

**2020**  
**JOURNAL OF PROCEEDINGS**  
**OF THE**  
**CHAUTAUQUA COUNTY LEGISLATURE**  
**MAYVILLE, NEW YORK**

2020 Census Population  
for  
Chautauqua County 126,807

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**Pierre E. Chagnon, Chairman.....Bemus Point, NY**  
**Katherine K. Tampo, Clerk.....Silver Creek, NY**

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## CHAUTAUQUA COUNTY LEGISLATURE

#1	(West Tn. of Dunkirk & Part of City)	<u>Kevin Muldowney</u>	10 Beach Rd. Dunkirk, N.Y. 14048
#2	(East Tn of Dunkirk & Part of City)	<u>Robert K. Bankoski</u>	407 Lake Shore Dr. E. Dunkirk, N.Y. 14048
#3	(Parts of Pomfret & Village of Fredonia)	<u>Robert Scudder</u>	348 W. Main St. Fredonia, N.Y. 14063
#4	(East Village of Fredonia)	<u>Christine Starks</u>	100 Central Ave. Fredonia, N.Y. 14063
#5	(Sheridan, Arkwright Villenova, East Pomfret & Tn. & Village Cherry Creek)	<u>Terry Niebel</u>	3199 E. Main St. Dunkirk, N.Y. 14048
#6	(Tn. of Hanover & Villages of Forestville & Silver Creek)	<u>Tom Harmon</u>	72 Lake Ave. Ext., Silver Creek, N.Y. 14081
#7	(NE Tn of Chautauqua & Tns. of Stockton & Portland & Villages of Brocton & Cassadaga)	<u>Mark Odell</u>	90 Old Mill Rd. Brocton, N.Y. 14716
#8	(Tns. of Ellery & N. Harmony & Village of Bemus Point)	<u>Pierre Chagnon</u>	3714 Westman Rd. Bemus Point, N.Y. 14712
#9	(NE City of Jmstn.)	<u>Chuck Nazzaro</u>	236 Springdale Ave. Jamestown, N.Y. 14701
#10	(SW City of Jmstn. Village of Lakewood & Part Tn. Of Busti)	<u>Kenneth Lawton</u>	30 Sunset Ave., Lakewood, N.Y. 14750
#11	(NW City of Jmstn.)	<u>Robert Whitney</u>	41 Hallock St. Jamestown, N.Y. 14701
#12	(North City of Jmstn.)	<u>Elisabeth Rankin</u>	4 Arlington Ave. Jamestown, N.Y. 14701
#13	(Center City of Jamestown)	<u>Paul D. Whitford</u>	58 Harris Ave. Jamestown, N.Y. 14701

#14	(Tns. Of Charlotte, Gerry, Ellington & N. Ellicott & Village of Sinclairville)	<u>Daniel W. Pavlock</u>	2 Main Street Sinclairville, N.Y. 14782
#15	(Tn. S. Ellicott & Villages of Celoron & Falconer)	<u>Lisa Vanstrom</u>	55 Plummer Ave. Jamestown, N.Y. 14701
#16	(Tns. of Poland, Carroll & Kiantone)	<u>John Davis</u>	1214 Oak Hill Rd. Frewsburg, N.Y. 14738
#17	(Tns. of French Creek, Clymer, Harmony & SW Busti & Village of Panama)	<u>Frank Jay Gould</u>	70 Hoag Road Ashville, N.Y. 14710
#18	(Tns. Mina & Sherman, Most of Chautauqua & Villages of Mayville & Sherman)	<u>William Ward</u>	89 Elm Street Mayville, NY 14757
#19	Tns, of Ripley & Westfield & Village of Westfield)	<u>John Hemmer</u>	7539 E. Rt. 20 Westfield, N.Y. 14787

2020 COMMITTEE ASSIGNMENTS

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Public Facilities

3<sup>rd</sup> Monday at 4:00 p.m.

John Hemmer  
Bob Scudder  
Chuck Nazzaro \*\*  
Jay Gould  
John Davis

Administrative Services

3<sup>rd</sup> Monday at 5:00 p.m.

Bob Scudder  
Kevin Muldowney  
Christine Starks \*\*  
John Davis  
Lisa Vanstrom

Public Safety

3<sup>rd</sup> Wednesday at 4:15 p.m.

Terry Niebel  
Dan Pavlock  
Bob Bankoski \*\*  
Paul Whitford  
John Hemmer

Human Services

3<sup>rd</sup> Wednesday at 5:15 p.m.

Dan Pavlock  
Elisabeth Rankin  
Paul Whitford \*\*  
Bob Whitney  
Ken Lawton

Planning & Econ. Development

3<sup>rd</sup> Wednesday at 6:00 p.m.

Mark Odell  
Christine Starks \*\*  
Kevin Muldowney  
Tom Harmon  
Bill Ward

Audit & Control

3<sup>rd</sup> Thursday at 8:35 a.m.

Chuck Nazzaro \*\*  
Jay Gould  
Terry Niebel  
Mark Odell  
Tom Harmon

Committee Chairs Listed First  
Vice Chair Listed Second  
Ranking Member \*\*

## DIRECTORY

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CHAUTAUQUA COUNTY DIRECTORY  
For the Year 2020  
COUNTY GENERAL

COUNTY LEGISLATURE

Pierre E. Chagnon ., Chairman  
Katherine K. Tampo, Clerk  
Olivia L. Ames, Deputy Clerk

Mayville  
Mayville  
Mayville

COUNTY EXECUTIVE

Paul M. Wendel Jr., County Executive

Mayville

LAW

Stephen Abdella, County Attorney  
Kristen Wright, 2nd County Attorney  
Allison B. Carrow, Assistant Attorney  
Thomas Rankin, County Attorney

Mayville  
Mayville  
Mayville  
Mayville

AGING

Mary Ann Spanos, Director

Mayville

BUDGET

Kathleen Dennison

Mayville

COUNTY CLERK

Larry Barmore, County Clerk  
Kie Mihalko , Deputy County Clerk

Mayville  
Mayville

CORONERS

Richard Mackowiak  
Daniel Tyler  
Eugene Steele  
Doug Sanderson  
Kenneth Haley

Mayville  
Mayville  
Mayville  
Mayville  
Mayville

DIVISION OF PURCHASING

Tracy France, Purchasing Manager

Mayville

ELECTION BOARD

Brian Abram, Commissioner (Republican)  
Norman Green, Commissioner (Democrat)

Mayville  
Mayville

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DIRECTORY

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EMERGENCY SERVICES

John Griffith, Director

Mayville

FINANCE

Kitty Crow, Director

Mayville

James E. Cafilisch, Director of Real Property Tax Services (Retired 07/24/2020)

Mayville

Todd Button, Interim Director of Real Property Tax Services (Starting 07/25/2020)

HEALTH & HUMAN SERVICES

Christine Schuyler, Director

Mayville

HISTORIAN

Michelle Henry

Mayville

HUMAN RESOURCES

Jessica Wisniewski, Director (Resigned: 08/09/2020)

Mayville

Jean Riley, Director (Appointed 08/10/2020)

Mayville

INSURANCE

Kitty Crow, Director

Mayville

MENTAL HYGIENE SERVICES

Patricia Brinkman, Director

Mayville

DEPUTY COUNTY EXECUTIVE OF ECONOMIC DEVELOPMENT

Mark Geise

Jamestown

INDUSTRIAL DEVELOPMENT

Mark Geise, Director

Jamestown

PLANNING & DEVELOPMENT

Don McCord, Director (Retired: 10/07/2020)

Westfield

Nate Aldrich, Economic Development Coordinator

PUBLIC FACILITIES

Brad Bentley, Director

Falconer

SHERIFF

James Quattrone, Sheriff

Mayville

Darryl Braley, Under Sheriff

Mayville

VETERANS SERVICES

Greg Carlson, Director

Jamestown

## DIRECTORY

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### JUDICIAL

COUNTY COURT		
Hon. David Foley, Judge		Mayville
FAMILY COURT		
Hon. Jeffrey A. Piazza		Mayville
Hon Michael Sullivan		Mayville
SUPREME COURT		
Hon. James Dillon		Mayville
SURROGATE COURT		
Hon. Stephen W. Cass, Judge		Mayville
COMMISSIONER OF JURORS		
Mary Alice Petrella, Commissioner		Mayville
DISTRICT ATTORNEY		
Patrick Swanson		Mayville
PROBATION		
Tom Narraway (Retired 09/19/2020)		Jamestown
Gilbert Taylor (Appointed 09/19/2020)		
PUBLIC DEFENDER		
Nathaniel L. Barone		Mayville



LOCAL LAWS

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LOCAL LAW  
INTRODUCTORY NUMBER 1-20 (Print 2)  
CHAUTAUQUA COUNTY

A LOCAL LAW PROVIDING SOLID WASTE FLOW CONTROL  
IN CHAUTAUQUA COUNTY

Emailed: 06/12/2020

Adopted by Legislature: 06/24/2020

Public Hearing by County Executive: 07/06/2020

Adopted As Local Law 2-20

R/C Vote: 19 Yes

Date State Filed: 7/20/2020

**See text on page 177 in 2020 Journal**

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LOCAL LAW  
INTRODUCTORY NUMBER 2-20  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING AN OVERRIDE OF THE TAX LEVY LIMIT  
FOR THE 2021 COUNTY BUDGET

Emailed: Not emailed: Brought up as an Emergency Local Law during Special Meeting 10/13/20  
Letter of Necessity Activated

Adopted by Legislature: 10/13/2020

Public Hearing by County Executive: 10/26/2020

Adopted As Local Law 3-20

R/C Vote: 15 Yes; 4 Absent

Date State Filed: 10/28/2020

**See text on page 267 in 2020 Journal**

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LOCAL LAWS

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LOCAL LAW  
INTRODUCTORY NUMBER 3-20  
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES

Emailed: 12/03/21

Adopted by Legislature: 12/16/2020

Public Hearing by County Executive: 01/04/2021

Adopted As Local Law 1-21

R/C Vote: 11 Yes; 8 No

Date State Filed: 1/11/2021

**See text on page 357 in 2020 Journal**

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LOCAL LAW  
INTRODUCTORY NUMBER 4-20  
CHAUTAUQUA COUNTY

AUTHORIZING LEASE OF REAL PROPERTY FOR AN EXTENDED  
TERM FOR OFFICE FOR AGING SERVICES

Emailed: 12/03/21

Adopted by Legislature: 12/16/2020

Public Hearing by County Executive: 01/04/2021

Adopted As Local Law 2-21

R/C Vote: 19 Yes

Date State Filed: 1/11/2021

**See text on page 358 in 2020 Journal**

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Chautauqua County Legislature  
Organizational Meeting  
Wednesday, January 2, 2020, 4:00 p.m.  
Legislative Chambers, Mayville, New York

Clerk Tampo called the Organizational Meeting to order at 4:00 p.m. and announced a quorum present. (Absent: Gould)

Legislator Davis delivered the prayer followed by the Pledge of Allegiance.

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Swearing in New Legislators  
By  
Judge Stephen Cass

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Nominations, Second and Roll Call Vote for Chairman of the Legislature

Clerk Tampo: We will now accept nominations for Chairman of the Legislature.

Legislator Odell: It is my distinct honor and privilege to nominate Mr. Pierre Chagnon as the Chairman of the Legislature.

Legislator Vanstrom: I'll second that.

Clerk Tampo: Thank you. We have a nomination for Legislator Chagnon made by Mr. Odell and seconded by Mrs. Vanstrom. Are there any other nominations?

Legislator Bankoski: I'd like to nominate Chuck Nazzaro for Chairman.

Legislator Whitford: Second.

Clerk Tampo: There's a nomination made by Mr. Bankoski and seconded by Mr. Whitford. Are there any other nominations?

Legislator Niebel: I motion for nominations to be closed.

Legislator Bankoski: Second.

Clerk Tampo: All those in favor?

*Unanimously Carried to Close Nominations*

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Clerk Tampio: Nominations have been closed and we have two nominees: Mr. Chagnon and Mr. Nazzaro. When I call your name please indicate by name of the nominee your vote this evening.

13 – Pierre Chagnon  
5 – Charles Nazzaro  
1 – Absent

Clerk Tampio: There are five votes for Mr. Nazzaro, one absent and that makes 13 votes for Mr. Chagnon. With a majority of votes indicated for Mr. Chagnon I will now indicate that Mr. Chagnon is your newly elected Chairman of the Legislature for 2020.

*Applause*

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ACCEPTANCE SPEECH BY CHAIRMAN

Chairman Chagnon: That is one of the first times that Chuck and I have voted differently. I am honored and privileged to accept the position of Chairman of the Legislature. In this role I will do my very best to demonstrate servant leadership.

Servant leadership is a philosophy and set of practices that enriches the lives of individuals, builds better organizations and ultimately creates a more just and caring world. Ten characteristics of a servant leader are listening, empathy, healing, awareness, persuasion, conceptualization, foresight, stewardship, commitment to the growth of others, and building community.

The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first. Then conscious choice brings one to aspire to lead. That person is sharply different from one who is leader first, perhaps because of the need to assuage an unusual power drive or to acquire material possessions... The leader-first and the servant-first are two extreme types. Between them there are shadings and blends that are part of the infinite variety of human nature.

