments to the Board of Trustees to be made by the County Executive; therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Jamestown Community College Board of Trustees as follows:

Daniel Heitzenrater
1092 Ivory Road
Frewsburg, NY 14738
Term Expires: 6/30/30
(Re-Appointment)
Signed: Scudder, Parker, Vanstrom, Muldowney

RES. NO. 173-23
Confirm Appointments and Re-appointments –
Traffic Safety Board

By Public Safety Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointments to the Chautauqua County Traffic Safety Board.

Daniel Hollands
3081 North Main St Extension,
Jamestown, NY 14701
Term Expires: 7/31/26
(New Appointment)

Fred Crosscut
7804 Freeman Road
Sherman, NY 14781
Term Expires: 7/31/26
(Re-Appointment)

David Price
9-11 Temple Street.
Fredonia, NY 14063
Term Expires: 7/31/26
(New Appointment)

David Ortolano
342 Central Avenue
Dunkirk, NY 14048
Term Expires: 7/31/26
(Re-Appointment)

William L. Ohnmeiss Jr.
215 South Work Street
Falconer, NY 14733
Term Expires: 7/31/26
(Re-Appointment)

Ronald Trippy
6755 S. Portage Road
Westfield, NY 14787
Term Expires: 7/31/26
(Re-Appointment)

Tim Card
5282 Washington Street
Ashville, NY 14710

Patrick Flanders
10367 Main Street
Findley Lake, NY 14736

CHAUTAUQUA COUNTY LEGISLATURE
6/28/2023

Term Expires: 7/31/26
(Re-Appointment)

James Quattrone
15 E. Chautauqua Street
Mayville, NY 14710
Term Expires: 7/31/26
(Re-Appointment)

Kenneth James
4329 W. Lake Road
Mayville, NY 14757
Term Expires: 7/31/26
(Re-Appointment)

Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson

Term Expires: 7/31/26
(Re-Appointment)

Frederick Johnson
8419 W. Main Street
Westfield, NY 14787
Term Expires: 7/31/26
(Re-Appointment)

Patrick Wheeler
10427 Bayshore Drive
Dunkirk, NY 14048
Term Expires: 7/31/26
(Re-Appointment)

RES. NO. 174-23
Confirm Appointments – Chautauqua County
Board of Health

By Human Services Committee:

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

WHEREAS, County Executive Paul M. Wendel, Jr. has submitted the following 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 Board of Health.

Dr. Wolf-Dieter Krahn
304 Howard Avenue
Jamestown, NY 14701
Term Expires: 12/31/26
(New Appointment replacing Nancy Rosario)

Dr. Erin Pender
3793 West Lake Road
Ashville, NY 14710
Term Expires 12/31/28
(New Appointment)
Signed: Proctor, Pavlock, Torres, Gustafson, Rankin

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

RES. NO. 175-23

Amend 2023 Budget to Implement the New Gerace Office Building
Roof Restoration Project, Using Funding from the
American Rescue Plan Act (ARPA)

By Public Facilities and Audit & Control Committees:

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

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

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

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

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for ARPA funds and to allocate the available funds; and

WHEREAS, the New Gerace Office Building Roof Restoration project fits within the guidelines for ARPA spending, is needed because of unforeseen catastrophic roof repairs necessary to prevent further damage to the Courthouse, and budget amendments are necessary to authorize spending for the project; and

WHEREAS, it would be advisable to combine the New Gerace Office Building Roof Restoration project with the recently approved capital project H.1620.25264 New Courthouse Roof Replacement, now therefore be it,

RESOLVED, That the name of the capital project H.1620.25264 be changed to Roof Replacements (2023), and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

H.1620.25264.4	Contractual—Roof Replacements (2023)	\$1,000,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	\$1,000,000
	Total	\$2,000,000

INCREASE REVENUE ACCOUNTS:

H. 1620.25264.R503.1000	Interfund Transfers—Interfund Transfer	\$1,000,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$1,000,000
	Total	\$2,000,000

Signed: Hemmer, Niebel, Pavlock, Parker, Scudder, Harmon, Wilfong
(6-20-23 P.F. – Amended by substitution)

CHAUTAUQUA COUNTY LEGISLATURE
6/28/2023

RES. NO. 176-23
Authorize Transfer of Capital Funds between Capital
Accounts and Closing of Capital Accounts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects and one of these capital projects came in under budget; and

WHEREAS, it is now known there is a need to purchase a crack sealing machine to be used at the Jamestown and Dunkirk airports; now therefore be it

RESOLVED, That the Director of Finance is authorized make the following changes to the Capital Budget:

ESTABLISH & INCREASE CAPITAL APPROPRIATION:

H.5610.25263.4	Contractual - Chautauqua County Airport - Crack Sealing Machine (2023)	\$38,500
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DECREASE CAPITAL APPROPRIATION:

H.5610.25258.4	Contractual - Chautauqua County Airport - JHW Articulating Boom Lift (2023)	\$38,500
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.25263.R503.1000	Interfund Transfers-Interfund Transfer	\$38,500
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5610.25258.R503.1000	Interfund Transfers-Interfund Transfer	\$38,500
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; and be it further

RESOLVED, That the Director of Finance, after making the amendments stated above, close capital account H.5610.25258 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 this closed capital account, any surplus or deficit will be adjusted to the appropriate Fund or Reserve for Capital.

