

**CHAUTAUQUA COUNTY LEGISLATURE**

**12/20/2023**

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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 NIEBEL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 11/15/2023**

**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.

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**COMMENDATIONS:**

***For Outgoing Legislators***

**KEVIN MULDOWNEY – DISTRICT 1**

**BILLY TORRES – DISTRICT 9**

**ELISABETH RANKIN – DISTRICT 12**

**JOHN DAVIS – DISTRICT 16**

**JOHN HEMMER – DISTRICT 19**

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL**

**NO VETOES FROM 11/15/2023**

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**COMMUNICATIONS:**

- 1. Memorandum – Department of Law re: Chautauqua County Purchasing Policy**
  - 2. Minutes – Conewango Watershed Commission – November 8, 2023 Meeting**
  - 3. Chautauqua County 2024 Adopted Budget**
  - 4. Letter – League of Woman Voters Chautauqua County Board of Directors**
  - 5. Affidavit of Publication (2) – Legal Notice- Publication of Local Law Introductory 11-23 (Post Journal and Observer)**
  - 6. Letter – Ann Battaglia, Chief Executive Officer Healthy Community Alliance**
  - 7. Affidavit of Publication (2) – Legal Notice- Publication of Local Law 11-22 (Post Journal and Observer)**
  - 8. Letter – NYS Department of State – Acknowledgement of Local Law 11-23**
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**RESOLUTIONS:**

- 297-23 Confirm Appointment – Parks Commission**
- 298-23 Confirm Reappointment- Community Service Board**
- 299-23 Confirm Appointment and Reappointments – Chautauqua County Youth Board**
- 300-23 Confirm Appointments and Reappointments – Chautauqua County Office for the Aging Advisory Council**
- 301-23 Confirm Reappointments – Chautauqua County Board of Health**
- 302-23 Confirm Reappointment to the Chautauqua County Agricultural & Farmland Protection Board**
- 303-23 Confirm Reappointments and Appointments to Chautauqua County Planning Board**
- 304-23 Confirm Reappointments – Chautauqua County Soil and Water Conservation District Board of Directors**
- 305-23 Confirm Reappointments – Southern Tier West Regional Planning & Development Board**
- 306-23 Confirm Reappointment – Southern Tier Extension Railroad Authority (STERA) Board of Directors**
- 307-23 Confirm Reappointments – County of Chautauqua Industrial Development Agency Board of Directors**
- 308-23 Authorize Extension of the Agreement between the North County Industrial Sewer District No. 1 and the City of Dunkirk for Sewage Treatment and Disposal Services**
- 309-23 Acceptance of CARTS Public Transportation 2023 Accelerated Transit Capital Grant**
- 310-23 Amend Capital Project Accounts—Jamestown Community College**
- 311-23 Amend 2023 Budget for Equipment Purchases**
- 312-23 Authorize Acceptance of Indigent Legal Services Grant Distribution #14 for the period of January 1, 2024 to December 31, 2026**
- 313-23 Amend 2023 Budget for Office of the Sheriff Navigation/Snowmobile Department**
- 314-23 Authorize Execution of NYS Office of Homeland Security State Law Enforcement Terrorism Prevention Program Grant FY23**
- 315-23 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY24 & FY25**
- 316-23 Amend 2023 OES Budget for FY2020 SHSP Grant**
- 317-23 Amend 2023 OES Budget for FY2022 SHSP Grant**
- 318-23 Authorize Agreement with Village of Fredonia and Amend OES 2023 Budget**
- 319-23 FY2023 Emergency Management Performance Grant (EMPG)**
- 320-23 FY2023 State Homeland Security Program (SHSP)**
- 321-23 Amend Chautauqua County Department of Public Health 2023 Budget for Increased Education: Handicapped Children Administrative costs**
- 322-23 Authorize Revised Lease Agreement with Warwick Plaza, LLC**
- 323-23 Authorize Renewal of Lease Agreement for 2024 with City of Jamestown for Office Space for the Department of Mental Hygiene**

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- 324-23 Amend 2023 Budget to Implement the Critical Incident Stress Management (CISM) Team Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 325-23 Authorizing the Submittal of a New York State Community Development Block Grant Application for Microenterprise Assistance**
- 326-23 Authorize Use of 3% Occupancy Tax Reserve and Amend 2024 Budget to Enhance Programing for the Chautauqua County Visitors Bureau**
- 327-23 Authorize Use of 3% Reserve Funding and Authorize Agreement with Chautauqua Region Economic Development Corporation to initiate a Public Art Program**
- 328-23 Authorize Use of 3% Occupancy Tax Reserve and Establish Capital Account for Waterway Trail Hazard Removal**
- 329-23 Authorize Agreement with Chautauqua Region Economic Development Corporation for Tourism Development and Placemaking**
- 330-23 Authorize Agreement with Small Business Development Center at Jamestown Community College**
- 331-23 Authorize Agreement with Chautauqua County Region Economic Development Corporation for Greenway Development**
- 332-23 Authorize Agreement with County of Chautauqua Industrial Development Agency for Business Development, Assistance, and Promotion**
- 333-23 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses**
- 334-23 Amend 2024 Budget to Implement the Chautauqua County Strategic Infrastructure Project Identification and Development Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 335-23 Making Appropriations for the Conduct of County Government For Fiscal Year 2024**
- 336-23 Authorize Tax Levy**
- 337-23 Authorize Levy of Town Taxes**
- 338-23 Authorize Levy of Unpaid Town Charges**
- 339-23 Authorize Levy of Omitted Taxes**
- 340-23 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts**
- 341-23 Fixing Equalization Rates for 2024**
- 342-23 Quit Claim Deeds**
- 343-23 Distribution of Mortgage Taxes**

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**TABLED MOTION:**

**A. Affirm Support for Israel and Condemn Anti-Semitism**

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**ANNOUNCEMENTS**

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**PRIVILEGE OF THE FLOOR**

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A member of the legislature may speak on any subject.