The difference manifests itself in the care taken by the servant-first to make sure that other people's highest priority needs are being served. The best test, and difficult to administer, is: Do those served grow as persons? Do they, while being served, become healthier, wiser, freer, more autonomous, more likely themselves to become servants?

A servant-leader focuses primarily on the growth and well-being of people and the communities to which they belong. While traditional leadership generally involves the accumulation and exercise of power by one at the top of the pyramid, servant leadership is different. The servant-leader shares power, puts the needs of others first and helps people develop and perform as highly as possible.

I make the following commitments to my fellow legislators:

- To listen aggressively and effectively
- To ask probing, expansive, and thought-provoking questions
- To define the big picture from the constituent details
- To convey a vision that others can clearly understand and willingly support the pursuit of

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- Dogged determination to stay the course toward the vision, and to achieve the goals that support the mission
- To repress my own ego and support the Legislature
- To be the best example of servant leadership that I can be

Thank you.

*Applause*

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1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

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(REPUBLICAN) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Republican party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2020 the POST JOURNAL as the Republican newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Chagnon, Gould, Scudder, Davis, Pavlock, Hemmer, Muldowney, Harmon, Vanstrom, Odell, Rankin, Niebel

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(DEMOCRATIC) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Democratic party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2020 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Bankoski, Nazzaro, Starks, Whitney, Whitford

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APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

We, the undersigned being the Republican members of the Chautauqua County Legislature hereby designate Legislator Frank “Jay” Gould as the Leader of the Chautauqua County Legislature for the year 2020 in accordance with Local Law No. 6-1969 adopted on the 2<sup>nd</sup> day of January 1970. And appoint, as the Assistant Leader, Legislator Lisa Vanstrom

Signed: Chagnon, Gould, Scudder, Davis, Pavlock, Hemmer, Muldowney, Harmon, Vanstrom, Odell, Rankin, Niebel

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APPOINTMENT OF MINORITY LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Chuck Nazzaro as the Leader of the Chautauqua County Legislature for the year 2020 in accordance with Local Law No. 6-1969 adopted on the 2<sup>nd</sup> day of January 1970. And appoint, as the Assistant Leader, Legislator Robert K. Bankoski  
Signed: Bankoski, Nazzaro, Starks, Whitford, Whitney

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RES. NO. 1-20  
Filling Vacancy – County Executive

At the Request of County Legislators Pierre Chagnon and Frank Gould:

WHEREAS, the office of County Executive became vacant on November 24, 2019 due to the resignation of former County Executive George Borrello; and

WHEREAS, pursuant to Section 3.05 of the Chautauqua County Charter, the vacancy shall be filled by the County Legislature until the commencement of the political year next succeeding the first general election after the happening of the vacancy at which a successor may be elected, in this case until January 1, 2021; and

WHEREAS, a Certificate to Fill Vacancy for Chautauqua County Executive has been received by the County Legislature that contains the nomination of Paul M. Wendel, Jr. as the nominee of the Chautauqua County Republican Committee to fill the vacancy in the office of County Executive; therefore be it

RESOLVED, That the County Legislature does hereby appoint Paul M. Wendel, Jr., 20 Hern Avenue, Lakewood, NY 14750, as County Executive of the County of Chautauqua to serve until January 1, 2021.

Signed: Chagnon, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – January 2, 2020

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Swearing in County Executive  
By  
Judge Stephen Cass

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County Executive Wendel: Just that I'm humbled is the least that I could actually say. I feel honored and privileged. I've worked with many of you for the last eight years and it's an honor to be chosen by you to lead this county. With technology the way it is my daughter, who has been a big supporter, is watching now from Prague, Czechoslovakia so I think we've reached

the Jetson's era. Having said that, I think it's a new vision for Chautauqua County. To follow in the footsteps of George Borrello is no slight feat. It's going to be a great undertaking. We've already set up a time to sit and discuss what we have in store for the future of Chautauqua County to continue the many initiatives that George has started as well as to bring in my own twist and my own initiatives in this upcoming year.

I made a commitment back in December when I met with the County representatives from the Republican committee and I said my commitment to you is the next five years- a minimum of five years. I have to run next November and then again the following year for a four year term. That is my commitment that I'm going to be here as willing to be your County Executive- great initiatives- this is a great place to live.

After college I came back. Somebody asked me yesterday and they said they wished they were able to bring their kids back and what made you come back? My response was the sense of community and the sense of pride that I have in Chautauqua County.

I was very fortunate- there's a man looking down on my right now- Tony Caprino. Tony started me 13 years ago running for the Village of Lakewood and it was that education and leadership I learned from Tony and the many people- Al Hendrickson in the back- and those who helped me out throughout my career. It's that great leadership that I've followed and I've mentored. I've stood across the mat from world and Olympic champions, but by far this is the greatest challenge I have is to now realize that I will be the leader of Chautauqua County, that the buck stops with me. My vision is that I share the success and will burden the failures. We are going to move forward in Chautauqua County. I really thought about in the moments before I came up here – and that's what I really feel that I've done is been that servant leader. I want to empower the people and our department heads to come up with visions and generate their own excitement for Chautauqua County. I want people to take great pride in- more than what they have already- to be a resident of Chautauqua County. I want to be able to sing from the mountain tops the successes we have and bring new business and new excitement to Chautauqua County. This is a great place to live and I'm extremely honored and humbled to now be the next County Executive. I thank you and I look forward to the next several months and then some down the road, but again, I thank you very much for your support and look forward to being your County Executive in the upcoming year. Thank you.

*Applause*

Commendation:

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Legislator Paul M. Wendel  
By  
Chairman Pierre E. Chagnon  
and  
Acting County Attorney Stephen M. Abdella

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RES. NO. 2-20  
Appointing Clerk of the Legislature

At the Request of Legislators: Chairman Paul M. Wendel:

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WHEREAS, pursuant to Resolution 179-14, the hours of the Clerk of the County Legislature were expanded to perform the duties of the Financial Analyst; and

WHEREAS, it would be advantageous to continue having the Clerk perform the duties of the Financial Analyst in 2020; therefore be it

RESOLVED, That Katherine K. Tampo, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2020, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$41,543 for 100% time.

Signed: Wendel, Chagnon, Gould, Scudder, Davis, Proctor, Pavlock, Hemmer, Muldowney, Vanstrom, Odell, Rankin, Niebel, Nazzaro, Bankoski, Whitford, Starks

Unanimously Adopted – R/C Vote: 17 Yes; 1 Absent; 1 Open Seat – January 2, 2020

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RES. NO. 3-20  
Appointing Deputy Clerk/Secretary to the Legislature

At the Request of Chairman Paul M. Wendel:

RESOLVED, That Olivia L. Ames, 7266 North Hill Road, Sinclairville, New York, is hereby appointed Secretary to the Chautauqua County Legislature for the year 2020 at a salary of \$ 18.29 per hour; and be it further

RESOLVED, That in addition to Secretary to the Legislature, Olivia L. Ames be, and hereby is, appointed Deputy Clerk for the Chautauqua County Legislature for the year 2020, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2020.

Signed: Wendel, Chagnon, Gould, Scudder, Davis, Proctor, Pavlock, Hemmer, Muldowney, Vanstrom, Odell, Rankin, Niebel, Nazzaro, Bankoski, Whitford, Starks

Unanimously Adopted – R/C Vote: 17 Yes; 1 Absent; 1 Open Seat – January 2, 2020

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RES. NO. 4-20  
Confirm Appointment – Public Defender

At the Request of Legislature Chairman Paul M. Wendel:

RESOLVED, That Nathaniel L. Barone, II, 600-3 Baker St. Ext., Jamestown, New York, be and hereby is appointed Public Defender of Chautauqua County for two (2) years effective January 1, 2020, to be compensated as follows:



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2020 – Annual base salary of \$81,978.00 for 100% time, with an additional salary supplement of \$62,055.00 to the extent of available grant funds received from the New York State Office of Indigent Legal Services (OILS) pursuant to Resolution 161-19.

2021 – Annual base salary of \$83,618.00 for 100% time, with an additional salary supplement subject to confirmation by the County Legislature to the extent of available grant funds received from OILS or another source.

Signed: Wendel, Chagnon, Gould, Scudder, Davis, Proctor, Pavlock, Hemmer, Muldowney, Vanstrom, Odell, Rankin, Niebel, Nazzaro, Bankoski, Whitford, Starks, Wilfong

Unanimously Adopted – R/C Vote: 17 Yes; 1 Absent; 1 Open Seat – January 2, 2020

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RES. NO. 5-20  
Designation of Official Newspapers – 2020

Chairman Paul M. Wendel:

RESOLVED, That the Post Journal, 15 West Second Street, Jamestown, NY and the Observer, 10 East Second Street, Dunkirk, NY be and hereby are designated, pursuant to Section 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2020 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Wendel

Unanimously Adopted – January 2, 2020

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RES. NO. 6-20  
Delegate Authority to Chairman of Legislature to Correct Errors on Tax Rolls and to Provide Refunds and Credits of Taxes Pursuant to Section 554 and 556 of the Real Property Tax Law

At the Request of Chairman Paul M. Wendel:

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize a tax levying body to delegate its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less; and

WHEREAS, such delegation would only apply when the County's Director of Real Property Tax Services has investigated an application for correction, refund, or credit and recommended approval based upon that investigation; and

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WHEREAS, the delegation of authority would afford the taxpayers of Chautauqua County a mechanism for prompt approval of such applications for correction, refund, or credit; now therefore be it

RESOLVED, That pursuant to Sections 554 and 556 of the Real Property Tax Law, the County Legislature hereby delegates to the Chairman of the Legislature its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less; and be it further

RESOLVED, That pursuant to the delegation of authority granted herein, the Chairman of the Legislature is hereby empowered to authorize such correction of errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less, without prior audit by the County Legislature; and be it further

RESOLVED, That this resolution will be in effect from this date until December 31, 2020.

Signed: Wendel

Unanimously Adopted – January 2, 2020

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RES. NO. 7-20

Authorize Public Hearing on FBO and Hangar Lease Agreement at the Chautauqua County  
Dunkirk Airport

At the Request of Acting County Executive Stephen M. Abdella and County Legislator John Hemmer:

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport in the Town of Sheridan and is in need of fixed base operator (FBO) services for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County issued a Request for Proposals (RFP) and has selected Centric Aviation to provide FBO services at the Chautauqua County Dunkirk Airport, to include the lease of hangars and other facilities and the operation of flight line services at the Chautauqua County Dunkirk Airport; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to General Municipal Law, a public hearing shall be held on the proposed lease agreement at the Chautauqua County Dunkirk Airport with Centric Aviation at 6:35 p.m. during the regular meeting of the Chautauqua County Legislature to occur on

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January 22, 2020, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757, to include substantially the following terms and conditions:

Term. Up to twenty (20) years commencing on March 1, 2020.

Premises. Up to 58,500 square feet of property located at the Chautauqua County Dunkirk Airport.

Payment. Centric Aviation shall pay County a monthly fixed rental fee of \$2,500; a fuel flowage fee of \$0.15 per gallon of aviation fuel sold; 5% of hangar rental revenue; and 5% of gross revenue received for flight line services.

Other. As negotiated by the County Executive;

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer

Unanimously Adopted – January 2, 2020

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RES. NO. 8-20

Authorize Public Hearing on FBO and Hangar Lease Agreement at the Chautauqua County  
Jamestown Airport

At the Request of Acting County Executive Stephen M. Abdella and County Legislator John Hemmer:

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott and is in need of fixed base operator (FBO) services for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County issued a Request for Proposals (RFP) and has selected Centric Aviation to provide FBO services at the Chautauqua County Jamestown Airport, to include the lease of hangars and other facilities and the operation of flight line services at the Chautauqua County Jamestown Airport; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to General Municipal Law, a public hearing shall be held on the proposed lease agreement at the Chautauqua County Dunkirk Airport with Centric Aviation at 6:35 p.m. during the regular meeting of the Chautauqua County Legislature to occur on

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January 22, 2020, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757, to include substantially the following terms and conditions:

Term. Up to twenty (20) years commencing on February 1, 2020.

Premises. Up to 65,000 square feet of property located at the Chautauqua County Jamestown Airport.

Payment. Centric Aviation shall pay County a monthly fixed rental fee of \$2,500; a fuel flowage fee of \$0.15 per gallon of aviation fuel sold; 5% of hangar rental revenue; and 5% of gross revenue received for flight line services.

Other. As negotiated by the County Executive;

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer

Unanimously Adopted – January 2, 2020

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Clerk Tampio: Mr. Chairman, I have received a letter signed by Paul M. Wendel Jr. as Chautauqua County Executive regarding the appointment of Acting County Executive.

“Dear Mr. Abdella,

Pursuant to Section 3.04 of the Chautauqua County Charter, I hereby designate you as Acting County Executive for the County of Chautauqua. By copy of this letter to the Clerk of the County Legislature, I respectfully request confirmation by the Chautauqua County Legislature.”

There is an emergency resolution on your desk this evening and we will need a motion to bring it to the floor.