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

RES. NO. 177-23
Acceptance of FAA and NYSDOT Funds to Replace thirty-four (34)
Airfield Guidance Signs - Design project at the
Chautauqua County/Jamestown Airport

By Audit & Control Committee:

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (“FAA”) a project application and received a grant from the FAA to pay

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: Replace thirty-four (34) Airfield Guidance Signs – Design FAA Bipartisan Infrastructure Law (“BIL”) – Airport Infrastructure Grant (“AIG”) Project No. 3-36-0048-060-2023 (herein called the “Project”) with a 5% local share and 5% provided by the New York State Department of Transportation; and

WHEREAS, the FAA has approved the Project for Chautauqua County/Jamestown Airport consisting of to Replace thirty-four (34) Airfield Guidance Signs - Design, which is more fully described in the Project agreement; and

WHEREAS, pursuant to Resolution 16-23, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan (“ACIP”) and approved submission of an application for FAA and NYSDOT grant funds to Replace thirty-four (34) Airfield Guidance Signs - Design under the Bipartisan Infrastructure Law (“BIL”) – Airport Infrastructure Grant (“AIG”), and funding shares for the Project are as follows:

Federal	\$	78,030.00
State	\$	4,335.00
Local	\$	<u>4,335.00</u>
Total Project Costs	\$	86,700.00

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the Airport; therefore be it

RESOLVED, That Chautauqua County enter into an agreement with the FAA and NYSDOT for financial assistance for the Project described above at the Chautauqua County/ Jamestown Airport; and be it further

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

RESOLVED, That a certified copy of this resolution be filed with the FAA and NYSDOT by attaching it to any necessary documents in connection with this Project; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Fund Balance, Unassigned Balance—	
	Unassigned Fund Balance	\$ 4,335

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$ 4,335
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25XXX.4	Contractual—Chautauqua County Airport, Replace thirty-four (34) Airfield Guidance	
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CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

Signs - Design (2023) \$ 78,030

ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25295.R503.1000	Interfund Transfer – Interfund Transfer	\$ 4,335
H.5610.25295.R359.7001	NYS Aid – Airport Capital Grants	\$ 4,335
H.5610.25295.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ 78,030
	Total	\$ 86,700

Signed: Pavlock, Harmon, Wilfong, Niebel
(6-22-23 A.C. Carried with Legislator Scudder voting “No”)

RES. NO. 178-23

Acceptance of FAA and NYSDOT Funds for the Rehabilitate Taxiway
A East Construction project at the Chautauqua County/Dunkirk Airport

By Audit & Control Committee:

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (“FAA”) a project application and received a grant from the FAA to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: Rehabilitate Taxiway A East Construction FAA Airport Improvement Project (AIP) Project No. 3-36-0022-064-2023 (herein called the “Project”) with a 5% local share and 5% provided by the New York State Department of Transportation; and

WHEREAS, the FAA has approved the Project for Chautauqua County/Dunkirk Airport consisting of the Rehabilitation of Taxiway A East Construction, which is more fully described in the Project agreement; and

WHEREAS, pursuant to Resolution 17-23, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan (“ACIP”) and approved submission of an application for FAA and NYSDOT grant funds for the Rehabilitation of Taxiway A East Construction under the Airport Improvement Program (“AIP”), and funding shares for the Project are as follows:

Federal	\$ 611,338.00
State	\$ 33,963.00
Local	\$ 33,964.00
Total Project Costs	\$ 679,265.00

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the Airport; therefore be it

RESOLVED, That Chautauqua County enter into an agreement with the FAA and NYSDOT for financial assistance for the Project described above at the Chautauqua County/ Dunkirk Airport; and be it further

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

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

RESOLVED, That a certified copy of this resolution be filed with the FAA and NYSDOT by attaching it to any necessary documents in connection with this Project; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Fund Balance, Unassigned Balance—	
	Unassigned Fund Balance	\$ 33,963

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$ 33,964
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25XXX.4	Contractual—Chautauqua County Airport, Rehab TW A East – Construction (2023)	\$ 611,338
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25289.R503.1000	Interfund Transfer – Interfund Transfer	\$ 33,964
H.5610.25289.R359.7001	NYS Aid – Airport Capital Grants	\$ 33,963
H.5610.25289.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ 611,338
	Total	\$ 679,265

Signed: Pavlock, Harmon, Wilfong, Niebel
(6-22-23 A.C. Carried with Legislator Scudder voting “No”)

RES. NO. 179-23
Adjust D.5112-Capital Improvement Accounts

By Public Facilities and Audit & Control Committees:

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

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

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

WHEREAS, the Chautauqua County capital budget includes \$4,567,359 in CHIPS Funding for capital improvements; and

WHEREAS, New York State has adjusted the 2023-2024 CHIPS appropriations for Chautauqua County to \$5,101,667.43; and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

WHEREAS, the Chautauqua County capital budget includes \$1,275,527 in PAVE-NY funding for capital improvements; and

WHEREAS New York State has adjusted the 2023-2024 PAVE-NY appropriations for Chautauqua County to \$1,285,494.89; and

WHEREAS, the Chautauqua County capital budget includes \$850,351 in Pavement Potholes (POP) funding for capital improvements; and

WHEREAS, New York State has adjusted the 2023-2024 POP appropriations for Chautauqua County to \$856,996.60; and

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

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

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

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

INCREASE REVENUE ACCOUNTS:

D.5112.391.R350.1000	New York State Aid-NYS Aid CHIPS	\$ 534,308
D.5112.391.R350.PAVE	New York State Aid-NYS Aid PAVE NY	\$ 9,967
D.5112.391.R350.POP	New York State Aid-NYS AID POP	\$ 6,645
D.5112.391.R350.EWR	New York State Aid-NYS Aid – Extreme Weather Recovery	\$ 841,994
	Total	\$1,392,914

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4 Contractual-Capital Improvements, Highway Improvements \$1,392,914
Signed: Hemmer, Wilfong, Niebel, Pavlock, Parker, Scudder, Harmon

RES. NO. 180-23

North Chautauqua Lake Sewer District SEQRA Determination
Concerning the Reduction of Inflow and Infiltration in the District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive Paul M. Wendel, Jr.
and Legislature Chairman Pierre E. Chagnon:

WHEREAS, the North Chautauqua Lake Sewer District (District) was established by Resolution 37-76 in accordance with County Law Article 5-A; and

WHEREAS, engineers with the firm of Barton & Loguidice, D.P.C. have determined that District infrastructure is in need of repairs to reduce inflow and infiltration as articulated in their June 2022 Preliminary Engineering Report and their January 2023 Map and Plan report; and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

WHEREAS, the repairs will involve: installation of Cured-In-Place Pipe lining; replacement of sewer main lines; rehabilitation of manholes; and rehabilitation of pump stations; therefore be it

RESOLVED, That in accordance with Article 8 of the New York State Environmental Conservation Law and the State Environmental Quality Review Act (SEQRA), the Chautauqua County Legislature has considered the Project under SEQRA and hereby determines that the Project meets the requirements of a Type II action under 6 NYCRR 617.5(c)(1), "maintenance or repair involving no substantial changes in an existing structure or facility," and, pursuant to 6 NYCRR 617.5(a), the Project as a Type II action is not subject to further SEQRA review under 6 NYCRR Part 617.