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comments representing a group shall be limited to 5 minutes.

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*Consideration of a Motion to enter into executive session pursuant  
to Public Officers Law Sections 105(d) and (f) for the purpose of  
discussions regarding proposed, pending or current litigation and for  
discussions regarding matters leading to the employment, discipline,  
dismissal, or removal of a particular person*



**From the Legislature Staff**

**Wishing all of you a Merry Christmas and a Healthy and Happy New Year!  
Olivia, Kathy and Kristi**

**ORGANIZATIONAL MEETING – TUESDAY, JANUARY 2, 2024 – 4:00 P.M.**

**\*\*\* Please note: Prefile for the Organizational Meeting is  
10:00 a. m. – Wednesday, December 27, 2023\*\*\***

CHAUTAUQUA COUNTY LEGISLATURE

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RES. NO. 297-23

Confirm Appointment – Parks Commission

By Public Facilities Committee:

At the Request of Legislator John Hemmer:

WHEREAS, Legislator John Hemmer, has submitted the following appointment for action by the Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment to the Parks Commission.

Dorothy Lauricella  
2716 Cassadaga Rd  
Cassadaga, NY 14718  
Term Expires: 12-31-25

Signed: Scudder, Parker, Davis, Heiser

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RES. NO. 298-23

Confirm Reappointment- Community Service Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointment to the Community Service Board.

Marie Carrubba  
19 Widrig Avenue  
Jamestown, New York 14701  
Term Expires: 12/31/27

(Reappointment)

Signed: Proctor, Gustafson, Chagnon

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RES. NO. 299-23

Confirm Appointment and Reappointments –  
Chautauqua County Youth Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and reappointments to the Chautauqua County Youth Board.

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Kathryn Freeman  
26 Sanford Dr.  
Jamestown, NY 14701  
Term Expires: 12/31/26  
(New Appointment)

Susan Drago  
9 Brook St.  
Lakewood, NY 14750  
Term Expires: 12/31/26  
(Reappointment)

Nicole Roma  
509 S. Main St.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/26  
(Reappointment)

Raymond Rushboldt  
3719 Middle Rd.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/26  
(Reappointment)

Leah Marsala Chase  
8 S. Gale St.  
Westfield, N.Y. 1787  
Term Expires: 12/31/26  
(Reappointment)  
Signed: Proctor, Gustafson, Chagnon

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RES. NO. 300-23

Confirm Appointments and Reappointments – Chautauqua  
County Office for the Aging Advisory Council

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and reappointments to the Chautauqua County Office for the Aging Advisory Council.

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Appointments:

Lavern Terrill  
41 Center St  
Fredonia, N.Y. 14063  
Term Expires: 12/31/25  
(New Appointment)

Sarah Goebel  
41 Center St  
Fredonia, N.Y. 14063  
Term Expires: 12/31/25  
(New Appointment)

Reappointments:

Ann Sullivan  
41 Center St  
Fredonia, N.Y. 14063  
Term Expires: 12/31/25  
(Reappointment)

Ellen Coffaro  
92 W. Fairmount Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/25  
(Reappointment)

Dr. John Hamels  
5996 Welch Hill Rd.  
Ripley, N.Y. 14775  
Term Expires: 12/31/25  
(Reappointment)

Dr. Laila Denoya  
15 University Park  
Fredonia, N.Y. 14063  
Term Expires: 12/31/25  
(Reappointment)

Dr. Lin Baylis  
2310 Shadyside Rd.  
Findley Lake, N.Y. 14763  
Term Expires: 12/31/25  
(Reappointment)

Signed: Proctor, Gustafson, Chagnon

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RES. NO. 301-23

Confirm Reappointments – Chautauqua County Board of Health

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments to the Chautauqua County Board of Health.

Dr. Tariq Khan  
P.O. Box 41  
53 Grandview Avenue,  
Lakewood, N.Y. 14750  
Expires: 12/31/29  
(Reappointment)

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Mark Tarbrake  
4420 Lakeside Drive,  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/29  
(Reappointment)  
Signed: Proctor, Gustafson, Chagnon

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RES. NO. 302-23

Confirm Reappointment ~~and Appointment~~ to the Chautauqua County  
Agricultural & Farmland Protection Board

By Planning and Economic Development Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, Legislature Chairman Pierre Chagnon, has submitted the following reappointments for action by the Chautauqua County legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments to the Agricultural & Farmland Protection Board for terms in accordance with Section 302 of the New York State Agriculture & Markets Law:

James Joy  
Farmland Preservation Organization & Active Farmer  
9825 Farel Road  
Fredonia, New York 14063  
Term Expires: 12/31/2027  
(Reappointment)

~~William Northrop  
Active Farmer  
8482 Hardserabble Road  
Westfield, New York 14787  
Term Commence: 1/1/2024  
Term Expires: 12/31/2027  
(New Appointment — Replacing Stephen Kimball)  
(12-13-23 P.E.D. — Amended by strikethrough)  
Signed: Muldowney, Rankin, Gustafson, Harmon, Wilfong, Penhollow~~



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RES. NO. 303-23  
Confirm Reappointments and Appointments to  
Chautauqua County Planning Board

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 reappointments and appointments for actions by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments and appointments to the Chautauqua County Planning Board:

Courtney Curatolo  
11 Maple Street  
Bemus Point, New York 14712  
Term Expires: 12/31/2026  
(Reappointment)

Melissa Meyers  
226 Lakeside Drive  
Bemus Point, New York 14712  
Term Expires: 12/31/2026  
(Reappointment)

Bethany O'Hagan  
1243 Prendergast Avenue  
Jamestown, New York 14701  
Term Expires: 12/31/2024  
(Reappointment)

Heather White  
9415 Reagan Road  
Clymer, New York 14724  
Term Commence: 1/1/2024  
Term Expires: 12/31/2026  
(New Appointment – Replacing Charles Patton)

Aimee Rodgers  
10237 Bradigan Road  
Forestville, New York 14062  
Term Commence: 1/1/2024  
Term Expires: 12/31/2026  
(New Appointment – Replacing Bernhard Auer)  
Signed: Muldowney, Rankin, Gustafson, Harmon, Wilfong, Penhollow

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RES. NO. 304-23

Confirm Reappointments – Chautauqua County Soil and Water  
Conservation District 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 reappointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments to the Chautauqua County Soil and Water Conservation District Board of Directors.