Chairman Chagnon: Do I have a motion to bring the emergency resolution that’s on your desk to the floor?

Legislator Vanstrom: I’ll make the motion.

Chairman Chagnon: A second?

Legislator Niebel: I’ll second that.

Chairman Chagnon: All those in favor of bringing the resolution to the floor?

Unanimously Carried to Bring to the Floor

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Clerk Tampio: I will number it for you prior to the discussion. It will be emergency resolution 9-20: Confirm Appointment – Acting County Executive.

EMERGENCY RES. NO. 9-20  
Confirm Appointment – Acting County Executive

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

WHEREAS, pursuant to Section 3.04 of the Chautauqua County Charter, County Executive Paul M. Wendel, Jr. has submitted the appointment of County Attorney Stephen M. Abdella to the position of Acting County Executive effective January 2, 2020; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the position of Acting County Executive as follows:

Effective January 2, 2020  
Stephen M. Abdella  
276 Kiantone Road  
Jamestown, NY 14701  
(Town of Kiantone)

Unanimously Adopted – January 2, 2020

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2<sup>nd</sup> Privilege of the Floor

No one chose to speak at this time.

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MOVED by Legislator Scudder, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (4:34 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Wednesday, January, 22, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Gould)

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (12/18/19 & 1/2/20)

1<sup>st</sup> Privilege of the Floor

Mr. DeMarte: *(Tape malfunction)* The college is working smart on reversing the trend that has been taking us in the wrong direction for the last 9-10 years. We have a lot of efforts in play to improve recruitment, retention, and our graduation rates. We're happy to share them with you at any time. We are making progress. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to speak to the first privilege of the floor? Anyone?

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VETO MESSAGES FROM ACTING COUNTY EXECUTIVE ABDELLA AND COUNTY  
EXECUTIVE WENDEL  
NO VETOES FROM 12/18/2019 & 01/02/2020

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COMMENDATION:

CLYMER- SHERMAN- PANAMA  
WOLFPACK  
FOOTBALL TEAM  
By  
Legislator Ward

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HANNAH ROSING  
By  
Legislator Bankoski,  
Legislator Muldowney

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HANNAH ROSING  
By  
Lisa Vanstrom  
Representing  
Senator George Borrello

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6:42 P.M.

PUBLIC HEARINGS

REGARDING A PROPOSED FIXED BASE OPERATOR (FBO) AND  
HANGAR LEASE AGREEMENT WITH CENTRIC AVIATION AT THE CHAUTAUQUA  
COUNTY AIRPORT AT JAMESTOWN

Chairman Chagnon: We will now open the public hearing. (6:42 p.m.) Is there anyone wishing to speak to the public hearing? Anyone wishing to speak to the first public hearing? Seeing no one, we'll close the first public hearing. (6:43 p.m.)

6:44 P.M.

REGARDING A PROPOSED FIXED BASE OPERATOR (FBO) AND  
HANGAR LEASE AGREEMENT WITH CENTRIC AVIATION AT THE CHAUTAUQUA  
COUNTY AIRPORT AT DUNKIRK

Chairman Chagnon: The second public hearing is now open. (6:44 p.m.) Is there anyone wishing to speak to the second public hearing? Anyone wishing to speak to the public hearing? Seeing no one, we'll close the second public hearing. (6:45 p.m.)

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COMMUNICATIONS:

1. Certificate – District Committee of the Chautauqua County Republican Committee - Certificate to Fill Vacancy for Chautauqua County Legislature
  2. Letter – Kenneth J. Lawton – Certificate of Acceptance – District 10 Legislator
  3. Letter – Chautauqua County Clerk – Jamestown DMV Parking
  4. Letter – Paul M. Wendel Jr. – Resignation as District 10 Legislator
  5. Letter – Co. Exec. Wendel – Designation of Acting Co. Executive
  6. Letters (4) – Acting Co. Exec. Abdella – Appointments To Various Boards
  7. Letter – County Attorney – Legal Services for County Legislature – 2020
  8. Letter – District Attorney – Appointment of Assistant District Attorneys
  9. Letter – District Attorney – Oath of Office
  10. Letter – NYS Agriculture and Markets – District No. 1 Review
  11. Letter – NYS Office of State Comptroller – Acknowledgement of Local Law 7-19
  12. Letter/ Report – NYS Sheriff's Association Inc.
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RES. NO. 10-20

Appointment of Kenneth J. Lawton as Legislator from District 10, Southwest  
City of Jamestown, Village of Lakewood and Part Town of Busti, NY

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Paul M. Wendel, Jr., District 10; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 10, (Southwest City of Jamestown, Village of Lakewood and Part Town of Busti, NY ) Committee recommending the appointment of Kenneth J. Lawton, 30 Sunset Avenue, Lakewood, NY 14750; and

WHEREAS, a Certificate of Acceptance has been received from Kenneth J. Lawton; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Kenneth J. Lawton is hereby appointed Legislator from District 10, comprised of the Southwest City of Jamestown, Village of Lakewood and Part Town of Busti, NY.

Signed: Chagnon

Unanimously Adopted– January 22, 2020

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RES. NO. 11-20

Confirm Appointments – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established as a county sewer district of the County of Chautauqua by Legislative Resolution 272-77; and

WHEREAS, a County Sewer Board consisting of seven (7) members was established as the administrative body of the District by Resolution 345-77; and

WHEREAS, two (2) Board members whose terms expired at the end of 2019 chose to retire from the Board; and

WHEREAS, County Sewer Board members recommend appointment to the Board of the individuals named below; now therefore be it



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RESOLVED, That the Chautauqua County Legislature hereby appoints the following members to the Board of the Portland-Pomfret-Dunkirk Sewer District effective January 1, 2020.

Sally A. Kuzon  
10117 Patterson Lane  
Fredonia, New York 14063  
Term to Expire: December 31, 2025

Douglas K. Newell  
5566 Wilson Blvd.  
Fredonia, NY 14063  
Term to Expire: December 31, 2025

Signed: Hemmer, Nazzaro, Scudder, Davis

Unanimously Adopted– January 22, 2020

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RES. NO. 12-20  
Confirm Re-Appointments - Chautauqua County Ethics Board

By Administrative Services Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Stephen M. Abdella, Acting County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

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

David Rowe  
3740 Westman Road  
Bemus Point, NY 14712  
Term Expires: 1/31/23

Rose Sebouhian  
6 Ventura Circle  
Fredonia, NY 14063  
Term Expires: 1/31/23

Signed: Scudder, Vanstrom, Muldowney, Starks, Davis

Unanimously Adopted– January 22, 2020

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RES. NO. 13-20  
Confirm Re-Appointments – STOP DWI Advisory Board

By Public Safety Committee:

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At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Stephen M. Abdella, Acting County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the STOP-DWI Advisory Board:

William L. Ohnmeiss Jr.  
215 South Work Street  
Falconer, NY 14733  
Term Expires: 7/31/21

Frederick Johnson  
8419 West Main Street  
Westfield, NY 14787  
Term Expires: 7/31/22

Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford

Unanimously Adopted– January 22, 2020

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RES. NO. 14-20

Confirm Appointment and Re-Appointments - Chautauqua County Food Policy Council

By Planning & Economic Development Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Chautauqua County Food Policy Council was created by Resolution 119-19; and

WHEREAS, a food policy council serves as a network to bring stakeholders both directly and indirectly involved in a food system together to increase communication between sectors and to strengthen and build healthy, sustainable communities; and,

WHEREAS, Resolution 119-19 provides that the membership of the Council will consist of a minimum of thirteen members, comprising seven reserved seats and six community seats; and

WHEREAS, additional seats may be added as recommended by the Council, but total membership will not exceed fifteen members; and

WHEREAS, Acting County Executive Stephen M. Abdella, has submitted the following initial appointments for action by the Chautauqua County Legislature; therefore be it

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RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Food Policy Council:

Kate Ewer  
106 Hoag Road  
Ashville, NY 14710  
Term Expires: 12/31/20  
(Filling Term of Emily Reynolds)

Patricia Hammond  
760 Deer St.  
Dunkirk, NY 14048  
Term Expires: 12/31/22

Linnea Carlson  
301 E. Second Street STE 301  
Frewsburg, NY 14738  
Term Expires: 12/31/22

Elizabeth Margarito  
139 Broadhead Ave.  
Jamestown, NY 14701  
Term Expires: 12/31 /22

Signed: Odell, Ward, Muldowney, Starks, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 15-20  
Confirm Re-Appointments - Chautauqua County Youth Board

By Human Services Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Stephen M. Abdella, Acting County Executive, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

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

Patricia Munson  
4425 Chautauqua Blvd.  
Lakewood, NY 14750  
Term Expires: 12/31/21

Nicole Roma  
702 Washington Street  
Dunkirk, NY 14048  
Term Expires: 12/31/22

Susan Drago  
9 Brook Street  
Lakewood, NY 14750  
Term Expires: 12/31/22

Raymond Rushboldt  
3719 Middle Road  
Dunkirk, NY 14048  
Term Expires: 12/31/22

Leah Marsala-Chase  
8 South Gale Street  
Westfield, NY 14787  
Term Expires: 12/31/22

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Signed: Pavlock, Rankin, Whitney, Whitford

Unanimously Adopted– January 22, 2020

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RES. NO. 16-20  
Confirmation of County's Independent External Auditor

By Audit and Control Committee:

At the Request of Legislative Chairman Chagnon and Legislators Nazzaro, Gould and Niebel:

WHEREAS, pursuant to §4.04(2) of the Chautauqua County Charter, as amended by Local Law 4-16, the Audit and Control Committee of the County Legislature selects the County's independent external auditors, subject to confirmation by the County Legislature; and

WHEREAS, the County issued a Request For Proposals (RFP) for audit services for the years 2019, 2020 and 2021, and the Audit and Control Committee recommends the firm of Bonadio & Company, LLP for the provision of such services; therefore be it\

RESOLVED, That Bonadio & Company, LLP, is approved as the County's independent external auditor for the County for the years 2019, 2020 and 2021.

Signed: Nazzaro, Niebel, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 17-20  
Amend Resolution 164-19 – Close, Modify and Create Petty Cash Funds

By Human Services and Audit & Control Committees:

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

RESOLVED, That Resolution 164-19 of the Chautauqua County Legislature, adopted on June 26, 2019, is hereby amended as follows, with deletions shown in ~~striketrough~~ and additions underlined:

RES. NO. 164-19  
Close, Modify and Create Petty Cash Funds

WHEREAS, Resolution No. 391-80 established a revolving petty cash fund in the amount of \$100.00 to be used by the South Chautauqua Lake Sewer District; and

WHEREAS, Resolution No. 249-94 established two revolving petty cash funds in the amount of \$50.00 each to be used by the Division of Family, Children, and Adult Services in Dunkirk and Jamestown; and

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WHEREAS, Resolution No. 312-82 established revolving petty cash funds in the amount of \$25.00 each to be used in the Jamestown and Dunkirk offices of the Health Department; and pursuant to Resolution 213-97, these fund were increased to \$75.00 each and a third fund of \$75.00 was added for use in the Mayville office of the Health Department; and pursuant to Resolution 175-99, the fund in the Jamestown office was increased to \$125.00; and pursuant to Resolution 186-16, the fund in the Jamestown office was moved to Mayville to form a second Mayville fund, and the fund in the Dunkirk office was abolished; and

WHEREAS, the petty cash funds established by Resolution Nos. 391-80 and 249-94 are no longer necessary; and

WHEREAS, the \$125.00 petty cash fund for the Mayville office of the Health Department will be abolished and redistributed as follows: \$50.00 to a new petty cash fund to make change at the check-in desk in the Hall R. Clothier Building (HRC); ~~and~~ \$25.00 to increase the \$75.00 Mayville petty cash fund to \$100.00; and \$50 returned to the general fund; now therefore be it

RESOLVED, That the petty cash funds established by Resolution Nos. 391-80 and 249-94 are hereby abolished; and be it further

RESOLVED, That the amount of the Health Department's Mayville petty cash fund is hereby increased by \$25.00 to a total amount of \$100.00; a new petty cash account at the Health Department's HRC desk is hereby established in the amount of \$50.00; and be it further

RESOLVED, That the Director of Finance is hereby directed to make any and all necessary accounting adjustments to establish these changes

Signed: Pavlock, Rankin, Harmon, Whitney, Whitford, Niebel, Nazzaro, Odell

Unanimously Adopted– January 22, 2020

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RES. NO. 18-20

Authorize Federal and State Aid Applications for the Chautauqua County Jamestown Airport  
Five-Year Capital Improvement Plan (ACIP) for FY 2020-2025

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Chautauqua County Jamestown Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems ("NPIAS"); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Jamestown Airport eligible for Federal grant funding under the Airport Capital Improvement Program ("ACIP"), a

grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation (“NYSDOT”) matching funds provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Jamestown Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide up to ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Capital Budget of Chautauqua County includes appropriations to supply the local share of such grants in the past and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Chautauqua County Jamestown Airport which are included in the current five-year ACIP plan:

