

CHAUTAUQUA COUNTY LEGISLATURE

10/25/2023

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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 MULDOWNEY

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 09/27/2023

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.

PROCLAMATION:

**Proclaiming the Month of October as
“Breast Cancer Awareness Month”**

By

Legislator Elisabeth Rankin

and

County Executive Paul M. Wendel, Jr.

VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL

NO VETOES FROM 09/27/2023

COMMUNICATIONS:

- 1. Letter – Local State of Emergency Order No. 2 (Sustainable Migration) – Paul M. Wendel, Jr. – County Executive**
 - 2. Letter – NYS Department of State – Acknowledgement of Local Law 9-23 and 10-23**
 - 3. Memorandum – Proposed Amendments to Local Law 10-22, the Code of Ethics – Department of Law**
 - 4. Minutes – Conewango Watershed Commission – October 11, 2023 Meeting**
 - 5. Letter – City of Dunkirk Mayor and Council Members – re: Solid Waste Fee Increases**
 - 6. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Tentative 2024 Budget and Legislature Salaries (Post Journal and Observer)**
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6:35 P.M.

PUBLIC HEARING

**A Public Hearing On the 2024 Tentative Budget & Maximum Salary of
Members of the Chautauqua County Legislature and its Chairman**

**LOCAL LAW INTRO. 10-23 – A Local Law Amending the Chautauqua County
Code of Ethics**

RESOLUTIONS:

- 259-23 Confirm Appointment – County of Chautauqua Industrial Development Agency Board of Directors**
- 260-23 Confirm Appointment - Chautauqua County Planning Board**
- 261-23 Authorize the Purchase of Lands in the Town of Arkwright for Park Property**
- 262-23 Amend Landfill and Transfer Station User Fees**
- 263-23 Amend 2023 Budget to Implement the Training Lab Renovations Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 264-23 Amend 2023 Budget to Amend and Increase Funding for the Digitize Records Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**
- 265-23 Digitization of Archival Records**
- 266-23 Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY24**
- 267-23 Amend 2023 Budget for Office of the Sheriff**
- 268-23 Amend 2023 Budget for Office of the Sheriff Dispatch**
- 269-23 Amend 2023 Budget for Office of the Sheriff for School Resource Officer Contract with Panama Central School**
- 270-23 Emergency Services 2023 Budget Amendment**
- 271-23 Authorize Acceptance of 2023-2024 Aid to Prosecution Funds**
- 272-23 Authorize Acceptance of the Indigent Legal Services Fourth Upstate Quality Improvement and Caseload Reduction Grant for the period of July 1, 2023 to June 30, 2026**
- 273-23 Amend Chautauqua County Department of Mental Hygiene and Social Services 2023 Budget for Increased Day Care Costs**
- 274-23 Department of Mental Hygiene and Social Services 2023 Budget Amendment to Accept the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant – Chautauqua Tapestry**
- 275-23 Amend 2023 Budget for Near-shore Cleanup Equipment Improvements, Using funding from the 2% Occupancy Tax Program Reserve**
- 276-23 Fixing Date and Notice for the Public Hearing for Community Development Block Grant Application**
- 277-23 Standard Workday and Reporting Resolution**

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- 278-23 Approving Benefits and Wages for Confidential Employees and Unrepresented Employees**
- 279-23 Authorize Sale of Tax Foreclosure Property in Village of Silver Creek**
- 280-23 Consider 2024 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action**

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 10-23
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 10-22 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, parent, or sibling, including step, adoptive and half relations, a Dependent, and a household member of a County Officer or Employee.
6. "Nepotism" means giving unfair or undue preferential or favorable treatment to a Related Person, significant other, or friend.
7. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.
8. "Related Person" means: a spouse, fiancé(e), parent, parent-in-law, grandparent, child, grandchild, sibling, sibling-in-law, first cousin, aunt, uncle, niece, or nephew, including step, adoptive, and half relations; a fiancé(e)'s parent or child; and a member of the County Officer or Employee's, or their fiancé(e)'s, household.
9. "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.
10. "Supervising Authority" means the County Executive or the County Legislature, in accordance with the County Charter and Administrative Code. In the case of units which are not supervised by either the County Executive or the County Legislature, such as the Board of Elections, the Director of Human Resources will serve as the Supervising Authority.