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

RES. NO. 181-23

North Chautauqua Lake Sewer District Determinations in
Relation to Reduction of Infiltration and Inflow

By Public Facilities and Audit & 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 144-23 calling a public hearing pursuant to County Law §268 for the purpose of considering a project to reduce Infiltration and Inflow (I & I) in the collection system 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 28, 2023 at 6:35 PM, prevailing time; and

WHEREAS, the Legislature has duly considered the January 2023 Map and Plan report prepared by Barton & Loguidice, engineers duly licensed in the state of New York, 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 and Plan report and other data filed with it, the Legislature hereby determines in accordance with County Law §268 that it is in the public interest to construct the proposed improvements for the reduction of I & I as described in the Map and Plan report and in the Notice of Public Hearing for a maximum amount to be expended of \$5,480,000.00 (the Project), and the Project is approved; and be it further

RESOLVED, That the initial allocation of the costs of the improvements as described in the Map and Plan report and in the Notice of Public Hearing are hereby approved with NCLSD users paying a maximum estimated annual cost of \$160.00, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$700.00; 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 NCLSD, they shall be assessed

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

in proportion as nearly as may be to the benefit which each lot or parcel in the NCLSD will derive therefrom; and be it further

RESOLVED, That the NCLSD Board is directed to proceed with the improvement in the manner specified by County Law §262 upon:

1. Comptroller approval of the Project; and
2. Financing being secured in an amount and manner satisfactory to the

NCLSD Board.

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

RES. NO. 182-23

North Chautauqua Lake Sewer District Capital Account Establishment
in Relation to Project for Reduction of Infiltration and Inflow

By Public Facilities and Audit & Control Committees:

County Executive Paul M. Wendel, Jr. and

Legislature Chairman Pierre E. Chagnon:

WHEREAS, pursuant to Resolution 181-23 the County Legislature determined that it is in the public interest to perform work to reduce infiltration out of and inflow into (I & I) the North Chautauqua Lake Sewer District (District) sewer collection system; and

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

ESN.8130.28002.4 Contractual—Sewage Treatment—NCLSD I&I (2023) \$5,480,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

ESN.8130.28002.R571.0000 Proceeds L/T Obligations—Serial Bonds \$5,480,000

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

RES. NO. 183-23

A Resolution Authorizing the Issuance of \$5,480,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North Chautauqua Lake Sewer District Infiltration and Inflow Reduction Project

By Public Facilities and Audit & Control Committees:

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

Legislature Chairman Pierre E. Chagnon:

WHEREAS, the North Chautauqua Lake Sewer District (District) was established by Resolution 37-76 in accordance with County Law Article 5-A; and

WHEREAS, a June 2022 engineering study of the District's collection system identified numerous items in need of repair which, in their current state, are allowing for infiltration out of and inflow into the sewer collection system (I & I); and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

WHEREAS, the engineering firm of Barton and Loguidice prepared a Map and Plan dated January 2023 which includes recommended work to reduce I & I; and

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

WHEREAS, it is now desired to provide for the financing and undertaking of the District improvements authorized pursuant to the Local Finance Law; now, therefore,

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

Section 1. The design and construction of improvements to reduce I & I in the North Chautauqua Lake Sewer District's collection system, in and for the County of Chautauqua, New York, at a maximum estimated cost of \$5,480,000, is hereby ratified and confirmed.

Section 2. The plan for the financing of such improvements shall be by the issuance of up to \$5,480,000 bonds of said County herein authorized.

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

Section 4. 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 bonds as the same respectively become due and payable. To the extent not paid from assessment and/or user charge water rates in the District, all the taxable real property in said County shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell 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 6. All other matters except as provided herein relating to the 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 7. 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

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. The County has previously indicated its official intent for purposes 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 object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of such 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: Hemmer, Niebel, Parker, Scudder, Harmon, Wilfong, Pavlock

RES. NO. 184-23

Authorize County to Apply for Grants and Loans on Behalf of the
North Chautauqua Lake Sewer District for Inflow and Infiltration Repair

By Public Facilities and Audit & Control Committees:

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

Legislature Chairman Pierre E. Chagnon:

WHEREAS, North Chautauqua Lake Sewer District (NCLSD) infrastructure was initially installed in the 1950's and 1980's and much of the infrastructure has not been updated or repaired since that time; and

WHEREAS, old infrastructure is likely to have cracks and leaks, which can lead to infiltration and inflow (I & I) of storm and ground water into, and leakage of sewage out of, collection system pipes; and

WHEREAS, sewage leaking out of pipes can result in an improper discharge of sewage to the ground, and such sewage can migrate to Chautauqua Lake and surrounding areas; and

WHEREAS, storm and ground water entering collection system pipes is unnecessarily processed through a treatment plant which may result in higher treatment costs; and

WHEREAS, I & I studies of the North Chautauqua Lake Sewer District collection system showed numerous areas in need of repair; and

WHEREAS, a Map and Plan has been developed for reduction of I & I (the Project); and

WHEREAS, government loan and grant funds for the Project may be available from numerous sources including without limitation the New York State Environmental Facilities Corporation (EFC)- EPA Clean Water State Revolving Fund (CWSRF) program, the USDA Rural Development Program, EFC's Water Infrastructure Improvement Act (WIIA) program, the New York State Department of Environmental Conservation's Water Quality Improvement Project (WQIP) program, the DEC-EFC Engineering Planning Grant (EPG) program, Empire State Development's Empire State

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

Economic Development Fund Program, and Bipartisan Infrastructure Law (BIL) funds;
and

WHEREAS, it is in the best interest of the County and NCLSD customers to apply for funding assistance when available; therefore be it

RESOLVED, That the County Executive is authorized to submit Project funding applications to federal and state government entities, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That when a Project funding application is successful, upon the County Legislature's approval of the funding and allocation of any required matching funds, the County Executive is authorized to execute and submit the contracts and documents necessary to secure funds, and to represent the County in all matters related to Project funding.