Pierre Chagnon  
3714 Westman Road,  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/24  
(Reappointment)

Lisa Vanstrom  
55 Plummer Avenue  
Jamestown, N.Y. 14701  
Term Expires: 12/31/24  
(Reappointment)  
Signed: Muldowney, Rankin, Gustafson, Harmon, Wilfong, Penhollow

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RES. NO. 305-23

Confirm Reappointments – Southern Tier West  
Regional Planning & Development Board

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 reappointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments to the Southern Tier West Regional Planning & Development Board.

Paul M. Wendel Jr.  
Chautauqua County Executive  
20 Hern Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/26  
(Reappointment)

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Thomas Harmon  
Chautauqua County Legislator  
72 Lake Ave. Ext.  
Silver Creek, N.Y. 14136  
Term Expires: 12/31/26  
(Reappointment)

Rebecca Wurster  
214 Pierce Ave.  
Hamburg, N.Y. 14075  
Term Expires: 12/31/26  
(Reappointment)

Donald McCord  
116 S. Portage St.  
Westfield, N.Y. 14787  
Term Expires: 12/31/26  
(Reappointment)  
Signed: Muldowney, Rankin, Gustafson, Harmon, Wilfong, Penhollow

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RES. NO. 306-23  
Confirm Reappointment – Southern Tier Extension Railroad  
Authority (STERA) 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 reappointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointment to the Southern Tier Extension Railroad Authority (STERA) Board of Directors.

Richard Dixon  
107 Buffalo St.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/26  
(Reappointment)  
Signed: Muldowney, Rankin, Gustafson, Harmon, Penhollow

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RES. NO. 307-23

Confirm Reappointments – 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 reappointments for action by the Chautauqua County Legislature; therefore be it

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

Daniel Heitzenrater  
1092 Ivory Road  
Frewsburg, N.Y. 14738  
Term Expires: 12/31/27  
(Reappointment)

Amy S. Harding  
2903 Rt. 76  
Sherman, N.Y. 14781  
Term Expires: 12/31/27  
(Reappointment)

Gary Henry  
6116 Wright Rd.  
Dewittville, N.Y. 14728  
Term Expires: 12/31/27  
(Reappointment)

Steven Thorpe  
630 Lakeside Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/27  
(Reappointment)

Bradley Walters  
PO Box 183  
24 Liberty St.  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/27  
(Reappointment)

Signed: Muldowney, Gustafson, Harmon, Rankin, Penhollow



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INCREASE REVENUE ACCOUNTS:

H.5630.25261.R359.7000 New York State Aid - Transp Capital \$130,550  
Signed: Scudder, Wilfong, Parker, Davis, Heiser, Niebel, Pavlock

RES. NO. 310-23

Amend Capital Project Accounts—Jamestown Community College

By Public Facilities and Audit & Control Committees:

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

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

WHEREAS, *some projects will not utilize their full project funding while* the funding needs for other projects exceed original estimates and an increase of funding is needed for outstanding invoices; now therefore be it

RESOLVED, that the ~~A Fund Balance~~ be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

~~A. . . . .917.0000 Unassigned Fund Balance Unassigned Fund Balance \$78,231~~

~~;~~ and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2023 ~~Operating and~~ Capital Budgets:

INCREASE APPROPRIATION ACCOUNT:

~~A.9950.9000.0000 Interfund Transfers Interfund Transfers \$78,231~~

DECREASE CAPITAL APPROPRIATION ACCOUNTS:

<i>H.2490.00005.4</i>	<i>Contractual-Community College Tuition- IT Security (2020)</i>	<i>\$30,000</i>
<i>H.2490.00011.4</i>	<i>Contractual-Community College Tuition- Infrastructure Repairs (2021)</i>	<i>\$48,231</i>
	<i>Total:</i>	<i>\$78,231</i>

DECREASE REVENUE ACCOUNTS:

<i>H.2490.00005.R503.1000</i>	<i>Interfund Transfers-Interfund Transfer</i>	<i>\$30,000</i>
<i>H.2490.00011.R503.1000</i>	<i>Interfund Transfers-Interfund Transfer</i>	<i>\$48,231</i>
	<i>Total:</i>	<i>\$78,231</i>

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.2490.00002.4	Contractual-Community College Tuition-Roofs (2020)	\$52,500
H.2490.00012.4	Contractual-Community College Tuition-Ext Reno/ Underground Heat	\$25,731
	<i>Total:</i>	<i>\$78,231</i>

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INCREASE CAPITAL REVENUE ACCOUNTS:

H.2490.00002.R503.1000	Interfund Transfers-Interfund Transfer	\$52,500
H.2490.00012.R503.1000	Interfund Transfers-Interfund Transfer	\$25,731

Total: \$78,231

(12/14/23 AC – Amended by strikethrough and new text)

Signed: Scudder, Davis, Heiser, Wilfong, Parker, Niebel, Pavlock

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RES. NO. 311-23

Amend 2023 Budget for Equipment Purchases

By Administrative Services and Audit & Control Committees:

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

WHEREAS, various equipment purchases are needed to replace existing furnishing; and