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 Related Person;
 - (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 payroll, 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. Nepotism

1. County employees must disclose to the Director of Human Resources the name of any Related Person who is an employee of the County. Such disclosure shall be made, using a form provided for that purpose
 - a. upon initial passage of this Law, such disclosure to be made within thirty (30) days of notification by the Department of Human Resources to do so, with all County Officers and Employees completing the nepotism disclosure form to assure that all were aware of and complied with this requirement;
 - b. within ten (10) business days of hire, election, or appointment; and
 - c. within ten (10) business days of a Related Person newly becoming a County employee, or of an existing County employee newly becoming a Related Person.
2. Except as otherwise required by law, or when determined by the Supervising Authority to be in the best interest of the County and otherwise consistent with this Law:
 - a. No County Officer or Employee, either individually or as a member of an Agency, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a Related Person for any position at, for or within the County or a County Agency.
 - b. No County Officer or Employee may supervise a Related Person in the performance of the Related Person's official powers or duties.
3. The Director of Human Resources will assist County supervisors with the development of safeguards to prevent Nepotism and the potential perception of Nepotism. In determining how to proceed, office morale, the overall working environment, and County integrity may take precedence over convenience or established arrangements.

Section 6. 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 7. Use of County Resources

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

not limited to personnel time, position, money, vehicles, equipment, materials, supplies, and real property.

2. County resources shall not be used in a manner which is illegal or in furtherance of illegal activities.
3. No County Officer or Employee may use County resources for meaningful personal or private financial gain or material benefit; provided, however, that this provision shall not be construed as prohibiting:
 - a. a use of County resources authorized by law or County policy; or
 - b. a use of County resources for personal or private purposes when provided to a County Officer or Employee as part of such Officer or Employee's job responsibilities.

Section 8. 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 9. 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 2023 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 10. 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 Department of 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 11. 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 109, Mayville, New York 14757. 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 12. 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 13. 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 14. 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 15. 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 Bob Scudder

CHAUTAUQUA COUNTY LEGISLATURE

10/25/2023

RES. NO. 259-23

Confirm Appointment – County of Chautauqua Industrial
Development Agency Board of Directors

By Planning and Economic Development Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the County of Chautauqua Industrial Development Agency Board of Directors.

Amy S. Harding

Vice President and Regional Sales Manager

Lake Shore Savings Bank

2903 Rt. 76

Sherman, NY 14781

Term Expires: 12/31/23

(New Appointment Replacing John “Jay” Churchill)

Signed: Muldowney, Wilfong, Rankin, Penhollow, Harmon

RES. NO. 260-23

Confirm Appointment - Chautauqua County Planning Board

By Planning & Economic Development Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Planning Board.

Bethany O’Hagan

1243 Prendergast Ave.

Jamestown, NY 14701

Term Expires: 12/31/23

(New Appointment)

Signed: Muldowney, Wilfong, Rankin, Penhollow, Harmon

CHAUTAUQUA COUNTY LEGISLATURE

10/25/2023

RES. NO. 261-23

Authorize the Purchase of Lands in the Town
of Arkwright for Park Property

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Park Commission has a goal of extending and connecting County nature trails via property acquisitions and easements; and

WHEREAS, the Earl Cardot Eastside Overland Trail (Overland Trail) runs from the Town of Gerry into the Town of Arkwright, and there are two intervening parcels between the northernmost part of the Overland Trail and a more northerly County-owned parks property; and

WHEREAS, the intervening parcel situated immediately adjacent to the northern end of the Overland Trail, Tax Parcel No. 165.00-2-9, is owned by DAF Land Holdings, LLC (DAF); and

WHEREAS, DAF's property, including the referenced parcel and an adjacent parcel, is landlocked, and evidence suggests previous owners have accessed the property using motorized vehicles through County park land in violation of Local Law 4-80; and

WHEREAS, the County has obtained an option to purchase an approximately 40 acre portion of the eastern part of the DAF property (the Property) for a purchase price of One Thousand Eight Hundred and No/100 Dollars (\$1,800.00) per acre; and

WHEREAS, the neighbor to the west of the DAF property, Waite, has obtained an option to purchase the western portion of the DAF property, and exercise of that option will result in the DAF property no longer being landlocked because Waite has an easement over the southwest portion of County parks property; and

WHEREAS, Parks Commission members recommend County acquisition of the Property in furtherance of expanding and enhancing the Overland Trail; and

WHEREAS, there are funds in Parks Capital Improvement account H.7110.25002 available for the purchase of the DAF property; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements and associated documents with DAF Land Holdings, LLC for the purchase of the Property at a price of One Thousand Eight Hundred and No/100 Dollars (\$1,800.00) per acre, using funds in the Parks Capital Improvement account.