FY 2020	Environmental assessment for on and off airport obstruction removal.
FY 2020	Purchase de-icing equipment (NYS DOT/Aviation Division funding)
FY 2021	Rehabilitate Runway 7-25 (Construction)
FY 2022	Rehabilitate airport perimeter fence (Phase 1 Construction)
FY 2022	Avigation easement purchase for management of off-airport obstructions
FY 2022	Purchase replacement snow removal equipment (Loader)
FY 2023	Rehabilitate runway perimeter fence (Phase 2 Construction)
FY 2024	On & Off airport obstruction removal (Design & Permitting)
FY 2024	Purchase Replacement Airport Rescue and Fire Fighting (ARFF) Vehicle
FY 2024	Airport terminal apron reconstruction.
FY 2025	Runway 13/31 rehabilitation (Design phase)

Signed: Hemmer, Nazzaro, Davis, Niebel, Odell, Harmon

Adopted – w/ Legislator Scudder voting “no” – January 22, 2020

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Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five-Year Capital Improvement Plan (ACIP) for FY 2020-2025

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Chautauqua County Dunkirk Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Dunkirk Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation (NYSDOT) matching funds provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Dunkirk Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide up to ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Capital Budget of Chautauqua County includes appropriations to supply the local share of such grants in the past and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Chautauqua County Dunkirk Airport which are included in the current five-year ACIP plan:

FY 2020	Runway 15/33 Lighting Improvements (MIRL/PAPI/REIL/Wind Cone) design
FY 2020	Rehabilitate Hangar No. 1 & 2 (NYS DOT funding)
FY 2020	Displacement of Dunkirk Runway 24 Threshold
FY 2021	Update or acquire Avigation Easements and Land Acquisition for 06/24 approaches and Runway Protection Area (RPZ).
FY 2021	Update or acquire Avigation Easements and Land Acquisition for Runway 15/33 Approaches and RPZ
FY 2021	Acquire replacement Snow Removal Equipment (Blower)
FY 2021	Rehabilitate Taxiway A East (Design)

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FY 2021	15/33 Lighting Improvements and Construction Phase
FY 2022	Runway 06/24 On & Off Airport Obstruction Removal (Design & Construction)
FY 2022	Rehabilitate Taxiway A East (Construction)
FY 2023	Runway 15/33 Obstruction Removal (Design & Construction)
FY 2023	T-Hangar Taxi lane (Design)
FY 2024	Acquire replacement Snow Removal Equipment (Loader)
FY 2024	T-hangar taxi lane (Construction)
FY 2025	Rehabilitate Taxiway A West (Design)

Signed: Hemmer, Nazzaro, Davis, Niebel, Odell, Harmon

Adopted – w/ Legislator Scudder voting “no” – January 22, 2020

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RES. NO. 20-20

Authorize FBO and Hangar Lease Agreement at the Chautauqua County Jamestown Airport

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott and is in need of fixed base operator (FBO) services for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County issued a Request for Proposals (RFP) and has selected Centric Aviation to provide FBO services at the Chautauqua County Jamestown Airport, to include the lease of hangars and other facilities and the operation of flight line services at the Chautauqua County Jamestown Airport; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held regarding the proposed agreement; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Centric Aviation to provide FBO services at the Chautauqua County Jamestown Airport, to include the lease of hangars and other facilities and the operation of flight line services, and to include substantially the following terms and conditions:

Term. Up to twenty (20) years commencing on February 1, 2020.

Premises. Up to 65,000 square feet of property located at the Chautauqua County Jamestown Airport.

Payment. Centric Aviation shall pay County a monthly fixed rental fee of \$2,500; a fuel flowage fee of \$0.15 per gallon of aviation fuel sold; 5% of hangar rental revenue; and 5% of gross revenue received for flight line services.



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Other. As negotiated by the County Executive;

Signed: Hemmer, Nazzaro, Scudder, Davis, Niebel, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 21-20

Authorize FBO and Hangar Lease Agreement at the Chautauqua County Dunkirk Airport

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport in the Town of Sheridan and is in need of fixed base operator (FBO) services for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County issued a Request for Proposals (RFP) and has selected Centric Aviation to provide FBO services at the Chautauqua County Dunkirk Airport, to include the lease of hangars and other facilities and the operation of flight line services at the Chautauqua County Dunkirk Airport; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held regarding the proposed agreement; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Centric Aviation to provide FBO services at the Chautauqua County Dunkirk Airport, to include the lease of hangars and other facilities and the operation of flight line services, and to include substantially the following terms and conditions:

<u>Term.</u>	Up to twenty (20) years commencing on March 1, 2020.
<u>Premises.</u>	Up to 58,500 square feet of property located at the Chautauqua County Dunkirk Airport.
<u>Payment.</u>	Centric Aviation shall pay County a monthly fixed rental fee of \$2,500; a fuel Flowage fee of \$0.15 per gallon of aviation fuel sold; 5% of hangar rental Revenue; and 5% of gross revenue received for flight line services.
<u>Other.</u>	As negotiated by the County Executive;

Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 22-20

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Authorize Agreement for Purchase and Removal of County Owned Timber from Property # 11  
on North Hill Road in Town of Charlotte

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the County of Chautauqua solicited competitive bids to sell approximately 62,354.3 board feet of marked hardwood sawtimber located on County owned property in the Town of Charlotte, and designated on the Chautauqua County Tax Map for the Town of Charlotte as Section 217.00 Block 1 Lot 17 (Reforestation Parcel # 11); and

WHEREAS, bid invitations were sent to reliable bidders and three bids were received in response thereto; and

WHEREAS, Ram Forest Products Inc., 532 PA-44, Shinglehouse Pennsylvania, 16748, submitted the highest bid for Reforestation Parcel #11 with a bid in the amount of \$31,610; and

WHEREAS, the total sale amount payable to Chautauqua County is \$31,610, and pursuant to Resolution 164-02, revenue from the sale of timber rights will be dedicated to capital improvements to the County parks system; and

WHEREAS, it is appropriate to accept the bid submitted by Ram Forest Product, Inc., as the offered prices exceed the fair market appraisal; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with Ram Forest Products, Inc for the sale and removal of sawtimber on the above-noted property at the above-stated price, with proceeds placed in the Parks Capital account; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make changes to the 2020 Adopted Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.25002.4	Contractual—Parks-Parks Capital Improvements	\$31,610
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INCREASE CAPITAL REVENUE ACCOUNT:

H.7110.25002.R265.2000	Sale of Property/Compensa—Sale of Forest Products	\$31,610
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Signed: Hemmer, Nazzaro, Scudder, Davis, Niebel, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 23-20

Authorize Execution for New York State Office of Homeland Security Grant for Public Safety  
Answering Point (PSAP) FY19

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 Program Grant for the further implementation of the Public Safety Answering Point (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$150,967.00 with no local matching funds required for the contract period from January 1, 2020 to December 31, 2020; and

WHEREAS, revenue from this grant is included in the 2020 Adopted Budget, but the budget needs to be reduced to reflect the actual grant revenue; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security; and be it also

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance     \$23,386

;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

DECREASE REVENUE ACCOUNT:

A.3020.DISP.R338.9002     NYS Aid--Oth Publ Safty: Dispatch Grant     \$23,386

Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell, Harmon

Unanimously Adopted— January 22, 2020

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RES. NO. 24-20

Amend 2020 Budget for Capital Project: Video System & Camera Upgrade

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

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WHEREAS, the County established a capital project for Video System and Camera Upgrades in 2018; and

WHEREAS, the total project expenses will exceed initial budgetary estimates due to additional installation requirements, and

WHEREAS, the Roof Replacement Capital Project has a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06001.R503.1000	Interfund Transfer – Interfund Transfer	\$30,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06001.4	Contractual—Video Sys & Camera Upgrade	\$30,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.3110.06003.R503.1000	Interfund Transfer – Interfund Transfer	\$30,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06003.4	Contractual—Roof Replacement	\$30,000
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 25-20

Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the  
Child Passenger Safety Program FY20

By Public Safety and Audit & Control Committees:

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

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

WHEREAS, the State of New York will provide funding in the amount of \$1,050.00 with no local funds required for the contract period from October 1, 2019 to September 30, 2020; and

WHEREAS, the grant funds were not used during the 2019 budget period, and this grant is included in the 2020 Adopted Budget so no budget amendments are necessary; 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 Governor's Traffic Safety Committee.

Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell, Harmon

Unanimously Adopted— January 22, 2020

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RES. NO. 26-20

Authorize Execution of New York State Governor's Traffic Safety Committee Grant for the  
Police Traffic Services Program FY20

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York 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 \$16,875 with no local funds required for the contract period from October 1, 2019 to September 30, 2020; and

WHEREAS, this grant is new to the Chautauqua County Office of the Sheriff and is not currently included in the 2019 and 2020 Adopted Budgets; now therefore be it

RESOLVED, That 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; and also be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.1	Personal Services – Sheriff, Sheriff Grants	\$798
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INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R338.9000	NYS Aid—Other Public Safety	\$798
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.1	Personal Services – Sheriff, Sheriff Grants	\$16,077
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INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R338.9000	NYS Aid—Other Public Safety	\$16,077
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell, Harmon

Unanimously Adopted— January 22, 2020

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RES. NO. 27-20

Authorize Execution of United States Department of Justice Grant – Organized Crime Drug Enforcement Task Forces (OCDEF) FY20

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the United States Department of Justice has approved an agreement for compensation of State and Local Overtime directly related to specific Drug Task Force operations; and

WHEREAS, the United States Department of Justice will provide funding in the amount of \$6,000.00, with no local funds, for contract period from October 1, 2019 to September 30, 2020; and

WHEREAS, this grant is not currently included in the 2019 or 2020 Adopted Budgets; now therefore be it

RESOLVED, the County Executive is authorized to execute an agreement with the United States Department of Justice to secure the grant funding as set forth above; and also be it

RESOLVED, the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services – Sheriff	\$2,500
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INCREASE REVENUE ACCOUNT:

A.3110.----.R432.4000	Federal Aid--Drug Control Programs	\$2,500
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; and be it further

RESOLVED, the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services – Sheriff	\$3,500
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INCREASE REVENUE ACCOUNT:

A.3110.----.R432.4000	Federal Aid--Drug Control Programs	\$3,500
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 28-20

Authorize Use of Chautauqua County 3% Occupancy Tax Undesignated Off-Cycle Project  
Funding for the Chadakoin River Business Plan

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Legislators Mark Odell and Pierre Chagnon:

WHEREAS, the Chautauqua County Department of Planning & Development - Division of Economic Development recently collaborated with local stakeholders (the County of Chautauqua Industrial Development Agency (“CCIDA”), the Gebbie Foundation, and the Roger Tory Peterson Institute (“RTPI”)) to complete a bathymetric survey (measure of water depths) of the Chadakoin River from McCrea Point to the Warner Dam in Jamestown to determine if it was plausible for watercraft to navigate from Chautauqua Lake downstream to the basin adjacent to the National Comedy Center; and

WHEREAS, the influx of boaters from around Chautauqua Lake and from outside of the region into downtown Jamestown by way of the Chadakoin River will benefit downtown businesses and the overall commerce of the City of Jamestown and the County; and

WHEREAS, the results of the survey revealed there are no major obstructions, meaning that non-motorized watercraft and small-to-medium sized motorized boats could navigate downstream to the basin provided the appropriate infrastructure and related improvements are developed; and

WHEREAS, the next phase of this initiative is to determine what economic and environmental-related infrastructure projects need to be undertaken to make this a reality, which are to be identified and conceptualized as part of a strategic business plan; and

WHEREAS, the Chautauqua County Department of Planning & Development - Division of Economic Development, the CCIDA, and the Gebbie Foundation, working with local partners including the RTPI, City of Jamestown, and the Jamestown Board of Public Utilities (“BPU”), developed a scope of work, which will be a component of a Request for Proposals (RFP) to solicit qualified firms to develop a Strategic Business Plan (hereinafter referred to as “the Plan”) for that portion of the Chadakoin River from McCrea Point downstream to the Warner Dam; and

WHEREAS, the CCIDA, the Gebbie Foundation, and the BPU, working with other local partners, recently sent out letters to prospective private and public funders to cover a portion of

the cost of developing the Plan, and several commitments have already been pledged in the amount of \$35,000 with more financial commitments expected; and

WHEREAS, the CCIDA and the Chautauqua Region Economic Development Corporation (“CREDC”), who will be managing the project, seek to hire a qualified consultant to assist in the completion of the Plan, which details projects needed to be undertaken that will provide the means by which the Chadakoin River can be navigable by small-to-medium sized motorized watercraft from the McCrea Point boat launch to the basin behind the National Comedy Center; and

WHEREAS, the Plan, with a cost estimated not to exceed \$60,000, will identify projects (both economic and environmental-related) and marketing recommendations, resulting in conceptual drawings, costing, a proposed timeline, suggested partnerships, and the identification of funding sources in order to implement prioritized projects over a time frame of three (3) to five (5) years; and

WHEREAS, this Plan involves both water quality and tourism development components, and will establish the groundwork for guiding the ultimate activation of the Chadakoin River for greater public use; and

WHEREAS, it is anticipated that approximately 75% of the project’s cost will be borne by the support of area businesses, foundations, the City of Jamestown, the BPU, the CCIDA, and CREDC; and

WHEREAS, the 2020 Adopted Budget includes an appropriation of \$38,144 for projects proposed outside the application cycle for the 3% Occupancy Tax Tourism Promotion Fund, and all of said appropriation is currently available; and

WHEREAS, the County desires to designate \$10,000 of the 3% Occupancy Tax Tourism Promotion appropriation for undesignated off-cycle projects to assist the CCIDA and CREDC with advancing this project; now therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$10,000 from the 3% Occupancy Tax Tourism Promotion fund for undesignated off-cycle projects to assist the CCIDA and CREDC in advancing the Chadakoin River Business Plan; 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.