WHEREAS, funds for these furnishing were included in the Contractual classification but should be in the Equipment Classification; 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.1310.----.2	Equipment – Department of Finance	\$7,000
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DECREASE APPROPRIATION ACCOUNTS:

A.1310.---.4	Contractual – Department of Finance	\$7,000
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Signed: Scudder, Wilfong, Parker, Vanstrom, Davis, Muldowney, Niebel, Pavlock

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RES. NO. 312-23

Authorize Acceptance of Indigent Legal Services Grant Distribution #14  
for the period of January 1, 2024 to December 31, 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 the virtue of Distribution #14 of a grant by the New York State Office of Indigent Legal Services with a funding level of \$539,838 for the operational period of January 1, 2024 to December 31, 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 was included in the 2024 tentative budget so no budget amendment is necessary; now therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of Distribution #14 of the grant for

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New York State Indigent Legal Services Distribution #14 for the period of January 1, 2024 to December 31, 2026 in the amount of \$539,838.00, 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.

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

RES. NO. 313-23

Amend 2023 Budget for Office of the Sheriff  
Navigation/Snowmobile Department

By Public Safety and Audit & Control Committees:

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

WHEREAS, some Office of the Sheriff Navigation/Snowmobile department expenses have exceeded initial budgetary estimates; and

WHEREAS, the Office of the Sheriff Navigation/Snowmobile has received 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.3189.3111.4	Contractual - Navigation/Snowmobile		<u>\$4,300</u>
		Total	\$4,300

INCREASE REVENUE ACCOUNTS:

A.3189.3111.R266.5000	Sale of Property/Compensa-Sale Of Equipment		<u>\$4,300</u>
		Total	\$4,300

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

RES. NO. 314-23

Authorize Execution of NYS Office of Homeland Security State  
Law Enforcement Terrorism Prevention Program Grant FY23

By Public Safety and Audit & Control Committees:

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

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

WHEREAS, the State of New York will provide funding in the amount of \$59,750 with no local funds required for the contract period from September 1, 2023 to August 31, 2026; and

WHEREAS, this grant is included in the 2023 and 2024 budgets so no budget amendment is needed; now therefore be it



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RESOLVED, The Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security and Emergency Services.  
Signed: Niebel, Bankoski, Proctor, Nelson, Hemmer, Scudder, Wilfong, Pavlock

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RES. NO. 315-23  
Authorize Agreement with Town of Hanover for  
Enhanced Police Protection Services FY24 & FY25

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Legislature previously approved Resolution 248-23 authorizing an agreement for Enhanced Police Protection Services with the Town of Hanover and the Village of Silver Creek for the period from January 1, 2024 through December 31, 2024 for an estimated cost not to exceed \$626,513; and

WHEREAS, the Chautauqua County Office of the Sheriff and the Town of Hanover have had further discussions and negotiated a tentative agreement reducing the projected cost to the Town for FY 2024 to \$587,579 and extending the term of the agreement for FY 2025 at a cost of \$602,269; and

WHEREAS, the change in expected revenue will require a change to the 2024 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to and empowered to execute an agreement with the Town of Hanover for Enhanced Police Protection Services for FY24 and FY 25 as set forth above with revenue to be credited to account A.3110.R226.0000; and be it also

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2024 Adopted Budget:

DECREASE APPROPRIATION ACCOUNT:

A.3110.----.8	Employee Benefits - Sheriff	\$39,531
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INCREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services - Sheriff	\$597
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DECREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services-CHRGs: OTH GOV-PUB SAFETY	\$38,934
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Signed: Niebel, Proctor, Nelson, Hemmer, Scudder, Wilfong, Pavlock

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RES. NO. 316-23

Amend 2023 OES Budget for FY2020 SHSP Grant

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 of \$139,194 under the FY2020 State Homeland Security Program (SHSP); and

WHEREAS, pursuant to Resolution 194-20, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, the original term of the grant was September 1, 2020 through August 31, 2023, but has since been extended to an amended end date of February 29, 2024; and

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

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment - Emergency Services	\$8,037
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$8,037
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Signed: Niebel, Proctor, Nelson, Hemmer, Scudder, Wilfong, Pavlock

RES. NO. 317-23

Amend 2023 OES Budget for FY2022 SHSP Grant

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 of \$119,499 under the FY2022 State Homeland Security Program (SHSP); and

WHEREAS, pursuant to Resolution 22-23, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, the original term of the grant was September 1, 2022 through August 31, 2025; and

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

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment - Emergency Services	\$ 7,000
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A.3010.----.4	Contractual – Emergency Services	<u>\$19,985</u>
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Total: \$26,985

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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004 Federal Aid-Homeland Security \$26,985  
Signed: Niebel, Bankoski, Proctor, Nelson, Scudder, Wilfong, Pavlock

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RES. NO. 318-23  
Authorize Agreement with Village of Fredonia  
and Amend OES 2023 Budget

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County and Barton & Loguidice entered into an agreement to update a Multi-Jurisdictional Hazard Mitigation Plan; and

WHEREAS, a need was found for an addition to the plan to include high hazard dams, specifically to include the Fredonia reservoir; and

WHEREAS, the Village of Fredonia has agreed to reimburse Chautauqua County \$3,000 needed to cover the additional cost associated with the change to the plan; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Village of Fredonia; and be it also

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.3010.----.4 Contractual--Emergency Services \$ 3,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3010.----.R226.0000 Shared Services – Chrgrs: Oth Gov-Pub Safety \$ 3,000  
Signed: Niebel, Proctor, Nelson, Hemmer, Scudder, Wilfong, Pavlock

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RES. NO. 319-23  
FY2023 Emergency Management Performance Grant (EMPG)

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the amount of \$49,939 with a required match from the County in the amount of \$49,939; and

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

WHEREAS, the grant period runs from October 1, 2022 through September 30, 2025; and