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

RES. NO. 262-23

Amend Landfill and Transfer Station User Fees

By Public Facilities and Audit & Control Committees:

At the Request of Legislative Chairman Pierre E. Chagnon:

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

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WHEREAS, Landfill operational costs, including costs of handling and hauling transfer station waste, have experienced routine 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 fees, as recommended by the Deputy Director, be approved, to be effective as of Jan. 1, 2024:

TRANSFER STATION FEES:

Construction & Demolition - Cubic Yard - From \$64.00 to \$65.00 per ton Construction & Demolition – Scaled Weight - From \$64.00 to \$65.00 per ton Municipal Solid Waste – Cubic Yard - From \$45.00 to \$46.00 per ton Municipal Solid Waste – Scaled Weight - From \$45.00 to \$46.00 per ton

LANDFILL FEES:

Asbestos – Non-friable – From \$43.00 to \$44.00 per ton Construction & Demolition – From \$43.00 to \$44.00 per ton Contaminated Soil – From \$28.00 to \$30.00 per ton Industrial Waste – From \$30.00 to \$32.00 per ton Municipal Solid Waste – From \$31.00 to \$32.00 per ton Sludge – Municipal – From \$28.00 to \$29.00 per ton

SURCHARGE FEES for PROBLEMATIC WASTE LOADS:

Contains Tire – On Rim – EACH – From \$15.00 to \$25.00
Contains Mattress/Box Spring – EACH – From \$0.00 to \$10.00
Signed: Hemmer, Heiser, Scudder, Harmon, Wilfong, Pavlock
(10-16-23 P.F. – Carried with Legislator Parker voting “No”)

RES. NO. 263-23

Amend 2023 Budget to Implement the Training Lab Renovations Project,
Using Funding from the American Rescue Plan Act (ARPA)

By Administrative Services 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

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been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Training Lab Renovations project fits within the guidelines for ARPA spending, is needed because of the age and poor condition of much of the furniture, 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.1680.----.4	Contractual—Information Technology	\$30,000
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INCREASE REVENUE ACCOUNT:

A.1680.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$30,000
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Signed: Scudder, Parker, Vanstrom, Harmon, Wilfong, Niebel, Pavlock

RES. NO. 264-23

Amend 2023 Budget to Amend and Increase Funding for the Digitize
Records Project within the Chautauqua County American
Rescue Plan Act (ARPA) Spending Plan

By Administrative Services 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 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, 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, spending for the project was authorized by Resolution 264-21 and now must be amended to move funds among classifications, and

WHEREAS, The County Clerk has identified additional documents to be digitized at an estimated cost of one hundred sixty thousand dollars (\$160,000) and the ARPA working group

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and County Executive have reviewed the request and deemed that the additional work to be performed fits within the guidelines for ARPA spending, and

WHEREAS, budget amendments are necessary to authorize the additional spending for this 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.1460.----.4	Contractual - Records Management	\$169,300
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DECREASE APPROPRIATION ACCOUNTS:

A.1460.----.1	Personal Services - Records Management	\$ 5,956
A.1460.----.8	Employee Benefits - Records Management	\$ 3,344
	Total	\$ 9,300

INCREASE REVENUE ACCOUNT:

A.1460.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$160,000
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Signed: Scudder, Wilfong, Niebel, Pavlock, Parker, Harmon, Vanstrom

RES. NO. 265-23
Digitization of Archival Records

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County Clerk is responsible for overseeing the management of County records, including organization and preservation.

WHEREAS, digitizing archival records will ensure preservation by creating duplicatable digital records, thereby reducing need for access the physical archival records.

WHEREAS, digitizing archival records will increase efficiency in retrieval of records as they will be available digitally to authorized users.