Signed: Odell, Ward, Muldowney, Starks, Harmon, Nazzaro, Niebel

Unanimously Adopted– January 22, 2020

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RES. NO. 29-20

Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

By Planning & Economic Development and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella and Legislator Pierre Chagnon:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek, are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, pursuant to Resolutions 106-16, 266-16, 282-17 and 298-18, Chautauqua County has retained the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects, and obtaining federal funding, since 2016 at a cost not to exceed \$15,000 each year; and

WHEREAS, NEXUS has helped to deliver \$1.875 million in Federal funding to Chautauqua County for maintenance dredging in the recreational harbors in Barcelona and Dunkirk; and

WHEREAS, NEXUS has collaborated with Chautauqua County to facilitate Congressional authorization for Chautauqua Lake flood control and environmental restoration; supported increased funding levels and a number of projects eligible for the United States Army Corps of Engineers (USACE), Section 107, Small River & Harbor Improvement Projects program promoting funding availability for the Dunkirk Harbor improvement projects; supported increased funding levels and a number of projects eligible for USACE Section 205 Small Flood Control Projects program including promoting funding availability for Cattaraugus Creek ice jam remediation efforts, authorization for Cattaraugus Creek for the flood control project, and authorization for Silver Creek for the flood control project; and

WHEREAS, Chautauqua County desires to extend its agreement for professional services with NEXUS throughout the 2020 calendar year at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation and Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost from the 2% Occupancy Tax Reserve; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$145,424; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County's interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway \$10,000

;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4      Contractual—Planning—Watershed Administration      \$10,000

Signed: Odell, Ward, Muldowney, Starks, Harmon, Nazzaro, Niebel

Unanimously Adopted— January 22, 2020

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RES. NO. 30-20  
Confirming 2019 County Sponsorship Contribution for JCC

By Audit & Control Committee:  
At the Request of Chairman Pierre Chagnon and Legislator Charles Nazzaro:

WHEREAS, Chautauqua County is one of three regional sponsors for Jamestown Community College (“JCC”); and

WHEREAS, the County and JCC are reviewing the methodology of determining the County’s annual sponsorship contribution to JCC, and desire to confirm the County’s 2019 sponsorship contribution as a lump sum pending further negotiations regarding future modification of the contribution methodology; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to provide JCC a total 2019 sponsorship contribution in the amount of \$4,061,781 from the existing 2019 A.2490 budget appropriation

Signed: Nazzaro, Niebel, Odell, Harmon

Unanimously Adopted– January 22, 2020

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RES. NO. 31-20  
Confirm Appointment and Amend Salary Range - Chautauqua County Coroners

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

WHEREAS, Local Law 8-18 amended the Chautauqua County Charter to increase the number of Coroner positions to up to six; and

WHEREAS, County Executive Wendel has submitted the following proposed appointment for action by the County Legislature; and

WHEREAS, the County Charter has vested in the County Legislature the power to approve the appointment of Coroners; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the appointment of the following person as Chautauqua County Coroner to serve at the pleasure of the supervising authority:

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Kenneth A. Haley  
4925 Stoneledge Rd.  
Ashville, NY 14710

and be it further

RESOLVED, That Resolution 304-18 is amended to provide that the fixed annual salary of each County Coroner shall be designated within the salary range of \$2,500 - \$15,000 with the sum of \$150 per coroner case paid in addition to the fixed salary.

Signed: Pavlock, Rankin, Whitney, Whitford, Nazzaro, Niebel, Odell, Harmon

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent– January 22, 2020

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RES. NO. 32-20  
Setting Salary for Wastewater Maintenance Mechanic III

By Public Facilities, Administrative Services and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Director of South and Center Chautauqua Lake Sewer Districts has requested that salary be set for a new title of Wastewater Maintenance Mechanic III that will be assigned to be a skilled mechanical and electrical trade position and working supervisor at the South and Center Chautauqua Lake Sewer Districts; and

WHEREAS, this new title will assist the South and Center Chautauqua Lake Sewer Districts in both supervising and participating in the work of one or more maintenance and repair crews; and

WHEREAS, the Human Resources Department has classified the position as Wastewater Maintenance Mechanic III and supports the request that the salary be set at Grade 16; therefore be it

RESOLVED, That the title of Wastewater Maintenance Mechanic III be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 16.

Grade 16      2020: (21.96 - \$28.04) 40 hours per week  
                         (\$45,677 - \$58,323) per year

Signed: Hemmer, Nazzaro, Scudder, Davis, Vanstrom, Muldowney, Niebel, Odell, Harmon, Starks

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent– January 22, 2020

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RES. NO. 33-20  
Quit Claim Deed

By Administrative Services and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

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 County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; 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 offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; 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 Owning
PA-78-2017	City of Jamestown	060800-387.08-4-51	William Soto	Jody A Peterson	\$300.00	\$3,973.84
				<b>Total</b>	\$300.00	\$3,973.84

Signed: Scudder, Vanstrom, Muldowney, Starks, Davis, Nazzaro, Niebel, Odell, Harmon

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent– January 22, 2020

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RES. NO. 34-20  
Authorize Transfer of Tax Foreclosure Property to Chautauqua County Land Bank Corporation

By Administrative Services Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

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WHEREAS, New York State's land bank legislation was enacted to address the negative impacts of distressed or at-risk structures and abandoned vacant property in New York's communities; and

WHEREAS, the Chautauqua County Land Bank Corporation (CCLBC) has also received three substantial grants from the New York State Office of the Attorney General (OAG) in part to fund the demolition of distressed structures; and

WHEREAS, a deteriorating structure on 46 Babcock Ave. in the Village Silver Creek was previously designated for demolition under the OAG grant and retained by the County for such purpose, but CCLBC has received a proposal for restoration of the property for a future owner-occupied residence; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure property containing a distressed or at risk structure to the Chautauqua County Land Bank Corporation, for no monetary consideration and upon such terms and conditions negotiated by the County Executive:

<u>City/Town</u>	<u>Village</u>	<u>Parcel ID Number</u>	<u>Property Location</u>
Hanover	Silver Creek	49.06-2-32	46 Babcock Ave.

Signed: Scudder, Vanstrom, Muldowney, Starks, Davis

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent– January 22, 2020

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MOTIONS: (On file with 1/22/2020 Data)

1-20 Proclaiming February Black History Month – UNANIMOUSLY ADOPTED

2-20 Supporting a Permanent Funding Floor for Community College Base State Aid Formula  
Fiscal Year 2020 – UNANIMOUSLY ADOPTED

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ANNOUNCEMENTS

Legislator Starks: I'd like to thank everyone in this room and outside this room for their support of Fredonia within the Small Business Revolution competition. We had a – we have no idea what the end point is, but we had a great series of events, we had a lot of collaboration and we have found that we all have a lot of friends in a lot of places. So, regardless of how the competition turns out all of the support has been tremendously appreciated by myself, everyone on that team, and I'm sure everyone in the community. Thank you.

Chairman Chagnon: We are expecting the good results when?

Legislator Starks: Tuesday night at 8 o'clock at the Opera House in Fredonia. Nobody will know anything until that night.

Chairman Chagnon: Other announcements?

Legislator Ward: A lot of stuff coming up in the life of District 18. In Findley Lake there is a community connections event called Food for Thought on January 27<sup>th</sup>. You may just go to the community connections Facebook page. There is a Valentine's Dance in Sherman on February 14<sup>th</sup>. Also, backing up a little bit, Peek'n Peak has their winter fest on February 1<sup>st</sup> and then the Mayville winter festival is happening the 14<sup>th</sup> through the 16<sup>th</sup> with some new stuff this year. There's going to be a Valentine dance and a 5k, which is part of the Striders winter series which is going to take kind of the old Drake run course. So, it's exciting stuff.

Chairman Chagnon: Great. Thank you. Other announcements?

Legislator Nazzaro: I'm not sure if this is an announcement, but I just wanted to briefly go over what you call the paper carryout bag reduction fee. Recently there's been a lot of discussion that counties and other municipalities have to decide whether they want to opt in by March 1<sup>st</sup> for the 5 cents per paper bag fee. We had a discussion in Audit and Control, but as you know discussions are not summarized in the minutes, so I just wanted to give the highlights of that.

The end result is we feel it is a regulatory nightmare to administer this and the benefits do not outweigh those regulations. Basically, what the state of New York is going to do is going to do the cause is good- plastic bags will no longer be allowed after March 1<sup>st</sup> except for produce, raw meats, bulk foods and things like that. All other plastic bags, unless they're specifically exempt will be banned March 1<sup>st</sup>. The municipalities have the option to charge 5 cents per paper bag, however, we would have to collect that, quarterly we would have to remit that to the state of New York. The state keeps 3 cents per bag, the County would receive 2 cents back per bag and then that 2 cents that we would receive would have to be used to provide reusable bags to the low and moderate income individuals. So, with all that being said the intent is good, but to administer it would be very difficult. After much discussion in Audit & Control we don't have to take any action here tonight, but we have decided at this time not to opt in and not collect the 5 cents per bag fee.

We have heard that one of the local supermarkets will begin charging at the end of January 5 cents per paper bag. That is totally separate from this. That is not a tax or a fee. A private business could charge whatever they want, but that particular retailer is going to take that 5 cents per bag and give it to charity, which I think is a very good cause. There's no action needed Mr. Chairman, but again, we are opting not to opt in at this time.

Chairman Chagnon: Thank you for that explanation. Other announcements?

Legislator Odell: Cassadaga's Winter Fest will be taking place on February 8<sup>th</sup> and 9<sup>th</sup> with its first annual Ice Scream Dip on the 8<sup>th</sup> at 9 a.m. at Cassadaga Beach.

Chairman Chagnon: Thank you. Any other announcements?

2<sup>nd</sup> Privilege of the Floor

Ms. Reynolds: I'm Emily Reynolds with Cornell Cooperative Extension and I just want to remind each of you that our 4-H Green Tie Affair is coming up. It will be February 23<sup>rd</sup>. Tables are on sale right now for \$200 to sponsor a whole table - \$20 per seat. It will be a 1980's theme this year. So, come and enjoy the evening with us. We have a basket raffle, we have a fantastic dinner with the Chautauqua Suites in Mayville and we have a pie auction following dinner. So, we look forward to seeing everyone and I wanted to remind you that if you'd like to get your tickets you can contact us or catch me here, or whatever works. Thank you.

Chairman Chagnon: Thank you. Anyone else to address the second privilege of the floor?

MOVED by Legislator Bankoski, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:08 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Wednesday, February 26, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Gould, Ward)

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon and duly carried the minutes were approved. (1/22/20)

1<sup>st</sup> Privilege of the Floor

My name is Richard Kimball and I live at 5595 Centralia Hartfield road, Dewittville. I appreciate this opportunity to address the legislative body. I am here to support the passage of the proclamation declaring March as Agricultural Month.

My family and I have a dairy farm in Dewittville. I am also the president of Chautauqua County Farm Bureau and Western NY director to the New York State Farm Bureau Board. Farm Bureau is the largest grass root advocacy organization for agriculture in New York.

According the 2017 ag consensus there are 1,128 farms in Chautauqua County and they generate over \$160 million in revenue. Our county farm bureau board is made up of 9 members and we have a leadership development program for young farmers and ranchers. To be a young farmer you have to be 35 years or younger. Our vice president is Evan Schiedel from Ripley grapes and market garden. Our secretary is Christina Dean from Forestville Dairy. Our treasurer is Kaitlyn Bentley Waylen from Peterson Farms Jamestown Market Garden – beef and goats. Our pro ed person is Virginia Carlberg from Frewsburg dairy and farm stand and Glen Moss Jr. a dairy farmer from Conewango Valley. The reason I mention this is they all qualify as young farmers. I always hate to stand up here as the face of Chautauqua County Farm Bureau- you get the wrong idea- I'm just a mentor.

I would like to thank this body for their support of Cornell Cooperative Extension and especially the new regional ag teams. I would also like to thank Legislator Mark Odell for bringing this forward and the support of Chairman Chagnon and John Hemmer and Dan Pavlock. We really appreciate your support for agriculture.

Finally, being as agriculture is the largest economic driver in the county I urge you to approve this proclamation. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor?