WHEREAS, the expenses and revenues for this grant agreement are included in the 2024 Adopted Budget so no amendment is needed; now therefore be it

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RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans.  
Signed: Niebel, Bankoski, Proctor, Nelson, Hemmer, Scudder, Wilfong, Pavlock

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RES. NO. 320-23  
FY2023 State Homeland Security Program (SHSP)

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 total amount of \$110,963.00; and

WHEREAS, the term of the grant is September 1, 2023 through August 31, 2026, and as may be extended; and

WHEREAS, a portion of this grant revenue and expense has been included in the 2024 Adopted Budget and an amendment is not needed at this time; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans if necessary.  
Signed: Niebel, Bankoski, Proctor, Nelson, Hemmer, Scudder, Wilfong, Pavlock

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RES. NO. 321-23  
Amend Chautauqua County Department of Public Health 2023 Budget  
for Increased Education: Handicapped Children Administrative costs

By Audit & Control Committee:

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

WHEREAS, 2023 Expenditures for Education: Handicapped Children Administration costs are now projected to be in excess of the budgeted amount; and

WHEREAS, 2023 employee benefits expenditures for Public Health Administration are now projected to be lower than the budgeted amount; 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.2960.ADMN.8 Employee Benefits-Handicapped Children Administration \$12,000

DECREASE APPROPRIATION ACCOUNTS:

A.4010.----.8 Employee Benefits-Public Health Admin \$12,000

Signed: Proctor, Pavlock, Gustafson, Scudder, Wilfong, Niebel

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RES. NO. 322-23

Authorize Revised Lease Agreement with Warwick Plaza, LLC

By Audit & Control Committee:

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

WHEREAS, the County desires to amend the lease with Warwick Plaza, LLC from the current location utilizing 900 square feet on the second floor to a larger space on the first floor, utilizing 2,000 square feet, located at Warwick Plaza, 567 Fairmount Avenue, Jamestown, in the County of Chautauqua, State of New York, for use by the Chautauqua County Veterans Service Agency and PFC Dwyer program; and

WHEREAS, an agreement has been reached between the County and Warwick Plaza, LLC for an updated 8 Year Lease agreement at the rate of \$2,100/month for months 1-30, \$2,250/month for months 31-96, with a term of January 1, 2024 through December 31, 2031; and

WHEREAS, this expense has been included in the 2024 Budget and no amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a revised lease agreement with Warwick Plaza, LLC upon the following terms and conditions

1. Premises. Approximately 2,000 square feet of office space on the first floor of the Warwick Plaza.
2. Term. January 1, 2024 through June 30, 2031.
3. Rent. \$2,100 per month for approximately 2,000 Square feet from January 1, 2024 through June 30, 2026 and \$2,250 per month from July 1, 2026 through December 31, 2031.
4. Utilities. Landlord shall be responsible for all utilities, including heat and electric. County is responsible for the cost of the phone and computer lines, including installation fees.
5. Other. With the additional office space gained by the move, the PFC Dwyer Program will be co-locating with the Chautauqua County Veterans Service Agency at the 567 Fairmount Avenue, Jamestown, NY location. Although the rent rate is increased, there is no additional cost to the county, as the rent will now be shared by the Chautauqua County Veterans Service Agency and the PFC Dwyer program as negotiated by the County Executive.

Signed: Proctor, Pavlock, Wilfong, Gustafson, Scudder, Niebel

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RES. NO. 323-23

Authorize Renewal of Lease Agreement for 2024 with City of  
Jamestown for Office Space for the Department of Mental Hygiene

By Audit & Control Committee:

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

WHEREAS, the County of Chautauqua seeks to renew the lease of approximately 9,103 square feet of office space on the fifth floor of the City of Jamestown Municipal Building, 200 East Third Street, Jamestown, New York for use by County Mental Hygiene personnel (CCDMH); and

WHEREAS, CCDMH is seeking to extend the lease for a period of twelve months beginning January 1, 2024 and ending December 31, 2024; and

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WHEREAS, rent for the twelve-month extension term will be at the \$14.60 per-square-foot rate in effect during 2023 or at an increased rate approved by the County Executive and within the amount allocated for such purpose in the County's 2024 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease extension with the City of Jamestown upon the following terms and conditions:

- 1) Premises. Approximately 9,103 square feet of office space on the fifth floor of the City of Jamestown Municipal Building, 200 East Third Street, Jamestown, New York.
- 2) Term. January 1, 2024 through December 31, 2024.
- 3) Rent. \$14.60 per square foot or a negotiated rate within budget appropriations.
- 4) Utilities. Landlord shall be responsible for all utilities, including heat, except County shall be responsible for phone and Internet service.
- 5) Other. As negotiated by the County Executive.

Signed: Proctor, Pavlock, Niebel, Gustafson, Scudder, Wilfong

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RES. NO. 324-23

Amend 2023 Budget to Implement the Critical Incident Stress Management (CISM) Team Project, Using Funding from the American Rescue Plan Act (ARPA)

By Audit & Control Committee:

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 a procedure has been established for the ARPA working group to review new requests for the available ARPA funds to be allocated toward other projects that fit within the guidelines for ARPA spending; and

WHEREAS, the Critical Incident Stress Management (CISM) Team Project fits within the guidelines for ARPA spending, and is needed because the purpose of the CISM Team will be to provide peer support to county employees in order to mitigate the outcome of critical incidents that may occur. The presence of the CISM Team may reduce the potential for negative outcomes such as absenteeism, disengagement, diminished productivity, and employee turnover as well as increase the potential for positive outcomes such as improved employee ability to effectively engage with clients in the community during a critical incident and improve coping skills for future critical events; and

WHEREAS, CISM is an intervention protocol developed specifically for dealing with traumatic events as a formal, highly-structured, and professionally recognized process for

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helping those involved in a critical incident. CISM is not psychotherapy nor is it a one-time intervention, but rather an on-going evaluation and improvement process to ensure its effectiveness and sustainability. 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:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