WHEREAS, the Records Management department had turnover in 2023 resulting in a surplus of funds;

WHEREAS, the surplus funds being reallocated toward digitization provides necessary organization and preservation of records while presenting no greater cost to the County; now therefor 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.1410.----.4	Contractual – County Clerk	\$90,560
	TOTAL:	\$90,560

DECREASE APPROPRIATION ACCOUNTS:

A.1460.----.1	Personal Services – Records Management	\$59,807
A.1460.----.8	Employee Benefits – Records Management	\$30,753
	TOTAL:	\$90,560

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

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RES. NO. 266-23

Authorize Execution of New York State Governor's Traffic Safety
Committee Grant for the Police Traffic Services Program FY24

By Public Safety and Audit & Control Committees:

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

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

WHEREAS, the State of New York will provide funding in the amount of \$20,700 with no local funds required for the contract period from October 1, 2023 to September 30, 2024; and

WHEREAS, this grant is included in the 2024 Tentative Budget, therefore no budget amendment is needed; now therefore be it

RESOLVED, The Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Governor's Traffic Safety Committee to secure the grant funding as set forth above.

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

RES. NO. 267-23

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 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 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.W911.4	Contractual – Publ Safety Communication W911 – E911 Wireless	\$161,530
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INCREASE REVENUE ACCOUNTS:

A.3020.W911.R114.0000	Non Property Tax Items – Surchg: Emerg Phone Sys	\$161,530
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Signed: Niebel, Proctor, Nelson, Hemmer, Bankoski, Harmon, Wilfong, Scudder, Pavlock

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RES. NO. 268-23

Amend 2023 Budget for Office of the Sheriff Dispatch

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 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.4	Contractual – Publ Safety Communications; Consolidated Dispatching	\$4,200
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INCREASE REVENUE ACCOUNTS:

A.3020.DISP.R158.9011	Departmental Income-Other Public Safety Income Alarms Law	\$4,200
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Signed: Niebel, Proctor, Nelson, Hemmer, Bankoski, Harmon, Wilfong, Scudder, Pavlock

RES. NO. 269-23

Amend 2023 Budget for Office of the Sheriff for School Resource Officer Contract with Panama Central School

By Public Safety and Audit & Control Committees:

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

WHEREAS, Panama Central School and Chautauqua County via the Chautauqua County Office of the Sheriff entered into a contract for a School Resource Officer to be housed at Panama Central School pursuant to resolution 207-23, and

WHEREAS, this contract with Panama Central School runs for the period of September 1, 2023 through June 30, 2024 for an estimated cost not to exceed amount \$86,771, based on a per deputy rate of \$86,771; and

WHEREAS, this new contract and the revenue pursuant to this agreement is not included in the Adopted 2023 Budget; 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.3110.----.1	Personal Services - Sheriff	\$21,200
A.3110.----.8	Employee Benefits - Sheriff	\$8,943
	Total	\$30,144

INCREASE REVENUE ACCOUNTS:

A.3110.----.R226.0000	Shared Services-CHRGs: OTH GOV-PUB SAFETY	\$30,144
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Signed: Niebel, Proctor, Nelson, Hemmer, Bankoski, Harmon, Wilfong, Scudder, Pavlock

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RES. NO. 270-23
Emergency Services 2023 Budget Amendment

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 \$105,550; and

WHEREAS, pursuant to Resolution 328-22, the County Executive was authorized to execute an agreement to secure the grant funds with the NYS Division of Homeland Security; and

WHEREAS, pursuant to Resolution 93-23, expenditures associated with this grant were added to the 2023 operating budget,

WHEREAS, Emergency Services wishes to repurpose the funds from the Contractual to the Equipment classification; 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.3625.----.2	Equipment - Technical Rescue Team	\$21,600
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DECREASE APPROPRIATION ACCOUNT:

A.3625.----.4	Contractual – Technical Rescue Team	\$21,600
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Signed: Niebel, Proctor, Nelson, Hemmer, Bankoski, Harmon, Wilfong, Scudder, Pavlock

RES. NO. 271-23
Authorize Acceptance of 2023-2024
Aid to Prosecution Funds

By Public Safety and Audit & Control Committees:

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$640,536 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program ("ATP") for the period from April 1, 2023 through March 31, 2024; and

WHEREAS, such funds are to be utilized to offset expenses incurred by the District Attorney's office during the performance period related to the prosecution of felony crimes, particularly violent felonies; and

WHEREAS, the award received during this term of the grant has exceeded the amount budgeted by the District Attorney's office in the 2023 Adopted Budget; and

WHEREAS, the District Attorney's office has included the portion of the balance to be spent in 24 in their 2024 Tentative Budget; now therefore it be