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 01/22/20

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PROCLAMATION:

BEMUS POINT VOLUNTEER  
FIRE COMPANY  
by  
Chairman Pierre E. Chagnon

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PRESENTATION:

BRENDA KATTA  
NYS EMERGENCY COMMUNICATOR  
OF THE YEAR AWARD  
by  
Sheriff Quattrone

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COMMUNICATIONS:

1. Letters (8) – County Executive Wendel – Appointments To Various Boards
  2. Letters (2) – County Executive Wendel – Appointments To Various Boards
  3. Letter – District Attorney – Oath of Office
  4. Letter – NYS Department of State – Ack. Receipt of LL 1-20
  5. Letter – NYS DEC – Brownfield Cleanup Program Application
  6. Letter – NYS Board of Elections – Early Voting Sites for 2020 Presidential Primary
  7. Report – NYS Small Business Development Center - Chautauqua County Quarterly Report
  8. Report – NYS Small Business Development Center - Chautauqua County Business Permit Center Quarterly Report
  9. Report – NYS Small Business Development Center - Chautauqua County Business Permit Center Annual Report
  10. Report – NYS Small Business Development Center - Chautauqua County Annual Report
  11. Report – Cornell Cooperative Extension – 2019 Annual Report
  12. Letter/Invitation – Cornell Cooperative Extension – 8<sup>th</sup> Annual Green Tie Affair
  13. Reports (2) – Fn. Director Crow – Investment Reports – November 2019 and December 2019
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RES. NO. 35-20

Confirm Re-Appointment - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:  
At the Request of Chairman Pierre E. Chagnon:

WHEREAS, General Municipal Law § 895-h(1) provides that the Chairman of the County Legislature's Planning and Economic Development Committee serves on the Board of Directors of the Chautauqua County Industrial Development Agency (CCIDA), and the County Legislature has the authority to appoint another individual to serve on the CCIDA Board; therefore be it

RESOLVED, That the County Legislature hereby re-appoints the following individual as a member of the Chautauqua County Industrial Development Agency (CCIDA), for a term to expire 12/31/2024.

Dennis Rak  
10277 Christy Road  
Fredonia, NY 14063  
Term Expires: 12/31/24

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 36-20  
Confirm Appointment and Re-Appointments – Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Industrial Development Agency.

Hans Auer  
34 Maple St.  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/23  
Re-Appointment

Steven Thorpe  
630 Lakeside Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/23  
Re-Appointment

Kelly Farrell DuBois  
35 Winchester Rd.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/23  
Re-Appointment

Bradley Walters  
24 Liberty Street  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/23  
Re-Appointment

Gary Henry  
6116 Wright Road  
Dewittville, NY 14728  
Term Expires: 12/31/23  
Re-Appointment

John “Jay” Churchill  
3230 Chautauqua Ave.  
Ashville, N.Y. 14710  
Term Expires: 12/31/23  
Re-Appointment

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Michael Metzger  
4440 Lakeside Dr.  
Bemus Point, N.Y. 14712  
Term Expires: 12/31/23  
Re-Appointment

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 37-20  
Confirm Appointment - Chautauqua County Food Policy Council

By Planning & Economic Development Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Food Policy Council was created by Resolution 119-19; and

WHEREAS, a food policy council serves as a network to bring stakeholders both directly and indirectly involved in a food system together to increase communication between sectors and to strengthen and build healthy, sustainable communities; and,

WHEREAS, Resolution 119-19 provides that the membership of the Council will consist of a minimum of thirteen members, comprising seven reserved seats and six community seats; and

WHEREAS, additional seats may be added as recommended by the Council, but total membership will not exceed fifteen members; and

WHEREAS, County Executive Paul M. Wendel, Jr., has submitted the following initial 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 Food Policy Council:

Legislator Bob Scudder  
348 West Main Street  
Fredonia, N.Y. 14063  
Term Expires: 12/31/22  
Filling term of Paul M. Wendel, Jr.

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 38-20  
Confirm Re-Appointments - Chautauqua County Sports Fishery Advisory 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 re-appointments to the Chautauqua County Legislature for action; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Sports Fishery Advisory Board.

Michael Cluchey  
79 Jefferson St.  
Westfield, N.Y. 14787  
Term Expires: 12/31/21

Monte Kennedy  
5154 Bly Hill Rd.  
Ashville, N.Y. 14710  
Term Expires: 12/31/21

Eugene Pauszek  
66 W. Doughty St.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/21

Zenon Olow  
23 Bernett Dr.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/21

Charles Spiesman  
73 Chautauqua Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/21

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 39-20  
Confirm Re-Appointments - Chautauqua County Soil & Water Conservation District 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 re-appointments for action by the Chautauqua County Legislature; therefore be it

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RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Soil and Water Conservation District Board.

Legislator Frank J. Gould  
70 Hoag Road  
Ashville, N.Y. 14710  
Term Expires: 12/31/20

Legislator Lisa Vanstrom  
55 Plummer Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/20

Bruce Kidder  
3680 Nutt Road  
Jamestown, N.Y. 14701  
Term Expires: 12/31/22

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 40-20  
Confirm Appointment and Re-Appointment – Southern Tier West Regional Planning &  
Development 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 and re-appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointment to the Southern Tier West Regional Planning Board.

Paul M. Wendel, Jr.  
20 Hern Ave.  
Lakewood, NY 14750  
Term Expires: 12/31/20  
Replacing George M. Borrello

Joseph Galati  
2527 Palm Road  
Jamestown, NY 14701  
Term Expires: 12/31/21  
Re-Appointment

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 41-20  
Confirm Re-Appointment and Appointment- Chautauqua County Visitors Bureau Board of  
Directors

By Planning & Economic Development Committee:  
At the Request of Chairman Pierre E. Chagnon:

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WHEREAS, per Resolution 66-84 there shall be two legislators named as voting members of the Chautauqua County Visitors Bureau Board of Directors; and

WHEREAS, the Chairman of the Legislature has submitted the following names for re-appointment by the Legislature; now therefore be it

RESOLVED, That the following named individuals be re-appointed to the Chautauqua County Visitors Bureau Board of Directors.

Kevin Muldowney  
10 Beach Rd.  
Dunkirk, NY 14048

Tom Harmon  
72 Lake Ave. Ext.  
Silver Creek, NY 14136

Signed: Odell, Muldowney, Harmon

Unanimously Adopted – February 26, 2020

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RES. NO. 42-20

Confirm Re-Appointments - Chautauqua County Community Services Board

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Community Service Board:

Marie Carrubba  
19 Widrig Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/23

Anthony Raffa Sr.  
251 Ivory Street  
Jamestown, N.Y. 14701  
Term Expires: 12/31/23

Signed: Pavlock, Whitney, Lawton, Whitford

Unanimously Adopted – February 26, 2020

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RES. NO. 43-20

Confirm Re-Appointments – STOP DWI Advisory Board

By Public Safety Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the STOP-DWI Advisory Board:

Legislator Elisabeth Rankin  
4 Arlington Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/21

Legislator Lisa Vanstrom  
55 Plummer Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/21

Signed: Niebel, Pavlock, Bankoski, Hemmer, Whitford

Unanimously Adopted – February 26, 2020

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RES. NO. 44-20  
Confirm Re- Appointments - Chautauqua County Airport Commission

By Public Facilities Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Airport Commission.

Legislator John Hemmer  
7539 E. Rt. 20  
Westfield, N.Y. 14787  
Term Expires: 12/31/21

Gregory Jones  
50 Lakeside Dr. B-305  
Bemus Point, NY 14712  
Term Expires: 12/31/21

John Watkins  
2381 South Hill Rd.  
Jamestown, NY 14701  
Term Expires: 12/31/21

Legislator Mark Odell  
90 Old Mill Rd.  
Brocton, N.Y. 14716  
Term Expires: 12/31/21

Joe Gugino  
5 Lowell Pl.  
Fredonia, NY 14063  
Term Expires: 12/31/21

John "Jay" Churchill  
3230 Chautauqua Ave.  
Ashville, N.Y. 14710  
Term Expires: 12/31/21

Dan Reininga  
86 Central Ave.  
Fredonia, NY 14063  
Term Expires: 12/31/21

Signed: Hemmer, Nazzaro, Scudder, Davis

Unanimously Adopted – February 26, 2020



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RES. NO. 45-20

Confirming Lateral Restrictions for North Chautauqua County Water District

By Public Facilities Committee:

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

WHEREAS, pursuant to Resolutions 260-15, 39-16, 81-16, and 231-17, the Chautauqua County Legislature established the North Chautauqua County Water District (the “District”), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk; and

WHEREAS, the District has adopted a resolution dated January 9, 2020 (the “Resolution”), which is on file with the Clerk of the County Legislature, and which establishes lateral restrictions as conditions on future service for water lines located within an Agricultural District as specified by the New York State Department of Agriculture and Markets; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms and ratifies in all respects the aforementioned Resolution adopted by the District.

Signed: Hemmer, Nazzaro, Scudder, Davis

Unanimously Adopted – February 26, 2020

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RES. NO. 46-20

Request for Immediate Funding for Repair of Courthouse Elevator

By Public Facilities and Audit & Control Committees:

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

WHEREAS, there is an existing elevator located within the Chautauqua County Courthouse that is utilized by Court Security to securely transport inmates from the jail facilities to the County Courtroom for trial; and

WHEREAS, this elevator is the only non-public path to transport inmates from the jail facilities to the County Courtroom for trial, notwithstanding an emergency stairwell; and

WHEREAS, failure of the elevator creates significant safety concerns for court security personnel as demonstrated by a recent failure of the elevator; and

WHEREAS, this elevator was installed in the late 1960’s, replacement parts are no longer available, and this elevator requires continual maintenance; and

WHEREAS, the County’s elevator maintenance and repair contractor has recommended the elevator be modernized immediately with new mechanical equipment; and

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WHEREAS, during the 2020-2025 Capital Planning Process, the County Department of Public Facilities submitted a capital project in the amount of \$165,000 to modernize the elevator with new mechanical parts (the Project) and has received a quote in the same amount from the elevator contractor that currently services the elevator; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the above-subject Project; and it is further

RESOLVED, That A Fund Balance is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance, Reserved Fund Balance—	
Reserve for Capital		\$165,000

; and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$165,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1620.25194.4	Contractual—Courthouse Elevator Repair	\$165,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.25194.R503.1000	Interfund Transfers – Interfund Transfer	\$165,000
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Signed: Hemmer, Nazzaro, Davis, Scudder, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 47-20  
Close DPF-CARTS (Dunkirk) Petty Cash Fund

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Paul J. Wendel, Jr.:

WHEREAS, Resolution No. 184-01 established a revolving petty cash fund in the amount of \$50.00 to be used by the Chautauqua County Department of Public Facilities, Dunkirk CARTS office; and

WHEREAS, the petty cash fund established by Resolution No. 184-01 is no longer necessary; now therefore be it

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RESOLVED, That the petty cash fund established by Resolution No. 184-01 is hereby abolished; and be it further

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

Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 48-20

CARTS – Section 5311 Consolidating Operating and Capital Grant Application Request

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

WHEREAS, pursuant to a Federal Transit Operation Assistance Agreement between Chautauqua County and New York State Department of Transportation (NYSDOT), valid through 12/31/2022 (C004063 /19-25-17), the County may apply to NYSDOT for “49 United States Code §5311” federal and operating assistance for the provision of mass transportation services; and

WHEREAS, the County is submitting an application for reimbursement from NYSDOT covering New York State (NYS) grant fiscal years 2019 and 2020 for expenses incurred in 2019 and expected expenses in 2020; and

WHEREAS, the grant application has three components including: (i) funding for replacement vehicles and equipment and a mobility manager; (ii) operating funds; and (iii) Appalachian funds; and

WHEREAS, the estimated costs of the first component of the grant application is estimated to be \$1,625,677.00 to be borne at the ratio of 80% Federal (\$1,300,541.60), 10% New York State (\$162,567.70) and 10% County (\$162,567.70); and

WHEREAS, the federal share for the second component of the grant application (operating funds) is expected to be \$381,500 for NYS grant fiscal year 2019 and \$381,500 for NYS grant fiscal year 2020, with a required 100% funding match from the County; and

WHEREAS, the third component of the grant application (Appalachian Funds) includes \$35,000 per year to support a bus route run by TEAM Services, with required matching funds to be paid by TEAM Services; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute the 2019-2020 grant application and all other documents necessary to apply for, progress, and receive such grant funds.

Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 49-20  
Amend Capital Project Accounts due to Fleet Management Services

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

WHEREAS, Chautauqua County approved an appropriation of \$2.1 million for Capital Project H.5130.626 (DPF Large Equipment (Annual)) in the 2020 Capital Budget; and

WHEREAS, \$100,000 of this appropriation was intended for the purchase of light duty vehicles and/or trucks; and

WHEREAS, the County recently entered into an agreement for fleet management services pursuant to which the County may lease light duty vehicles and trucks instead of purchasing them; and

WHEREAS, lease expense is an operating expense instead of a capital expense; now therefore be it

RESOLVED, That the Reserve for Capital and the DM Fund Balance be adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.878.0000	Reserved Fund Balance--Reserve for Capital	\$130,489
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INCREASE THE USE OF FUND BALANCE:

DM.----.915.0000	Unassigned Fund Balance--Assigned/Unappropriated Fund Balance	\$21,596
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual - Road Machinery	\$21,596
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DECREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfers - Transfer to Capital	\$130,489
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H.5130.626.4	Contractual - Road Machinery, DPF Large Equipment (Annual)	<u>\$100,000</u>
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Total	\$230,489
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INCREASE REVENUE ACCOUNT:

H.5130.626.R266.5000	Sale of Property/Compsa-Sale of Equipment	\$30,489
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DECREASE REVENUE ACCOUNT:

H.5130.626.R503.1000	Interfund Transfers-Interfund Transfer	\$130,489
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 50-20

Authorize Director of Finance to Increase Appropriations for PIN 5758.45 County Bridge 827  
Replacement over Prendergast Creek in the Town of North Harmony

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

WHEREAS, Resolution 105-19 approved a project for PIN 5758.45 (the Project) and committed \$279,350 to cover 100% of the project's Preliminary Engineering Design I-IV, Right of Way Incidentals and Acquisition phases; and

WHEREAS, the Project's Construction and Construction Inspection Phases are currently estimated to be \$1,604,280 to be borne at the ratio of 95% Federal funds (BridgeNY) and 5% County funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of Pin 5758.45 for the above Phases; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the advancement of the Project; and it is hereby further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's Phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That Chautauqua County hereby agrees that construction of the Project shall begin no later than twenty four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications and/or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the County's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

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RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

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

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Reserved Fund Balance—Reserve for Capital	\$80,214
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; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$80,214
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R503.1000	Interfund Tranfers-Interfund transfer	\$80,214
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4	Contractual – Capital Improvements, Funded Bridge Program	\$1,604,280
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R458.9002	Federal Aid: Surface Transp Program	\$1,524,066
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 51-20

Authorize Agreement with New York State for the Petroleum Product Quality Program

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

WHEREAS, pursuant to Article 16, Section 179 of the New York State Agriculture and Markets Law, funds have been authorized and appropriated to the Chautauqua County Clerk, Weights and Measures Division, for the continuation of the State's Petroleum Product Quality Program for the years 2019-2024 in the amount of \$41,600; and

WHEREAS, it is necessary for the County to enter into an agreement with the New York State Department of Agriculture and Markets in order to participate in the program; and

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WHEREAS, revenue from this contract is included in the 2020 Adopted Budget so no budget amendment is needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the New York State Department of Agriculture and Markets as set forth above.

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 52-20

Authorize Lease Agreement with the City of Dunkirk for Use of Office Space by the Chautauqua County Office of the Public Defender

By Public Safety and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua desires to lease approximately 775 square feet of office space on the second floor of Dunkirk City Hall, located at 342 Central Avenue, Dunkirk, New York ("Premises"), for use by the Chautauqua County Office of the Public Defender; and

WHEREAS, negotiations have been undertaken to obtain a lease agreement mutually beneficial to the County of Chautauqua and the City of Dunkirk; and

WHEREAS, the 2020 Adopted Budget includes appropriations for lease expenditures and other occupancy costs associated with the Premises, as well as a revenue budget for reimbursement of those costs from New York State Office of Indigent Legal Services; now therefore, be it

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

- |                   |  |
|-------------------|--|
| <u>Premises.</u>  | Approximately 775 square feet of office space on the second Floor of Dunkirk City Hall, 342 Central Avenue, Dunkirk, New York.   |
| <u>Term.</u>      | January 1, 2020, through December 31, 2022.  |
| <u>Rent.</u>      | The rent shall be as follows:<br>\$1,000.00 per month commencing on January 1, 2020 through December 31, 2020.<br>\$1,000.00 per month commencing on January 1, 2021 through December 31, 2021.<br>\$1,020.00 per month commencing on January 1, 2022 through December 31, 2022. |
| <u>Utilities.</u> | Landlord shall be responsible for all utilities, including heat and electric. County shall be responsible for the cost of phone and Internet service.  |
| <u>Other.</u>     | As negotiated by the County Executive.   |

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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 53-20

Authorize Acceptance of the Crimes Against Revenue Program (“CARP”) Grant Funds for 2020

By Public Safety and Audit & Control Committees:

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

WHEREAS, the District Attorney’s Office has applied for a grant in the amount of \$65,000 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period of January 1, 2020 to December 31, 2020; and

WHEREAS, such funds are to be utilized to develop and implement an effective enforcement strategy (“strategic plan”) in collaboration with the State Department of Taxation and Finance (DTF) and other governmental agencies, as appropriate, in order to detect, investigate, prosecute and deter revenue crimes; and

WHEREAS, the revenues and expenditures associated with this grant are already included in the 2020 Adopted Budget so no budget amendments are necessary; therefore, be it

RESOLVED, That the County of Chautauqua accepts this New York State grant to provide additional resources to the Office of the District Attorney to detect, investigate, prosecute and deter revenue crime; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds.

Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 54-20

Fiscal Year 2019 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

By Public Safety and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 248-19, Chautauqua County and its regional partnership were awarded funds of \$15,516.00 under the FY 2019 Hazardous Material Emergency Preparedness (HMEP) Grant Program; and



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WHEREAS, the term of the grant is October 1, 2019 through September 30, 2020, and Resolution 248-19 called for funds to be allocated to the proper accounts in subsequent resolutions once the County was ready to expend the funds; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual-Hazardous Materials	\$15,516
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INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid-Homeland Security	\$15,516
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 55-20  
Reimbursement for Jamestown Fire and Chemical Spill

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

WHEREAS, a fire and chemical spill occurred on August 10, 2019 at 1070 Allen Street in Jamestown; and

WHEREAS, the Office of Emergency Services provided materials and supplies for the clean-up; and

WHEREAS, Chautauqua County has been reimbursed by the City of Jamestown for expenses incurred in the amount of \$2,572; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual –Hazardous Materials	\$2,572
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3640.----.R265.5000	Sale of Property/Compensa—Minor Sales	\$2,572
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 56-20

Authorize Acceptance of Funding from the Health Foundation of Western & Central New York

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

WHEREAS, the Chautauqua County Office for Aging Services (OFA) is the recipient of funding from the Health Foundation of Western & Central New York in the amount of \$1,700; and

WHEREAS, this funding shall be used to support community outreach and engagement efforts that support the planned expansion and renovations of the Dunkirk Senior Center; and

WHEREAS, such funds are not included in the 2020 Adopted Budget; therefore, be it

RESOLVED, That the Chautauqua County Legislature accepts the funding in the amount of \$1,700 from the Health Foundation of Western & Central New York; and be it further

RESOLVED, That the Director of Finance is authorized to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6772.----.4 Contractual - Office for the Aging	\$1,700
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INCREASE REVENUE ACCOUNT:

A.6772.----.R197.2000 Departmental Income-CHRGs: OFFICE FOR AGING	\$1,700
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Signed: Pavlock, Whitney, Lawton, Whitford, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 57-20

Establish Capital Project for Welch Trail Recreation Area

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

WHEREAS, pursuant to Resolution 76-16, the Chautauqua County Legislature pledged \$50,000.00 from the 2016 3% Occupancy Tax Non-County Maintained Trail Establishment and Development budget to fulfill the local cash match requirement for the Office of Parks, Recreation, and Historic Preservation (OPRHP) Recreational Trail Program (RTP) grant for the construction of the Welch Trail Recreation Area (Project) in the Village of Westfield along Chautauqua Creek; and

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WHEREAS, the trail has not been constructed so the pledged amount of \$50,000.00 has not been spent and is designated as a portion of the reserve for Occupancy Tax; and

WHEREAS, construction of the Project meets the criteria of a capital project so it is prudent to establish it as such; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000	Fund Balance, Reserved Fund Balance –	
	Reserve for Occupancy Tax	\$50,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$50,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37009.R503.1000	Interfund Transfers – Interfund Transfer	\$50,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37009.4	Contractual— Welch Trail Rec Area (2020)	\$50,000
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Signed: Odell, Muldowney, Harmon, Nazzaro, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 58-20  
Accept NYS Funding for 2020 Census Effort

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

WHEREAS, United States Census data is utilized to allocate Federal and State resources, and to determine the number of congressional representatives for each State; and

WHEREAS, New York State is making available grants to local governments as a share of the \$20 million in funding in the FY 2020 State Budget designated to help make sure every New Yorker is counted in the upcoming 2020 U.S. Census; and

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WHEREAS, Chautauqua County's allocated share at this time is \$220,778 with no local match expected, and such grant monies may be expended with subcontracts to perform the work;

RESOLVED, That the County Executive is authorized to enter into necessary agreements with New York State, its funding entities, and other governmental entities to accept and implement efforts to assure a full and proper 2020 Census count in Chautauqua County; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1230.----.4	Contractual—County Executive	\$220,778
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INCREASE REVENUE ACCOUNT:

A.1230.----.R308.9000	New York State Aid—Other State Aid	\$220,778
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Signed: Odell, Muldowney, Harmon, Nazzaro, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 59-20

Amend 2019 Budget Appropriations and Revenues – Consolidated Local Street and Highway Improvement Program (CHIPS)

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

WHEREAS, the 2019 Adopted Budget for the County Road Fund (D Fund) includes New York State Aid for the Consolidated Local Street and Highway Improvement Program (CHIPS); and

WHEREAS, CHIPS funds can be expended for capital improvements in road and bridges and/or purchase of large equipment for road maintenance; and

WHEREAS, because CHIPS expenditures for capital improvements in roads and bridges are recorded in the D Fund, CHIPS expenditures for large equipment are recorded in the capital fund (H Fund), and CHIPS revenue is recorded in the D Fund, transfers of funds may be needed to appropriately match expenditures and associated revenues; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

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D.9901.9030.9	Interfund Transfers—Transfer to Other Funds, Transfer (D-A)	\$2,033,531
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.9901.9000.R503.1000	Interfund Transfers—Interfund Transfer	\$2,033,531
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Motion to Table by Legislator Nazzaro, Seconded by Legislator Vanstrom – *UNANIMOUSLY CARRIED TO TABLE*

Unanimously TABLED – February 26, 2020

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RES. NO. 60-20  
Amend 2019 Budget for Year End Reconciliations – Public Facilities

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

WHEREAS, some Department of Public Facilities expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, Public Facilities has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1440.----.1	Personal Services - Engineers	\$26,582
A.1620.5070.4	Contractual - Buildings & Grounds, Mayville Municipal Bldg	\$19,632
A.1620.6050.4	Contractual - Buildings & Grounds, DMV-Dunkirk	\$1,122
A.1620.6080.4	Contractual - Buildings & Grounds, North Co Office Bldg	\$68
A.1620.7010.4	Contractual - Buildings & Grounds, South Co Office Bldg	\$4,089
A.5610.5610.1	Personal Services - Chautauqua County Airport, Jamestown Airport	\$4,992
A.5610.5612.4	Contractual - Chautauqua County Airport, Dunkirk Airport	\$11,497
A.5630.5625.1	Personal Services – Bus Operations, CARTS	\$33,722
A.5630.5631.4	Contractual – Bus Operations, SUNY	\$26,062
A.7110.----.1	Personal Services - Parks	\$2,639
A.7110.----.4	Contractual - Parks	\$2,101
A.7110.----.8	Employee Benefits - Parks	\$1,348
A.8730.----.4	Contractual - Forestry	<u>\$5,039</u>
	Total	\$138,893

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DECREASE APPROPRIATION ACCOUNTS:

A.1440.----.8	Employee Benefits - Engineers	\$19,571
A.1620.----.1	Personal Services - Buildings and Grounds	\$3,645
A.1620.----.8	Employee Benefits - Buildings and Grounds	\$2,866
	Employee Benefits - Chautauqua County Airport,	
A.5610.5610.8	Jamestown Airport	\$27,979
	Employee Benefits - Chautauqua County Airport,	
A.5610.5612.8	Dunkirk Airport	\$10,431
A.5630.5625.4	Contractual – Bus Operations, CARTS	\$12,006
A.5630.5625.8	Employee Benefits – Bus Operations, CARTS	<u>\$33,089</u>
	Total	\$109,587

INCREASE REVENUE ACCOUNTS:

A.5630.5631.R178.9000	Departmental Income-OTH Transportation Income	\$115
A.5630.5631.R358.9000	New York State Aid-Transportation	\$25,947
A.8730.----.R245.0000	Use of Money & Property-Commissions	<u>\$3,244</u>
	Total	\$29,306

Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 61-20

Amend 2019 Budget for Year End Reconciliations – Public Facilities, Road Machinery Division

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some Department of Public Facilities, Road Machinery Division expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the net amendments to Public Facilities, Road Machinery Division expenditures require the use of DM fund balance; now therefore be it

RESOLVED, That DM Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

DM.----.----.915.0000	Unassigned Fund Balance-	
	Assigned/Unappropriated Fund Balance	\$79,350

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNTS:

DM.5130.----.1	Personal Services - Road Machinery	\$10,680
DM.5130.----.4	Contractual - Road Machinery	\$27,188
DM.5130.----.8	Employee Benefits - Road Machinery	<u>\$41,636</u>
	Total	\$79,504

DECREASE APPROPRIATION ACCOUNT:

DM.5130.----.2	Equipment - Road Machinery	\$154
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 62-20

Amend 2019 Budget for Year End Reconciliations – Public Facilities Administration,  
Maintenance of Roads and Snow Removal

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some Department of Public Facilities Administration, Maintenance of Roads and Snow Removal expenses have exceeded initial budgetary estimates; and