A.4320.----.4	Contractual—Mental Hygiene	\$10,000
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ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4320.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$10,000
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Signed: Proctor, Gustafson, Scudder, Wilfong, Niebel, Pavlock

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RES. NO. 325-23

Authorizing the Submittal of a New York State Community Development Block Grant Application for Microenterprise Assistance

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the New York State Community Development Block Grant Program provides funding to communities under the Microenterprise Program to undertake activities that focus on community development needs such as creating or expanding job opportunities; and

WHEREAS, Chautauqua County (“the County”) desires to partner with Chautauqua Opportunities for Development, Inc. (“CODI”) as a subrecipient to apply to the New York State Office of Community Renewal (“OCR”) for a \$200,000 grant for eligible microenterprise activities which will provide grants to eligible businesses (including startup and existing) for working capital, equipment, etc.; and

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

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

RESOLVED, That the County is hereby authorized to submit a grant application in the amount of \$200,000, with such amount to be used to provide business grants and fund the costs of grant administration and program activities; and be it further

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

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

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

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RES. NO. 326-23

Authorize Use of 3% Occupancy Tax Reserve and Amend 2024 Budget to Enhance Programing for the Chautauqua County Visitors Bureau

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 Department of Planning & Development has worked with the Chautauqua County Visitors Bureau to devise enhanced programming and bolstered adverting in key tourism markets, beyond CCVB's annual agency allocation; and

WHEREAS, funding from the 3% Occupancy Tax Reserve will enhance, promote, and develop quality programing related to tourism, conventions, social media and such other programs as authorized by local law; and

WHEREAS, as of November 15, 2023 the 3% Occupancy Tax Reserve has a balance of \$678,854; therefore be it

RESOLVED, That the Chautauqua County Legislature designates a total of \$100,000.00 from the 3% Occupancy Tax Program Reserve to the Chautauqua County Visitors Bureau for special tourism projects in 2024; 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 A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.883.0000 Reserved Fund Bal – Reserve for Occupancy Tax \$100,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$100,000

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

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RES. NO. 327-23

Authorize Use of 3% Reserve Funding and Authorize Agreement with Chautauqua Region Economic Development Corporation to initiate a Public Art Program

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, public art is an essential building block in driving tourism, economic development and quality of place; and



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WHEREAS, the Chautauqua 20/20 Comprehensive Plan defines applicable strategies in the Tourism/Cultural Resources section specific to:

- Developing several new, primary tourist attractions that increase visitation in all four seasons; and
- Promote vibrant communities that excite Chautauqua’s youth and attract new residents, and improve the connections between the County’s adults and employers with younger generations; and

WHEREAS, recreation opportunities, wine trails, historic attractions, arts, natural features and other assets of Chautauqua County make it an obvious destination for tourists; and

WHEREAS, the Chautauqua Region Economic Development Corporation (“CREDC”) and its public/private economic development collaborative, the Chautauqua County Partnership for Economic Growth (“CCPEG”), in partnership with the Chautauqua County Department of Planning & Development will develop a public art program to encourage further community investment in public art/arts, attract new tourism and foster local pride in place; and

WHEREAS, as of November 15, 2023, the 3% Occupancy Tax Reserve has a balance of \$678,854; now therefore be it

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 A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000 Reserved Fund Bal – Reserve for Occupancy Tax \$100,000

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$100,000

Signed: Muldowney, Rankin, Gustafson, Harmon, Wilfong, Penhollow, Scudder, Pavlock  
(12/14/23 AC - Carried with Legislator Niebel voting “No”)

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RES. NO. 328-23

Authorize Use of 3% Occupancy Tax Reserve and Establish Capital  
Account for Waterway Trail Hazard Removal

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 Department of Planning and Development, in partnership with the Department of Public Facilities, Division of Parks, seeks to fund a capital project for Waterway Trail Hazard Removal; and

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WHEREAS, this project will enable the implementation of Phase II of the Marden Cobb Waterways strategic plan and hazard removal project, leveraging additional tourism potential and aligning to other planning and development goals of the County; and

WHEREAS, the Chautauqua County Parks Commission and Chautauqua County Planning Board have reviewed this request and recommended its approval; and

WHEREAS, of November 15, 2023, the 3% Occupancy Tax Reserve has a balance of \$678,854; now therefore be it

RESOLVED, That the Chautauqua County Legislature designates a total of \$100,000.00 from the 3% Occupancy Tax Program Reserve for the above-mentioned project; 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 A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.883.0000 Reserved Fund Bal – Reserve for Occupancy Tax \$100,000

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Transfer to Capital - Interfund Transfers \$100,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.7110.25300.R503.10000 Interfund Transfer – Interfund Transfer \$100,000

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.7110.25300.4 Waterway Trail Hazard Removal - Capital Project Expenses \$100,000

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

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RES. NO. 329-23

Authorize Agreement with Chautauqua Region Economic Development Corporation for Tourism Development and Placemaking

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the County's 3% occupancy tax program for tourism development supports activities including, but not limited to: programs to improve the aesthetic qualities of the county; to enhance the environment; to improve infrastructures related to tourism, conventions and trade shows; to develop, operate and maintain parks, recreational facilities and tourist attractions; and such other programs as authorized by local law; and

WHEREAS, the County Department of Planning & Development works closely with the Chautauqua Region Economic Development Corporation ("CREDC") and its public/private economic development collaborative, the Chautauqua County Partnership for Economic Growth ("CCPEG"); and

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WHEREAS, CCPEG focuses on promoting the creation of distinct public spaces that enhance community identity, promote unique experiences and destinations, and create social connections throughout Chautauqua County; and

WHEREAS, these efforts are consistent with the objectives of the 3% occupancy tax program and help develop unique destinations that build upon and prioritize public and private investment that creates healthy, vibrant, and walkable communities characterized by thriving tourism attractions, downtowns and enhanced waterfronts specific to Chautauqua County; and

WHEREAS, the expenses associated with this agreement are included in the 2024 Adopted Budget so no amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with CREDC to provide such services, in the amount of \$50,000, for the period from January 1, 2024 through December 31, 2024.