RESOLVED, That the County of Chautauqua accepts the ATP grant from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$640,536 for the term of

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April 1, 2023 to March 31, 2024 and any amendments thereto and authorizes the County Executive to execute any necessary contracts with New York State; and be it further

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

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance- Unassigned Fund Balance \$439,557
; 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 REVENUE ACCOUNT:

A.1165.----.R308.9000 Other State Aid-Other Sate Aid \$439,557

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

RES. NO. 272-23

Authorize Acceptance of the Indigent Legal Services Fourth Upstate
Quality Improvement and Caseload Reduction Grant for
the period of July 1, 2023 to June 30, 2026

By Public Safety and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua Office of the Public Defender has been awarded funding by virtue of the Fourth Upstate Quality Improvement and Caseload Reduction grant by the New York State Office of Indigent Legal Services with a funding level of \$300,000.00 for the operational period of July 1, 2023 to June 30, 2026; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law, and

WHEREAS, revenue from this grant is included in the 2024 Tentative budget but it is not included in the 2023 budget, hence an amendment is needed; now therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services Fourth Upstate Quality Improvement and Caseload Reduction for the period of July 1, 2023 to June 30, 2026 in the amount of \$300,000.00, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services; now therefore be it

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

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DECREASE THE USE OF FUND BALANCE:

A.----,----.917.0000 Unassigned Fund Balance- Unassigned Fund Balance \$50,000

; and be it further

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

INCREASE REVENUE ACCOUNT:

A.1170.----.R302.5000 State Aid Indigent Legal Services Fund \$50,000

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

RES. NO. 273-23

Amend Chautauqua County Department of Mental Hygiene and Social Services 2023 Budget for Increased Day Care Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, 2023 Expenditures for Day Care costs are now projected to be in excess of the budgeted amount; and

WHEREAS, additional funding is available through the Day Care Block Grant and prior year rollover funds for Day Care costs from the Federal Government and State of New York; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6055. ----.4 Contractual-Day Care \$1,700,000

INCREASE REVENUE ACCOUNTS:

A.6055.----.R365.5000 NYS Aid-Child Assistance \$ 56,675

A.6055.----.R465.5000 Federal Aid-Child Assistance \$1,643,325

Total \$1,700,000

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

RES. NO. 274-23

Department of Mental Hygiene and Social Services 2023 Budget
Amendment to Accept the Substance Abuse and Mental Health
Services Administration (SAMHSA) Grant – Chautauqua Tapestry

By Human Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Department of Mental Hygiene and Social Services has been awarded a SAMHSA Child Mental Health Initiative (CMHI) grant to advance the System of Care for children ages 0 – 8 years, college aged students 18 – 21 years, and their families; and

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WHEREAS, the grant covers the period of September 30, 2023, through September 29, 2027, and the maximum amount of funding over the term of the grant is \$4,000,000, distributed at \$1,000,000 each year of the grant; and

WHEREAS, the Chautauqua County Department of Mental Hygiene and Social Services will continue the transformation of the System of Care serving children, adolescents, and their families that was initiated in 2008 by expanding the quality and scope of available services by partnering with New York State System of Care (SOC), New York State Office of Mental Health (OMH), New York State Office of Addiction Services and Supports (OASAS), and New York State Office of Children and Family Services (OCFS) to bring Systems of Care to scale statewide, and using evaluation data to drive community priorities and funding decisions; and

WHEREAS, these grant 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 grant funds, and is further authorized to enter into agreements with various government and municipal entities, including but not limited to local school districts, towns, cities and villages, in furtherance of grant activities; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0001 Federal Aid—Mental Hygiene-SAMHSA \$250,000

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4 Contractual—Mental Hygiene Programs \$250,000

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

RES. NO. 275-23

Amend 2023 Budget for Near-shore Cleanup Equipment Improvements,
Using funding from the 2% 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 Lake is an invaluable resource to Chautauqua County and New York State; and

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

WHEREAS, Resolution 232-23 authorized Chautauqua County to contribute \$141,703 from the 2% Occupancy Tax Program for Lakes and Waterways Program for the acquisition of an additional Mobitrac, Conveyor and GPS equipment; and

WHEREAS, Chautauqua County, the Town of Chautauqua, Village of Celoron, The Chautauqua Harbor Hotel (dba Hart Hotels), the Chautauqua Lake Partnership and the Chautauqua Lake Association are now successfully using this Mobitrac, Conveyor and GPS equipment collaboratively to improve lake maintenance activities in the south basin; and