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

RES. NO. 185-23

Authorization for the County to Apply for Grants on
Behalf of the North Chautauqua Lake Sewer District for
Review of Wastewater Treatment Plant Capacity

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Paul M. Wendell, Jr. and

Legislature Chairman Pierre E. Chagnon:

WHEREAS, the North Chautauqua Lake Sewer District (District) wastewater treatment plant was last expanded in 1979 and is nearing the State's estimated maximum capacity; and

WHEREAS, a study is warranted to confirm current treatment plant capacity including the plant's ability to handle significant wet weather events; and

WHEREAS, the District currently treats sewage from an area outside of District bounds owned by the Town of Chautauqua, and the Town of Chautauqua is planning to extend its district to the town line which will result in increased flows to the North Chautauqua Lake Sewer District wastewater treatment plant; and

WHEREAS, New York State Environmental Facilities Corporation (EFC) offers Engineering Planning Grants (EPG) of up to \$50,000 with a \$10,000 match, which grants may be used for the study of wastewater treatment plant capacity; now therefore be it

RESOLVED, That the County Executive is authorized to apply to EFC for EPG funds for a wastewater treatment plant capacity study, to execute related documents, and to represent the County in connection with such funding application; and be it further

RESOLVED, If the grant application is successful, upon the County Legislature's approval of the funding and allocation of any required matching funds, the County Executive is authorized to execute and submit the contract and documents necessary to secure funds, and to represent the County in all matters related to such funding.

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

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

RES. NO. 186-23

Authorize Amended Technology Innovations and Election Resource
Grant Award from the New York State Board of Elections

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections amended the Technology Innovations and Election Resource Grant; and

WHEREAS, the State of New York will provide additional funding for a grant in the amount of \$104,015.29 for Contract #C004349-1110000 for the performance period of January 28,2023 through January 28, 2024; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections for actual expenses related to technology updates and equipment; and

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

RESOLVED, That Chautauqua County Legislature accepts the \$104,015.29 from the New York State Board of Elections Technology Innovations and Election Resource Grant; and be it further

RESOLVED, That the County Executive is hereby authorized to execute Contract #C004349-111000 with New York State to obtain these funds; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.2	Equipment—Board of Elections	\$104,016
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INCREASE REVENUE ACCOUNT:

A.1450.R308.9007	NYS Aid—Other State Aid: Elections Grt	\$104,016
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Signed: Scudder, Wilfong, Parker, Vanstrom, Muldowney, Harmon, Pavlock, Niebel

RES. NO. 187-23

Authorize the Amendment of the Absentee Ballot Pre Paid Postage Grant
Award from the New York State Board of Elections

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the Amendment of the Absentee Ballot Pre Paid Postage Grant; and

WHEREAS, the New York State Board of Elections will provide funding for a grant in the amount of \$31,653.34 for the performance period of December 31, 2022 through December 31, 2023; and

WHEREAS, these funds will be used by the Chautauqua County Board to offset expenses related to cost of Absentee Ballot Pre Paid Postage; and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

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

RESOLVED, That Chautauqua County Legislature accepts the \$31,653.34 from the New York State Board of Elections; and be it further

RESOLVED, That the County Executive is hereby authorized to execute a contract # BOE01- T004574 - 1110000 with New York State Board of Elections to obtain these funds; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4 Contractual—Board of Elections \$31,654

INCREASE REVENUE ACCOUNT:

A.1450.----.R308.9007 NYS Aid—Other St Aid: Elections Grt \$31,654
Signed: Scudder, Niebel, Parker, Vanstrom, Muldowney, Harmon, Wilfong

RES. NO. 188-23

Amend 2023 Budget to Implement the Sheriff's Office Upgrades-Jail & Patrol Project, Using Funding from the American Rescue Plan Act (ARPA)

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

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

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

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Sheriff's Office Upgrades-Jail & Patrol project fits within the guidelines for ARPA spending, the various upgrades with justifications are as follows:

Community Smoke Detectors- \$22,500 to provide to families in need

Tasers for Jail Staff- \$3,500 to replace end-of-life equipment

Renovations to the Jail Break/Training Room- \$10,000 to enable multi-use

Train and Outfit Jail CERT Team- \$23,000 special response team training & equipment

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

Jail Lockers- \$22,500 to replace end-of-life equipment
Parking Lot Repairs- \$22,000 actual cost exceeded Capital Project funding
Virtual Reality Training Unit- \$200,000 training with lifelike scenarios
and budget amendments are necessary to authorize spending for the project; now
therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3150.----.2	Equipment—Jail	\$200,000
A.3150.----.4	Contractual—Jail	\$81,000
A.3110.----.4	Contractual—Sheriff	\$ 22,500
	Total	\$303,500

INCREASE REVENUE ACCOUNT:

A.3150.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$281,000
A.3110.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$ 22,500
	Total	\$303,500

Signed: Niebel, Wilfong, Pavlock, Scudder, Hemmer, Bankoski, Proctor, Nelson,
Harmon

RES. NO. 189-23

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES
for Culinary Arts Instruction 2023-2024

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County is required pursuant to the New York State
Correction Law and Education Law to provide appropriate educational services to
eligible inmates housed at the County Jail; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has successfully
administered various education programs at the jail, and has the ability to oversee a
culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to
eligible inmates in an effort to assist such inmates in obtaining gainful employment when
released from jail, and has negotiated a tentative agreement with BOCES for the period
of July 1, 2023 through June 30, 2024, with payments to be made by BOCES to the
County of Chautauqua for a total sum not to exceed \$44,756; and

WHEREAS, this revenue has already been included in the 2023 Budget, hence an
amendment is not needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to
execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for a culinary arts
instruction program.

Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Harmon, Scudder, Wilfong,
Pavlock

CHAUTAUQUA COUNTY LEGISLATURE
6/28/2023

RES. NO. 190-23
Amend 2023 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 will exceed initial budgetary estimates due to office furniture needs in the Dispatch Center; 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 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3020.E911.2	Equipment – Publ Safety Communication, E911 System	\$13,359
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INCREASE REVENUE ACCOUNT:

A.3020.E911.R114.0000	Non Property Tax Items- Surchrg: Emerg Phone Sys	\$13,359
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Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Harmon, Scudder, Wilfong, Pavlock

RES. NO. 191-23
Amend 2023 Budget for Probation

By Public Safety and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution No. 325-22, the 2023 Adopted Budget for the Probation Department was amended to include approved funding for the 2023 Employment Focused Grant; and

WHEREAS, the amendments in Resolution No. 325-22 added all of the revenues and expenditures associated with this funding, but most of the revenues and expenditures were already included in the 2023 Adopted Budget; and

WHEREAS, costs for vehicles to be purchased in 2023 are expected to be more than budgeted; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.2	Equipment - Probation	\$4,819
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DECREASE APPROPRIATION ACCOUNTS:

A.3140.----.1	Personal Services - Probation	\$50,000
A.3140.----.8	Employee Benefits - Probation	\$50,110
A.3140.----.4	Contractual - Probation	<u>\$121,589</u>

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

Total \$221,699

DECREASE REVENUE ACCOUNT:

A.3140.-----R331.OPOV NYS AID--Probation – Employment Focused Services
\$216,880

Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Harmon, Scudder, Wilfong,
Pavlock

RES. NO. 192-23

Close Health Department Petty Cash Fund

By Human Services and Audit & Control Committees:

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

WHEREAS, Resolution No. 213-97 established a revolving petty cash fund in the amount of \$75.00 to be used by the Chautauqua County Department of Health; and

WHEREAS, Resolution No. 17-20 increased the amount of the petty cash fund from \$75.00 to \$100.00; and

WHEREAS, the petty cash fund established by Resolution No. 213-97 and increased by Resolution No. 17-20 is no longer necessary; now therefore be it

RESOLVED, That the petty cash fund established by Resolution No. 213-97 and increased by Resolution No. 17-20 is hereby abolished; and be it further

RESOLVED, That the Director of Finance is hereby directed to make any and all necessary accounting adjustments to implement this change.

Signed: Proctor, Wilfong, Pavlock, Torres, Gustafson, Rankin, Harmon, Scudder, Niebel

RES. NO. 193-23

Amend 2023 Budget Appropriations to Include Office of Mental Health (OMH) Block Grant for Evidence-Based Practice (EBP), Training, and Implementation for Children and Families

By Human Services and Audit & Control Committees:

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

WHEREAS, the Office of Mental Health (OMH) is providing a one-time funding opportunity to OMH licensed, designated, or funded programs to support the implementation of evidence-based practice (EBP) for children and families; and

WHEREAS, this Mental Health Block Grant is designed to provide comprehensive community mental health services, including services that address the needs of children, and to increase access to evidence-based treatment as well as coordinated recovery support for those with Serious Mental Illness (SMI) and serious emotional disturbance (SED); and

WHEREAS, these resources are intended to support children and youth in the wake of the coronavirus pandemic in alignment with the purpose of the Coronavirus Response Relief Supplement Appropriations Act and American Rescue Plan Act; and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

WHEREAS, these funds are intended to offset some of the costs to providers seeking to: achieve EBP qualification, retain EBP qualified clinicians, integrate EBP data tracking into organizational workflow and billing procedures, expand the delivery of EBP services, and support associated costs of EBP delivery; and

WHEREAS, this block grant covers the period of September 1, 2022 through December 31, 2024, and the current maximum amount of funding over the term of the block grant is \$60,000; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents for the acceptance of such funds, and be it further

RESOLVED, That the County Executive is authorized to enter into agreements with various government and municipal entities, including but not limited to universities, local school districts, towns, cities and villages, as well as contracted agencies and vendors in furtherance of the receipt of funds from the OMH; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0001 Federal Aid—Mental Hygiene-SAMHSA \$ 60,000

INCREASE APPROPRIATION ACCOUNTS:

A.4320.----.4 Contractual—Mental Hygiene Programs \$ 60,000

Signed: Proctor, Niebel, Scudder, Wilfong, Pavlock, Torres, Gustafson, Rankin, Harmon

RES. NO. 194-23

Amend 2023 Budget Appropriations to Include Revenues Received
by the Opioid Settlement Fund Advisory Board (OSFAB)

By Human Services and Audit & Control Committees:

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

WHEREAS, pursuant to Chapter 171 of the Laws of 2022 and pursuant to New York Mental Hygiene Law §25.18, the Opioid Settlement Fund Advisory Board (OSFAB) was created and has been charged with making recommendations regarding the use of revenues received by the State of New York resulting from settlements with opioid manufacturers, distributors, and other entities which contributed to the opioid epidemic; and

WHEREAS, OSFAB recommendations reflect collaborative recommendations from the Office of Addiction Services and Supports (OASAS), the Department of Health (DOH), and the Office of Mental Health (OMH); and

WHEREAS, the Chautauqua County Department of Mental Hygiene and Social Services has been awarded revenue funds by the OSFAB in the amount of \$1,054,904 for 2023; and

WHEREAS, these funds specifically may be used by Chautauqua County Department of Mental Hygiene and Social Services to:

- a) Prevent substance use disorders (SUD) through an evidence-based, youth-focused public health education and prevention campaigns, including school-