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

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RES. NO. 330-23

Authorize Agreement with Small Business Development  
Center at Jamestown Community College

By Planning and Economic Development and Audit & Control Committees:

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

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

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

WHEREAS, the expenses associated with this agreement are included in the 2024 Adopted Budget so no amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$54,653 for the term commencing as of January 1, 2024 through December 31, 2024.

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

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RES. NO. 331-23

Authorize Agreement with Chautauqua County Region Economic  
Development Corporation for Greenway Development

By Planning and Economic Development and Audit & Control Committees:

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

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

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WHEREAS, in the last few years, there is renewed momentum with additional interest in collaboration among several individual trail groups in the County and new resources being invested into Chautauqua County's trail systems; and

WHEREAS, the Chautauqua County Greenway Plan, adopted by the Legislature in 2013, advocates for further development of the County's trail systems and defines steps for Chautauqua County and various stakeholders to take in order to:

- Formalize and maintain the county's rural outdoor lifestyle;
- Fulfill the desire for Chautauqua County to be recognized as a four-season destination for active living and outdoor recreation;
- Capitalize on the positive economic impact that can be realized through providing amenities that visitors to our county desire; and

WHEREAS, one of the Greenway Plan's goals is to create a stakeholder group to establish goals and advocate for resource; formalize delivery and implementation strategies of trail and greenways development among the County and its partners; pursue resources collaboratively; foster partnerships between conservation and recreation organizations, public agencies, landowners, private sector companies, local municipalities and dedicated individuals; and promote, educate and facilitate Trail Town concepts in local communities and business districts; and

WHEREAS, the County and several trail-related partners have formed a collaborative stakeholder group ("the Friends of the Chautauqua County Greenways") as a component of the Chautauqua Region Economic Development Corporation ("CREDC") and it's public/private economic development collaborative, the Chautauqua County Partnership for Economic Growth ("CCPEG"); and

WHEREAS, the expenses associated with this agreement are included in the 2024 Adopted Budget so no amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with CREDC and all other documents necessary to provide services that will help grow and advance collaboration among trail groups and to continue to advance efforts leading to the implementation of the Chautauqua County Greenway Plan, in the amount of \$35,000, for the period from January 1, 2024 through December 31, 2024.

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

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RES. NO. 332-23

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

By Planning and Economic Development and Audit & Control Committees:

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

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

WHEREAS, pursuant to Article 6 and Section 6.00 of the Chautauqua County Administrative Code, the County of Chautauqua Department of Planning & Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth and capital improvements, as well

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as seeking funds to be used for development and working with private interests and public agencies of all types; and

WHEREAS, the expenses associated with this agreement have been included in the 2024 Adopted Budget and no amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development, assistance and promotion in the amount of \$161,107 for the period from January 1, 2024 through December 31, 2024.

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

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RES. NO. 333-23

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

By Planning and Economic Development and Audit & Control Committees:

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

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

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

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

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

WHEREAS, the expenses associated with this agreement are included in the 2024 Adopted Budget so no amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency to provide services which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County in the amount of \$80,000 for the period from January 1, 2024 through December 31, 2024.

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

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RES. NO. 334-23

Amend 2024 Budget to Implement the Chautauqua County Strategic  
Infrastructure Project Identification and Development Project, Using  
Funding from the American Rescue Plan Act (ARPA)

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

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

WHEREAS, Chautauqua County received an award of \$24,649,420 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 Chautauqua County Strategic Infrastructure Project Identification and Development project fits within the guidelines for ARPA spending, is needed because it will better prepare and position the County to attract State and Federal funding for high-priority infrastructure projects, 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.6420.----.4	Contractual—Promotion of Industry	\$63,000
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INCREASE REVENUE ACCOUNT:

A.6420.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$63,000
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Signed: Muldowney, Rankin, Gustafson, Harmon, Scudder, Wilfong, Penhollow, Niebel, Pavlock

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RES. NO. 335-23  
Making Appropriations for the Conduct of County  
Government For Fiscal Year 2024

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2024 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 280-23 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 280-23 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

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

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2024; therefore be it

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

Signed: Chagnon

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RES. NO. 336-23  
Authorize Tax Levy

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there has been adopted a budget for the fiscal year of 2024 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2024 therefore be it

RESOLVED, That this Legislature hereby levies:

1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;
2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 213-23, adopted July 26, 2023.
5. Upon the property on which school taxes are uncollected as of November 30, 2024, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2024, the amount of such uncollected village taxes;

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Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2024 pursuant to law or resolution of this Legislature.

Signed: Chagnon

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RES. NO. 337-23  
Authorize Levy of Town Taxes

At the Request of Chairman Pierre E. Chagnon:

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

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

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

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

Signed: Chagnon

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RES. NO. 338-23  
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Pierre E. Chagnon:

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

Signed: Chagnon

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RES. NO. 339-23  
Authorize Levy of Omitted Taxes

At the Request of Chairman Pierre E. Chagnon:

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



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Signed: Chagnon

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RES. NO. 340-23

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Pierre E. Chagnon:

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

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

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

Signed: Chagnon

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RES. NO. 341-23

Fixing Equalization Rates for 2024

At the Request of Chairman Pierre E. Chagnon:

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

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2024 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2023 tax rolls in the following towns and cities:

Arkwright	34%	Harmony	71.50%
Busti	67%	Jamestown, City	73%
Carroll	74%	Kiantone	71.5%
Charlotte	68.20%	Mina	100%
Chautauqua	86.10%	North Harmony	66.5%
Cherry Creek	64.80%	Poland	80%
Clymer	93%	Pomfret	13%
Dunkirk, Town	51%	Portland	38%
Dunkirk, City	55%	Ripley	100%