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WHEREAS, the utilization of Conveyor will be further improved by the addition of a modified equipment coupling device and sideplates to facilitate the offloading harvested vegetation from the larger lake maintenance equipment now in use on the Lake; and

WHEREAS, the cost of the Conveyor improvements shall not exceed \$2,545; and

WHEREAS, the 2% Occupancy Tax Program Reserve has an uncommitted balance of \$906,017 for projects of special opportunity and need; 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 or agreements to implement the purchase of the improvements; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR MISC RES: Lakes & Watrway \$2,545

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Equipment—Planning, Watershed Administration \$2,545

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

RES. NO. 276-23

Fixing Date and Notice for the Public Hearing for
Community Development Block Grant Application

By Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature wishes to assess the advisability of submitting a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (the “OCR”) for a grant to implement a microenterprise assistance program; and

WHEREAS, the Chautauqua County Legislature is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the proposal prior to submitting an application for CDBG funding; now, therefore, be it.

RESOLVED, That a public hearing be held on November 15, 2023 at 6:35 p.m. in the Legislative Chambers of the Gerace Office Building located at 3 N. Erie St, Mayville, New York before the Chautauqua County Legislature, whereat all interested parties shall be heard regarding the CDBG program, the County’s community development and economic development programs, and the proposed funding application, and be it further

RESOLVED, That at least eight (8) days’ notice of such hearing shall be given by the County Clerk by the due posting thereof in the Gerace Office Building and on the County’s website, and by publishing such notice at least once in the official newspaper of the County.

Signed: Muldowney, Wilfong, Harmon

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RES. NO. 277-23
Standard Workday and Reporting Resolution

By Administrative Services Committee:

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

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following standard work days for these titles, as set forth in the attached schedule, and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Name	Social Security Number (Last 4 digits)	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Appointed Officials:									
Barthel, Kyle A	XXX-XX-2834	R11249534	Deputy County Fire Coordinator (Part-time)	12/15/2022 – 12/31/2025	6	4.10		Quarterly	
Lettieri, Shannan M	XXX-XX-9185	R13245577	Assistant Public Defender	4/6/2023-12/31/2023	7	24.31		Bi-Weekly	
Schaffer, Lynn	XXX-XX-9260	R11776133	First Assistant Public Defender	6/1/2023 – 12/31/2023	7	23.75		Bi-Weekly	
Anderson, Bridget A	XXX-XX-6929	R11189351	Assistant District Attorney	1/1/2021 – 12/31/2024	7	26.44		Bi-Weekly	
Fiore Lehman, Marilyn L	XXX-XX-0764	R10595277	First Assistant District Attny	1/1/2021 – 12/31/2024	7	23.44		Bi-Weekly	
Woodard, Emily A	XXX-XX-3268	R10486123	Second Assistant District Atty	1/1/2021 – 12/31/2024	7	25.58		Bi-Weekly	
Bentley, Erik	XXX-XX-1327	R11878200	Second Assistant District Attn	1/1/2021 – 12/31/2024	7	24.65		Bi-Weekly	
Erickson, Danielle A	XXX-XX-1932	R12804955	Assistant Public Defender	1/1/2022 – 12/31/2023	7	23.11		Bi-Weekly	
DIMMER, JAMES S	XXX-XX-3547	R11514009	Assistant Public Defender	1/1/2022 – 12/31/2023	7	20.24		Bi-Weekly	
Burley, Heather R	XXX-XX-2538	R12975000	Assistant Public Defender	1/1/2022 – 12/31/2023	7	27.03		Bi-Weekly	
Peché Loayza, Luwing J	XXX-XX-5752	R12981309	Assistant Public Defender	1/1/2022 – 12/31/2023	7	26.27		Bi-Weekly	