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

- based prevention and health care services and programs to reduce the risk of substance use by school aged children;
- b) Develop and implement public education campaigns to reduce stigma against individuals with a substance use disorder, that provide information about the risks of substance use, best practices for addressing substance use disorders, and information on how to locate services that reduce the adverse health consequences associated with SUD or provide treatment for SUD;
 - c) Provide SUD treatment and early recovery programs for youth and adults, with an emphasis on programs that provide a continuum of care that includes screening and assessment for SUD and co-occurring disorders, active treatment, family involvement, case management, relapse management for substance use and other co-occurring behavioral health disorders, vocational services, literacy services, parenting classes, family therapy and counseling services, crisis services, recovery services, evidence-based treatments, medication-assisted treatments, including medication-assisted treatment provided in correctional facilities, psychiatric medication, psychotherapy and transitional services programs;
 - d) Provide harm reduction counseling and services to reduce the adverse health consequences associated with SUD, including overdose prevention and prevention of communicable diseases related to substance use, provided by SUD service providers, or qualified community-based organizations;
 - e) Provide housing services for people who are recovering from SUD, where such housing services shall be appropriate, based on the individual's current need and stage of recovery and may include, but are not limited to, supportive housing services;
 - f) Support community-based programs that reduce the likelihood of criminal justice involvement for individuals who have or are at risk of having SUD;
 - g) Provide programs for pregnant women and new parents who currently or formerly have had SUD, and newborns with neonatal abstinence syndrome;
 - h) Provide vocational and educational training for individuals with or at risk for SUD; and
 - i) Ensure individuals can access services without discrimination based upon age, race, creed, color, national origin, sexual orientation gender identify or expression, military status, sex, pregnancy, physical or mental disability, predisposing genetic characteristics, familial status, status as a victim of domestic violence, housing status and arrest records and criminal convictions; and

WHEREAS, this funding shall be used to supplement and not supplant any other funds, including federal or state funding, which would otherwise have been expended for SUD prevention, treatment, recovery, or harm reduction services or programs; and

WHEREAS, these OSFAB funds were not included in the 2023 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents for the acceptance of such funds, and be it further

RESOLVED, That the County Executive is authorized to enter into agreements with various government and municipal entities, including but not limited to universities,

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

local school districts, towns, cities and villages, as well as contracted agencies and vendors in furtherance of the receipt of funds from the OSFAB; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000 State Aid—Mental Hygiene \$ 1,054,904

INCREASE APPROPRIATION ACCOUNTS:

A.4320.----.4 Contractual—Mental Hygiene Programs \$ 1,054,904

Signed: Proctor, Pavlock, Gustafson, Niebel, Wilfong, Torres, Rankin, Harmon, Scudder

RES. NO. 195-23

Authorizing Contracts with Cattaraugus and Allegany
Counties for SNAP Education Programming

By Human Services and Audit & Control Committees:

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

WHEREAS, the County, through the Office for Aging Services, receives funding to do Supplemental Nutrition Assistance Program (SNAP) educational programming and outreach to the older American population; and

WHEREAS, the SNAP Education funding provided is on a regional basis, covering Chautauqua, Cattaraugus and Allegany Counties; and

WHEREAS, Chautauqua OFAS has previously traveled to provide programming in the other counties; and

WHEREAS, Cattaraugus and Allegany Offices for the Aging now have capability, including certified staff, to offer programming with Chautauqua OFAS assistance, now therefore be it

RESOLVED, That the County Executive is authorized to enter into agreements with Cattaraugus and Allegany Counties for Chautauqua OFAS to providing funding, materials and support for Cattaraugus and Allegany Offices for the Aging to offer local versions of SNAP Educational sessions.

Signed: Proctor, Pavlock, Gustafson, Rankin, Torres, Harmon, Scudder, Wilfong, Niebel

RES. NO. 196-23

Authorizing Submittal of Application for 2023 Community Development
Block Economic Development Grant Funding through the New
York State Office of Community Renewal

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Westfield Maid Cooperative, Inc. or an affiliated entity (the “Company”) plans to develop, equip, furnish and operate a juice production facility at

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

7505 E. Route 20, Westfield, New York (the “Project”) at an estimated Project cost of \$2.8 million; and

WHEREAS, the Company has requested that Chautauqua County apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the machinery and equipment and working capital costs associated with the Project, and

WHEREAS, the Chautauqua Region Economic Development Corporation (the “CREDC”) is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to the CREDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to Chautauqua County in the form of new investment and an estimated 12 new employment positions, and

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

RESOLVED, That the County Executive is hereby authorized to submit a grant application on behalf of Chautauqua County to the OCR for an amount to be determined by OCR and expected to be approximately \$180,000, such amount to be provided as a grant to CREDC to provide financing to the Company for a portion of the machinery and equipment and working capital required for the Project and to fund grant administration costs, and be it further

RESOLVED, That the County Executive is hereby authorized to execute a grant agreement between the County and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the CREDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the Chautauqua County Law Department, and be it further

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

Signed: Muldowney, Wilfong, Rankin, Penhollow, Gustafson, Harmon, Scudder, Niebel, Pavlock

RES. NO. 197-23

Accept State Environmental Quality Review (SEQR) of
Agricultural District 7 8-Year Review

By Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts; and

WHEREAS, pursuant to Resolution No. 150-22, Chautauqua County is authorized to conduct a coordinated review for purposes of conducting SEQR review for actions taken under the Agricultural District Law, and authorized to use of the short environmental assessment form for agricultural districts; and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

WHEREAS, pursuant to 6 NYCRR 617 of the implementing regulations pertaining to the New York State Environmental Quality Review Act (SEQR) of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of modifying Chautauqua County's agricultural district boundaries; and

WHEREAS, the of an agricultural district's boundaries is considered an unlisted action and as such the criteria of 6 NYCRR 617.7, must be used to determine the degree of environmental impact; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a short Environmental Assessment Form (EAF) for agricultural districts for consideration by the Chautauqua County Legislature with said EAF indicating that the probability of any adverse impact of proposed modifications to the agricultural districts is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the EAF and supporting documentation, copies of which are attached; now therefore be it