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Ellery	69.70%	Sheridan	47%
Ellicott	85%	Sherman	100%
Ellington	100%	Stockton	95%
French Creek	100%	Villanova	39%
Gerry	75.80%	Westfield	59.5%
Hanover	58%		

Signed: Chagnon

RES. NO. 342-23  
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the properties foreclosed upon pursuant to delinquent tax liens under the Real Property Tax Law; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offerors herein mentioned, the interest of Chautauqua County in said properties under said judgment of foreclosure; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owing
PA-2-2023	City of Dunkirk	060300-79.11-5-26	Twinstar Development LLC	Christopher DeLong	\$1,000.00	\$7,861.58
*PA-8-2023	City of Dunkirk	060300-79.14-3-55	Twinstar Development LLC	Gary Parnell	\$10,200.00	\$670.09
<del>*PA-8-2023</del>	<del>City of Dunkirk</del>	<del>060300-79.14-3-55</del>	<del>Kalexi Enterprisde LLC</del>	<del>Gary Parnell</del>	<del>\$10,100.00</del>	<del>\$670.09</del>
*PA-9-2023	City of Dunkirk	060300-79.14-3-56	Twinstar Development LLC	Gary Parnell	\$10,200.00	\$1,556.57
<del>*PA-9-2023</del>	<del>City of Dunkirk</del>	<del>060300-79.14-3-56</del>	<del>Kalexi Enterprisde LLC</del>	<del>Gary Parnell</del>	<del>\$10,100.00</del>	<del>\$1,556.57</del>
PA-15-2023	City of Dunkirk	060300-79.16-6-11	Twinstar Development LLC	Jacqueline & Therin Hill	\$2,500.00	\$16,568.92
<b>* More than one bid</b>						

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(12/11/23 A.S. – Amended by strikethrough to accept highest offer)  
Signed: Scudder, Pavlock, Niebel, Vanstrom, Davis, Muldowney, Parker

RES. NO. 343-23  
Distribution of Mortgage Taxes

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

**April 1, 2023 through September 30, 2023**

TOWNS		CITIES	
Arkwright	\$6,644.01	Dunkirk	\$49,206.65
Busti	\$47,287.25	Jamestown	<u>\$117,429.86</u>
Carroll	\$11,778.14		
Charlotte	\$4,934.65		\$166,636.51
Chautauqua	\$44,557.42		<b>TOTAL</b>
Cherry Creek	\$4,977.52		
Clymer	\$5,805.90		<b>VILLAGES</b>
Dunkirk	\$7,434.21		
Ellery	\$51,213.21	Bemus Point	\$3,429.52
Ellicott	\$52,656.05	Brocton	\$2,083.17
Ellington	\$6,249.02	Cassadaga	\$1,140.43
French Creek	\$11,200.01	Celoron	\$4,029.08
Gerry	\$22,632.58	Falconer	\$5,821.55
Hanover	\$57,863.93	Fredonia	\$33,877.81
Harmony	\$5,792.65	Lakewood	\$14,005.58
Kiantone	\$2,855.45	Mayville	\$3,574.96
Mina	\$8,000.77	Panama	\$678.17
North Harmony	\$16,421.36	Sherman	\$947.97
Poland	\$13,298.47	Silver Creek	\$6,472.50
Pomfret	\$67,655.58	Sinclairville	\$1,325.31
Portland	\$22,929.77	Westfield	<u>\$8,276.62</u>
Ripley	\$9,450.19		
Sheridan	\$16,904.56		
Sherman	\$5,225.83		
Stockton	\$7,145.16		
Villanova	\$3,195.87		
		<b>TOTAL</b>	\$85,662.67



**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_\_\_**

**TITLE:** Affirm Support for Israel and Condemn Anti-Semitism

**AT THE REQUEST OF:** Legislators Rankin, Nelson, Proctor, Bankoski, Heiser, Gustafson and Niebel:

WHEREAS, the Hamas terrorist organization launched a brutal, highly organized, and unprecedented attack upon Israel and its citizens in the early morning hours of October 7, 2023; and

WHEREAS, in its attack, Hamas has killed hundreds of innocent civilians and taken hundreds of Israeli children, women, elderly, and infirm civilians hostage; and

WHEREAS, Israel has engaged in a campaign to rescue hostages and hold Hamas accountable for its unjust and brutal attack on civilians; and

WHEREAS, incidents of Anti-Semitic behavior have seen an increase throughout the world; 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 remains committed in its support and unwavering commitment to the welfare, security, and survival of the State of Israel; therefore be it

KNOWN, That the Chautauqua County Legislature, conveys its most heartfelt condolences to all Israeli victims as well as their families and communities; and let it be further

KNOWN, That the Chautauqua County Legislature recognizes Israel's right to self-defense to protect its citizens, and expresses its support for Israel's right to pursue the elimination of Hamas in order to assure public safety; and let it be

MOVED, That the County Legislature calls upon this state's law enforcement agencies to remain vigilant in protecting Israeli Americans, and all supporters of Israel from acts of crime and unlawful discrimination; and let it be

MOVED, That the County Legislature encourages all residents to condemn Hamas and their actions on October 7, as well as condemning any forms of hatred targeted at any group of people; and let it be

MOVED, That the County Legislature calls upon the United States to provide all assistance as may be required to support Israel in its defense against Hamas and all other terrorist organizations; and let it be

MOVED, That the Clerk of the Legislature is directed to forward copies of this motion supporting Israel and condemning Anti-Semitism to Congressman Nick Langworthy, Governor Kathy Hochul, Senator George Borello, Assemblyman Andrew Goodell, as well as to any others deemed necessary and appropriate.