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Williams, James E II	XXX-XX-3930	R12916098	Second Assistant Publ Defender	1/1/2022 – 12/31/2023	7	23.84		Bi-Weekly	
BARONE, NATHANIEL L II	XXX-XX-1266	R11264562	Public Defender	1/1/2022 – 12/31/2023	7	34.36		Bi-Weekly	
Hamann, Carlton J	XXX-XX-2382	R12809956	Assistant Public Defender	1/1/2022 – 12/31/2023	7	23.44		Bi-Weekly	
RICE, JOHN P	XXX-XX-5977	R12110020	First Assistant Public Defendr	1/1/2022 – 12/31/2023	7	23.18		Bi-Weekly	
Lee, Robert J	XXX-XX-7513	R10778033	First Assistant Public Defender	1/1/2022 – 12/31/2023	7	23.66		Bi-Weekly	
Westpfahl, Richard	XXX-XX-7382	R10899164	Deputy County Fire Coordinator	1/1/2022 - 12/31/2025	6	2.22		Quarterly	
IMFELD, DANIEL T	XXX-XX-4035	R12107337	Deputy County Fire Coordinator	1/1/2022 - 12/31/2025	6	3.15		Quarterly	
Humphreys, Jordan W	XXX-XX-6825	R12987175	Assistant Public Defender	1/1/2022 – 12/31/2023	7	22.81		Bi-Weekly	
GEISE, MARK R	XXX-XX-3920	R10737767	Deputy County Exec for Econ Dvl	1/1/2022 - 12/31/2025	7	30.1		Bi-Weekly	
Elected Officials:									
Rankin, Elisabeth	XXX-XX-5718	R11004759	Legislator	1/1/2022 – 12/31/2023	6	4.28		Bi-Weekley	
Davis, John	XXX-XX-1532	R11818893	Legislator	1/1/2022 – 12/31/2023	6	3.73		Bi-Weekly	
Scudder, Robert	XXX-XX-6226	R10698595	Legislator	1/1/2022-12/31/2023	6	6.09		Bi-Weekly	
Pavlock, Daniel	XXX-XX-3243	R11936843	Legislator	1/1/2022 – 12/31/2023	6	8.98		Bi-Weekly	

Signed: Scudder, Parker, Vanstrom

RES. NO. 278-23

Approving Benefits and Wages for Confidential Employees and Unrepresented Employees

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the County Legislature approved the tentative agreement with Civil Service Employees Association (CSEA Unit 6300) for a new labor contract for the period of January 1, 2024, through December 31, 2027; and

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WHEREAS, confidential employees and unrepresented employees are not included in the CSEA Unit 6300 bargaining unit nor do they receive benefits and wages pursuant to local laws covering management employees; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to give such confidential employees and unrepresented employees raises and benefits identical to those approved for the CSEA Unit 6300 bargaining unit.

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

RES. NO. 279-23

Authorize Sale of Tax Foreclosure
Property in Village of Silver Creek

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the old Silver Creek School in the Village of Silver Creek located at 60 Main Street (Tax Parcel # 49.06-3-43) was tax foreclosed several years ago and has been in a state of continuing deterioration for decades; and

WHEREAS, Chautauqua County has previously worked with partners interested in redevelopment of the site for housing purposes, but for various reasons no projects were able to break ground, and

WHEREAS, Park Grove Realty, of Rochester, NY, has partnered with Southern Tier Environments for Living (“STEL”), a not-for-profit 501(c)(3) corporation, both of whom have extensive experience and success in developing affordable housing, and securing the necessary funding sources for such projects; and

WHEREAS, by using State and Federal funding sources and credits, Park Grove Realty wishes to attempt to redevelop the old Silver Creek School site, therefore be it

RESOLVED, That the County Executive is authorized to enter into an agreement for the sale of the tax foreclosed old Silver Creek School, or the assignment of the County’s right to a tax deed, on the following terms and conditions:

1. Purchaser. Park Grove Realty, STEL or their combined affiliate
2. Purchase Price. \$1.00, contingent upon the purchaser receiving necessary tax credits, financing, governmental approvals, and permits for the Project, and upon the County’s discharge of back taxes currently owed to the County.
3. Closing. To be determined based on funding eligibility.
4. Other. As negotiated by the County Executive.