RESOLVED, That the Chautauqua County Legislature has determined that the modification of the agricultural district boundaries into Chautauqua County Agricultural Districts No. 7 will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

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

RES. NO. 198-23

Accept Proposed Modifications and Continuation of
Chautauqua County Agricultural District 7

Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts; and

WHEREAS, pursuant to Article 25AA of the Agriculture and Markets Law, the law authorizes the continuance and modifications of agricultural districts within the County of Chautauqua, in accordance with the procedures set forth therein; and

WHEREAS, the Clerk of the Legislature received notification from the New York State Department of Agriculture and Markets to perform an eight-year review of Chautauqua County Agricultural District 7; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, a comprehensive eight-year review of Chautauqua County Agricultural District 7 was conducted in 2023; and

WHEREAS, the Chautauqua County Agricultural and Farmland Protection Board reviewed submitted requests to modify the agricultural district boundaries, and recommended to the Chautauqua County Legislature for the continuation of the district with the proposed modifications of the agricultural district boundaries (listed below); and

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

Parcel ID	Municipality	Acres	Recommendation
400.00-2-13	Harmony	23.2	Add to District
383.04-2-9	Harmony	12.8	Add to District
400.00-2-15.2	Harmony	4	Add to District
383.04-2-7	Harmony	12.1	Add to District
401.00-1-23	Harmony	7.9	Add to District
401.00-1-22.1	Harmony	6.5	Add to District
341.00-1-27	Mina	13.6	Add to District
341.00-1-26	Mina	3.0	Add to District
341.00-1-28	Mina	50	Add to District
398.04-1-4	Harmony	9.5	Add to District

WHEREAS, the requirement of the New York State Environmental Quality Review Act (SEQRA) have been considered, processed, and completed by Chautauqua County, and the Chautauqua County Agricultural and Farmland Protection Board report has been filed with the County Legislature; and

WHEREAS, the required public hearing was held on June 28, 2023, in order to gather input from land owners in the district, now therefore be it

RESOLVED, That it is the determination of the Chautauqua County Legislature for the continuation of Chautauqua County Agricultural District 7 to modify the district in accordance with the recommendations of the Chautauqua County Agricultural and Farmland Protection Board and input gathered from the public hearing; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file this resolution, the Chautauqua County Agricultural and Farmland Protection Board report, and maps with the tax identifications numbers for each parcel, and all things necessary to be filed with the Commissioner of Agriculture and Markets for final certification.

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

RES. NO. 199-23

Commitment of Matching Funds for a Grant Application to the New York State Consolidated Funding Application Program for Nonpoint Source Planning Grant

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 asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened by severe erosion, sedimentation and flooding associated with Bemus Creek; and

WHEREAS, the Chautauqua County Department of Planning and Development and the Chautauqua Lake and Watershed Management Alliance (Alliance) have partnered to provide grant writing and grant administration services, technical services and project oversight in an effort to efficiently deliver

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

beneficial water quality projects that have a positive impact on the environmental health of Chautauqua Lake; and

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

WHEREAS, the 2023 CFAs include Nonpoint Source Planning Grants (NPGs) in the amount of \$50,000, which provide funding for stream sediment and debris management planning; and

WHEREAS, the NPGs for stream sediment and debris management planning provides reimbursement for up to 90% of eligible project costs, with applicants providing the remaining local match contribution of at least 10% of the total project costs; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of \$781,017; and

WHEREAS, Chautauqua County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments (herein called the "Project"), is desirable, in the public interest, and required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the County deems it to be in the public interest and benefit under this law to enter into a contract therewith; now therefore be it

RESOLVED, That the County Executive is authorized to apply for a New York State Department of Environmental Conservation NPG grant for funding assistance for a Stream Sediment and Debris Management Plan for the Bemus Creek watershed; and be it further

RESOLVED, That the County shall commit a cash match of \$5,000 in local funding from the 2% Occupancy Tax Reserve toward the Stream Sediment and Debris Management Plan for Bemus Creek Project.

Signed: Muldowney, Niebel, Scudder, Harmon, Wilfong, Rankin, Penhollow, Gustafson, Pavlock

RES. NO. 200-23

Authorizing SEQRA Review of 2024 Round of 2% Occupancy Tax Grant Program Recommendations

By Planning and Economic Development and Audit & Control Committees:
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, twenty two applications for the 2024 Round of 2% Occupancy Tax Grant Program for lake and stream protection and enhancement projects were received,

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

and the Waterways Panel has carefully reviewed and prioritized the twenty two requests;
and

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

RESOLVED, That the Chautauqua County Legislature requests the Division of Planning and Development to arrange for the New York State Environmental Quality Review Act (SEQRA) review of the ten projects recommended by the Waterways Panel for 2024 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Fairmount Stormwater Basin and Watershed Improvement Project	1	\$40,000.00	\$40,000.00
Town of Ellicott Sediment Traps	2	\$12,250.00	\$52,250.00
Jurkowski Detention Project	3	\$24,885.00	\$77,135.00
Kyser Shoreline Stabilization	4	\$11,300.00	\$88,435.00
Henige Stream Restoration	5	\$7,326.00	\$95,761.00
Soon Stabilization Project	6	\$40,000.00	\$135,761.00
Sheridan Bay Park Climate Resiliency	7	\$40,000.00	\$175,761.00
Wadin Stabilization Project	8	\$18,425.00	\$194,186.00
Wilson Streambank Stabilization	9	\$36,530.00	\$230,716.00
Hilmey Stabilization Project	10	\$20,000.00	\$250,716.00
Porter Avenue Culvert - Pomfret	11	\$40,000.00	
Lighthouse Point Streambank Stabilization	12	\$22,999.00	
Feasibility Study - Goose Creek Stormwater Basin	13	\$32,200.00	
Mud Creek Rehabilitation - Smith/Lorenzi	14	\$35,950.00	
Porter Avenue Culvert - Fredonia	15	\$26,850.00	
Danmore Stabilization Project	16	\$15,050.00	
Kimberly Elste Streambank Stabilization	17	\$35,531.00	
Andrzejewski Stabilization Project	18	\$8,345.00	
Aubry - Chautauqua Lake	19	\$24,000.00	
Dunkirk Harbor - Coastal Landscape Study	20	\$34,440.00	
Fenske Restoration Project	21	\$17,784.00	
Shanahan Near & Far Seawall Construction	22	\$109,000.00	

CHAUTAUQUA COUNTY LEGISLATURE
6/28/2023

TOTALS		\$652,865.00	\$250,716.00
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Signed: Muldowney, Niebel, Wilfong, Rankin, Penhollow, Gustafson, Pavlock, Harmon, Scudder

RES. NO. 201-23
Amend 2023 Budget to Implement Lake Erie Sediment Assessments
Using Funding from the 3% Occupancy Tax Program Reserve

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, the Chautauqua County Soil & Water Conservation District seeks to undertake coastal landscape assessments to create a baseline understanding of sediment movement and wave energy along the Lake Erie shoreline of Chautauqua County; and

WHEREAS, the assessments will focus on the three biggest economic drivers on the Lake Erie shoreline: Hanford/Sunset Bays, Dunkirk Harbor, and Barcelona Harbor; and

WHEREAS, these assessments will develop alternatives for mitigating local concerns and improving resiliency of the communities; and

WHEREAS, the alternatives can then be submitted to state and federal grant programs for final engineering and construction funding; and

WHEREAS, the total cost of the coastal landscape assessments is \$255,112 and matching funds that total \$120,000 have been secured from the Lake Erie Watershed Protection Alliance (\$60,000), New York State Sea Grant program (\$55,000) and the Lake Erie Management Commission (\$5,000.00); and

WHEREAS, the 3% Occupancy Tax Program Reserve has a balance of \$722,354 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$135,112 from the 3% Occupancy Tax Program Reserve for the implementation of the coastal landscape assessments; and be it further

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

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

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883.0000 Reserved Fund Bal – Reserve for Occupancy Tax \$135,112

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$135,112

Signed: Muldowney, Wilfong, Rankin, Penhollow, Niebel, Pavlock, Gustafson, Harmon, Scudder

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

RES. NO. 202-23

Authorizing Sale of Frank W. Bratt Agricultural Center in the
Town of Ellicott Pursuant to County Law 215

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the County owns the Frank W. Bratt Agricultural Center Building located at 3542 Turner Road in the Town of Ellicott, New York, part of the parcel identified by Section, Block and Lot number 336.00-1-35.1 (the Property); and

WHEREAS, the County is presently using only an outbuilding on the Property for County purposes and will subdivide the area in use from the larger unused parcel, which the County is not using for County purposes and does not anticipate a future need to use the Property for County purposes; and

WHEREAS, ownership and maintenance of the Property is a burden to the County, and the County will benefit from restoration of the Property to the County tax rolls; and

WHEREAS, pursuant to New York State County Law §215(5), upon a determination by the County Legislature that County real property is no longer necessary for public use the Legislature may, by resolution adopted by the affirmative vote of two-thirds of the total membership, sell and convey all the right, title and interest of the County in the property; and

WHEREAS, the County has caused an Environmental Assessment Form (the "EAF") to be prepared; and

WHEREAS, the County has determined that the sale of the Property (the Action) is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law; and

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

RESOLVED, That pursuant to New York State County Law §215 and Chautauqua County Local Law 7-75, the Chautauqua County Legislature hereby finds that it is no longer in the best interest of the County to own the Frank W. Bratt Agricultural Center property and that the Property is no longer necessary for public use; and be it further

RESOLVED, That the Action entails merely the transfer to the Purchaser of the ownership of an existing building and associated property with no change to the environment, facility, or property, such that: the Action will not result in an adverse impact to the Property, will not adversely affect any water body designated as protected pursuant to New York Environmental Conservation Law, and will not affect any non-protected existing or new body of water; there will be no significant adverse impact to existing air quality from the Action; there will be no substantial adverse environmental impacts to plants and animals from the Action; the Action will not cause a significant adverse effect on aesthetic resources in the area; the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance; the Action will not adversely impact open space or recreation; the Action will not entail any

CHAUTAUQUA COUNTY LEGISLATURE

6/28/2023

adverse impact on transportation; there will be no adverse impact from the Action on the growth and character of the community or neighborhood; and the Action will have none of the adverse, significant environmental impacts referred to in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the implementing regulations found at 6 N.Y.C.R.R. Part 61, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact and accordingly, does issue a negative declaration; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves marketing and listing the Property, and the conveyance of the Property to the purchaser with the most responsible offer considering price and terms as negotiated by the County Executive, subject to the County's retention of aviation easements as may be required by the FAA; and be it further

RESOLVED, The County Executive is authorized to execute all contracts, deeds, bills of sale, and all other documents necessary to accomplish the sale of the Property.

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

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Promoting Equality and Inclusion and Denouncing Racism

AT THE REQUEST OF: Legislators Wilfong, Nelson, Parker, Vanstrom, Torres, Harmon, Bankoski and Rankin:

WHEREAS, racism, in all forms, is an issue that continues to cause harm, division, and injustice within our society; and

WHEREAS, Chautauqua County firmly believes in equality, justice, and respect for all individuals, irrespective of their race, ethnicity, or cultural background; and

WHEREAS, Chautauqua County recognizes that a diverse and inclusive environment benefits everyone by promoting understanding, empathy, and a sense of belonging; and

WHEREAS, Chautauqua County remains committed to denouncing racism and striving to make Chautauqua County a better place to live, work and play; therefore be it

KNOWN, The Chautauqua County Legislature, with great pride, hereby proclaims Chautauqua County to be a welcoming community while denouncing all forms of racism; and let it be

MOVED, that the County Legislature urges all residents to welcome all individuals to our community, and join in the fight to end all forms of racism and injustice.