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

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RES. NO. 280-23

Consider 2024 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action

By Audit & Control Committee:

At the Request of Audit & Control Committee:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2024 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; and

WHEREAS, Serial Bonds may be issued to fund Capital Project 626 - Vehicle and Heavy Equipment Replacement included in Exhibit E – Summary of 2024 Tentative Budget Capital Projects; and

WHEREAS, Interest earnings on ARPA funds in 2023 are projected to be eight hundred thousand dollars (\$800,000) and such earnings can be used for any purpose; and

WHEREAS, The changes recommended by the Audit & Control Committee will result in a decrease to the amount of General Fund balance to be used for Operating Expenses by one hundred and one thousand five hundred sixty one dollars (\$101,561); now be it

RESOLVED, That the 2024 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1180.4	Contractual - Unified Court Costs- Justices & Constables	\$ 3,500
A.6100.----.4	Contractual - Medicaid	\$ 643,729
A.6140.----.4	Contractual - Safety Net	\$ 750,000
A.4322.----.4	Contractual - Mental Hygiene Law	\$ 250,000
A.1990.----.8	Employee Benefits - Contingent Account	\$ 887,037
D.5110.----.8	Employee Benefits - Maintenance of Roads	\$ 77,010
DM.5130.----.8	Employee Benefits - Road Machinery	\$ 10,200
EL.8160.1000.8	Employee Benefits - Environment, Landfill	\$ 33,049
ESN.8120.----.8	Employee Benefits - Undistributed Benefits	\$ 2,493
ESP.8120.----.8	Employee Benefits - Sanitary Sewers	\$ 592
ESS.8120.----.1	Personal Services - Sanitary Sewers	\$ 53,050
ESS.8120.----.8	Employee Benefits - Contingent Account	\$ 15,206
EW.8310.----.8	Employee Benefits - Water District	\$ 290
<i>EL.8160.1000.8</i>	<i>Employee Benefits – Environment, Landfill</i>	<i>\$ 590,000</i>
<i>ESN.8130.----.8</i>	<i>Employee Benefits – Sewage Treatment</i>	<i>\$ 25,000</i>
<i>ESP.8130.----.8</i>	<i>Employee Benefits – Sanitary Sewers</i>	<i>\$ 12,000</i>
<i>ESS.8130.----.8</i>	<i>Employee Benefits – Sewage Treatment</i>	<i>\$ 250,000</i>
<i>ESS.8120.----.8</i>	<i>Employee Benefits – Sanitary Sewers</i>	<i>\$ 9,869</i>
	Total	\$3,613,025

DECREASE APPROPRIATION ACCOUNTS:

A.1620.8060.4	Contractual - Buildings & Grounds: AG Center	\$ 16,100
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$1,000,000
A.9901.----.9	Interfund Transfers - Transfer to Other Funds	\$ 390,830
A.8020.WTRS.4	Contractual - Planning, Watershed	\$ 500,000

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D.5142.----.4	Contractual - Snow Removal: Co. Roads	\$ <u>543,040</u>
	Total	\$2,449,970

INCREASE REVENUE ACCOUNTS:

A.1310.9999.R240.1REG	Use of Money & Property-Int & Earn: Regular	\$1,050,000
A.6140.----.R364.0000	New York State Aid-Safety Net	\$ 217,500
A.3989.EMS.R158.9108	Departmental Income-Other Public Safety Income - Other Agencies	\$ 350,000
A.5630.5625.R178.9000	Departmental Income-Oth Transportation Income	\$ 125,000
DM.9901.----.R503.1000	Interfund Transfers-Interfund Transfer	\$ 10,200
ESS.8130.----.R212.8000	Departmental Income-Interest & Penalties: Sewer Charges	\$ <u>60,000</u>
	Total	\$1,812,700

DECREASE REVENUE ACCOUNTS:

A.4017.MAT.R269.0000	Sale of Property/Compensa-Other Compensation for Loss	\$ 13,603
D.5142.----.R277.0007	Miscellaneous-Other Uncl: Salt & Sand	\$ 65,000
D.9901.----.R503.1000	Interfund Transfers-Interfund Transfer	\$ <u>401,030</u>
	Total	\$ 479,633

; and be it further

RESOLVED, That Exhibit E be amended to reflect that Capital Project 626 - Vehicle and Heavy Equipment Replacement be funded with Serial Bonds in the amount of one million dollars (\$1,000,000) rather than funded by the use of General Fund Balance; and be it further

RESOLVED, That the use of A Fund Balance be reduced as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance – Unassigned Fund Balance	\$1,101,561
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; and be it further

RESOLVED, That exhibits and schedules presented in the 2024 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, That the 2024 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects a Real Property Tax Levy of \$71,527,108 and an estimated Full Value Rate of \$6.91.

Signed: Pavlock, Niebel, Harmon, Wilfong, Scudder
(10-19-23 A.C. – Amended by Substitution)