WHEREAS, the Department of Public Facilities' Maintenance of Roads program and Snow Removal program has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5010.----.8	Employee Benefits - Public Facilities Admin	\$19,837
D.5110.----.4	Contractual - Maintenance of Roads	\$1,121
D.5142.----.4	Contractual - Snow Removal: Co Roads	<u>\$6,222</u>
	Total	\$27,180

INCREASE REVENUE ACCOUNTS:

D.5110.----.R230.6000	Shared Services-CHRGs: OTH GOV Road & Bridge	\$10,586
D.5142.----.R277.0007	Miscellaneous-OTHER UNCL: SALT & SAND	<u>\$16,594</u>
	Total	\$27,180

Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 63-20  
Amend 2019 Budget for Year End Reconciliations – Landfill – Environment

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

WHEREAS, some Landfill - Environment departmental expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, Landfill - Environment revenues are in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.8	Employee Benefits - Environment - Landfill	\$165,726
EL.8160.7000.1	Personal Services - Environment - Recycling	\$11,784
EL.8160.7000.4	Contractual - Environment - Recycling	<u>\$22,404</u>
	Total	\$199,914

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.1	Personal Services - Environment - Landfill	\$13,723
EL.8160.1000.4	Contractual - Environment - Landfill	
		\$20,433
	Employee Benefits - Environment - Closed Landfills	
EL.8160.6000.8		\$20,700
EL.8160.7000.8	Employee Benefits - Environment - Recycling	\$10,300
	Employee Benefits - Oth Env - House Haz	
EL.8189.----.8	Waste	<u>\$500</u>
	Total	\$65,656

INCREASE REVENUE ACCOUNT:

EL.8160.1000.R237.6000	Shared Services-CHRGs: OCC Municipal	\$134,258
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 64-20  
Amend 2019 Budget for Year End Reconciliations – South & Center Chautauqua Lake Sewer Districts (SCCLSD)

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



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WHEREAS, some South & Center Chautauqua Lake Sewer Districts' department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

ESS.8110.----.1 PERSONAL SERVICES—ADMINISTRATION	\$ 3,165
ESS.8110.----.8 EMPLOYEE BENEFITS – ADMINISTRATION	\$25,259
ESS.8130.----.1 PERSONAL SERVICES – SEWAGE TREATMENT	<u>\$20,908</u>
TOTAL	\$49,332

DECREASE APPROPRIATION ACCOUNT:

ESS.8120.----.4 CONTRACTUAL – SANITARY SEWERS	\$49,332
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 65-20

Amend 2019 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some North Chautauqua Lake Sewer District department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services - Administration, Administration	\$ 785
ESN.8110.8112.8	Employee Benefits - Administration, Administration	<u>\$10,887</u>
	Total	\$11,672

DECREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.4	Contractual – Sanitary Sewers, Sanitary Sewers	\$11,672
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Signed: Hemmer, Nazzaro, Scudder, Davis, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 66-20  
Amend 2019 Budget for Year End Reconciliation – County Clerk

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

WHEREAS, some County Clerk department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1410.1411.8	Employee Benefits – County Clerk, Motor Vehicles	\$14,567
A.1460.----.1	Personal Services - Records Management	\$233
A.1460.----.4	Contractual - Records Management	\$130
A.1460.----.8	Employee Benefits - Records Management	\$152
A.6610.----.1	Personal Services - Weights & Measures	\$1,716
A.6610.----.8	Employee Benefits - Weights & Measures	\$2,882
A.7510.----.4	Contractual - Historian	<u>\$5</u>
	Total	\$19,685

DECREASE APPROPRIATION ACCOUNTS:

A.1410.1411.1	Personal Services - County Clerk, Motor Vehicles	\$14,567
A.1410.----.1	Personal Services - County Clerk	\$1,716
A.1410.----.4	Contractual - County Clerk	\$515
A.6610.----.4	Contractual - Weights & Measures	\$2,882
A.7510.----.8	Employee Benefits - Historian	<u>\$5</u>
	Total	\$19,685

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 67-20  
Amend 2019 Budget for Year End Reconciliations – Board of Elections

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

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WHEREAS, some Board of Elections department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A. 1450. ----.1	Personal Services – Board of Elections	\$41,000
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DECREASE APPROPRIATION ACCOUNT:

A.1450. ----.4	Contractual – Board of Elections	\$41,000
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Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 68-20

Amend 2019 Budget for Year End Reconciliations – Liability Insurance Accounts

By Administrative Services and Audit & Control Committees:

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

WHEREAS, some Insurance Department expenses have exceeded initial budgetary estimates; and

WHEREAS, the Insurance Fund has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

CS.1930.----.4	Contractual - Judgements & Claims	\$12,497
CS.1710.----.4	Contractual – Insurance Admin	<u>\$1,450</u>
		\$13,947

INCREASE REVENUE ACCOUNT:

CS.1710.----.R270.0000	Miscellaneous-Participant Assessments	\$13,947
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Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 69-20  
Amend 2019 Budget for Year End Reconciliations – Health Insurance Fund

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

WHEREAS, some Health Insurance Fund departmental expenses have exceeded initial budgetary estimates; and

WHEREAS, the Health Insurance Fund has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

M.1930.----.4	Contractual - Judgements & Claims	\$296,140
M.9089.8000.4	Contractual - Undistributed Benefits	\$369,554
M.9089.8000.8	Employee Benefits - Undistributed Benefits	<u>\$ 27,629</u>
	Total	\$693,323

INCREASE REVENUE ACCOUNTS:

M.9060.9999.R270.9HSA	Departmental Income-Employer HSA Contr.	\$142,154
M.9060.9999.R270.1000	Miscellaneous-Refunds: Prior Year Exp	<u>\$551,169</u>
	Total	\$693,323

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 70-20  
Amend 2019 Budget for Year End Reconciliations – Workers Compensation Fund

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

WHEREAS, some Workers Compensation Fund departmental expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Workers Compensation Fund has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNT:

MS.1720.----.4	Contractual - Workers Comp Rolls	\$49,900
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DECREASE APPROPRIATION ACCOUNT:

MS.1710.----.4	Contractual - Insurance Administration	\$13,722
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INCREASE REVENUE ACCOUNT:

MS.1710.9999.R240.1000	Use of Money & Property-Interest & Earnings	\$36,178
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Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 71-20  
Amend 2019 Budget for Year End Reconciliations – Finance

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

WHEREAS, some Finance department expenses have exceeded initial budgetary estimates, as well as some appropriations and revenues have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1310.----.1	Personal Services - Department of Finance	\$ 7,806
A.1310.----.4	Contractual - Department of Finance	\$ 32,519
A.1330.----.1	Personal Services - Real Property Tax	\$ 1,827
A.1330.----.4	Contractual - Real Property Tax	\$ 3,328
A.1330.----.8	Employee Benefits - Real Property Tax	\$ 11,404
A.1362.----.4	Contractual - Tax Advertising & Expense	\$ 8,035
A.1985.----.4	Contractual - Municipal Sales Tax	\$1,076,543
A.2490.----.4	Contractual - Community College Tuition	<u>\$ 44,862</u>
	Total	\$1,186,324

DECREASE APPROPRIATION ACCOUNTS:

A.1310.----.8	Employee Benefits - Department of Finance	\$ 1,185
A.1710.----.1	Personal Services - Insurance Administration	\$ 5,549
A.1710.----.4	Contractual - Insurance Administration	\$ 2,699
A.1710.----.8	Employee Benefits - Insurance Administration	\$ 5,311
A.1989.----.1	Personal Services - Tax Roll Maint & Process	\$ 4,166
A.1989.----.4	Contractual - Tax Roll Maint & Process	\$ 9,635
A.1989.----.8	Employee Benefits - Tax Roll Maint & Process	<u>\$ 3,855</u>
	Total	\$32,400

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INCREASE REVENUE ACCOUNT:

A.1310.9999.R111.0000	Non Prop. Tax Items-Sales Tax	\$ 44,862
A.1985.----.R111.0MUN	Non Prop. Tax Items-Sales Tax-Muni Make Whole	\$1,076,543
A.9730.----.R271.0000	Proceeds L/T Obligations-Premium on Obligations	<u>\$ 32,519</u>
	Total	\$1,153,924

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 72-20

Amend 2019 Budget for Year End Reconciliations – Finance, Debt Service

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

WHEREAS, the accounting treatment of the principal and interest payments on bonds issued for the Third Dormitory Building at the Jamestown Community College (JCC) and the corresponding reimbursement from JCC were not properly reflected in the 2019 Budget; and

WHEREAS, interest due on a Bond Anticipation Note issued in December 2018 were not anticipated in the 2019 budget; and

WHEREAS, the County received a premium on bonds issued in 2019; and

WHEREAS, Mortgage Tax receipts exceeded expectations; and

WHEREAS, the County refunded bonds at the end of 2019 and the associated transactions should now be included in the budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.9730.----.6	Principal - Debt Service	\$ 290,000
A.9730.----.7	Interest - Debt Service	\$ 175,667
A.9991.----.4	Contractual - Repay Escrow - Refund Bonds	\$ 28,139
A.9991.----.9	Interfund Transfers-Repay Escrow-Refund Bonds	<u>\$4,857,279</u>
	Total	\$5,351,085

INCREASE REVENUE ACCOUNTS:

A.9730.----.R128.9JCC	Departmental Income-JCC Dorm Funding	\$ 435,750
A.9730.----.R118.9000	Non Property Tax Items-Mortgage Tax	\$ 19,579
A.9730.----.R271.0000	Proceeds L/T Obligations-Premium on Obligations	\$ 10,338
A.9991.----.R579.1000	Proceeds L/T Obligations-Adv Refunding Bonds	<u>\$4,885,418</u>
	Total	\$5,351,085

Signed: Scudder, Vanstrom, Muldowney, Davis, Odell, Niebel, Nazzaro

Unanimously Adopted – February 26, 2020

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RES. NO. 73-20  
Amend 2019 Budget for Year End Reconciliations – Human Resources

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

WHEREAS, some Human Resources department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1430.----.8	Employee Benefits—Human Resources	\$6,416
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DECREASE APPROPRIATION ACCOUNT:

A.1430.----.1	Personal Services—Human Resources	\$6,416
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Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 74-20  
Amend 2019 Budget for Year End Reconciliations – Information Technology Services

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

WHEREAS, some Information Technology Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services - OFFICE SERVICES	\$10,751
A.1610.----.8	Employee Benefits - OFFICE SERVICES	\$2,650
A.1670.----.4	Contractual - PRINT SHOP	\$4,713
A.1680.----.8	Employee Benefits - INFORMATION TECHNOLOGY	<u>\$42,514</u>
	Total	\$60,628

DECREASE APPROPRIATION ACCOUNTS:

A.1650.----.4	Contractual - COMMUNICATIONS	\$18,114
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A.1680.----.4	Contractual - INFORMATION TECHNOLOGY	<u>\$42,514</u>
	Total	\$60,628

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 75-20  
Amend 2019 Budget for Year End Reconciliations: Unified Court Costs – Indigent Services –  
Child Custody and Law Department

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

WHEREAS, the expenses for the Law Department and Unified Court Costs – Indigent Services – Child Custody exceeded initial budgetary estimates, while some Law Department appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1125.4	Contractual – Unified Court Costs – Indigent Services – Child Custody	\$3,000
A.1420.----.8	Employee Benefits – County Attorney	<u>\$ 608</u>
	Total	\$3,608

DECREASE APPROPRIATION ACCOUNT:

A.1420.----.4	Contractual – County Attorney	\$3,608
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Signed: Scudder, Bankoski, Vanstrom, Muldowney, Davis, Hemmer, Pavlock, Niebel, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 76-20  
Amend 2019 Budget for Year End Reconciliations – Office of the Sheriff

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Paul J. Wendel, Jr.:

WHEREAS, some Sheriff's Office department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it



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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.1	Personal Services - Publ Safety Communication - Consolidated Dispatching	\$16,052
A.3020.DISP.8	Employee Benefits - Publ Safety Communication - Consolidated Dispatching	\$2,699
A.3020.PSCN.4	Contractual - Publ Safety Communication - Pub Sfty Communications Network	\$11,928
A.3020.TECH.8	Employee Benefits - Publ Safety Communication - Technical Services	\$1,900
A.3110.----.4	Contractual - Sheriff	\$19,317
A.3110.3114.8	Employee Benefits - Sheriff - Pistol Permit	\$250
A.3110.GRNT.4	Contractual - Sheriff - Sheriff Grants	\$158
A.3189.3111.8	Employee Benefits - Other Law Enforcement - Navigation	<u>\$406</u>
	Total	\$52,710

DECREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services - Sheriff	\$52,710
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 77-20  
Amend 2019 Budget for Year End Reconciliations – Emergency Services

By Public Safety and Audit & Control Committees:  
At the Request of County Executive Paul J. Wendel, Jr.:

WHEREAS, some Emergency Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.1	Personal Services - Emergency Services	\$3,980
A.3010.----.8	Employee Benefits - Emergency Services	\$8,872
A.3625.----.1	Personal Services - Technical Rescue Team	\$61
A.3640.----.1	Personal Services - Hazardous Materials	\$63
A.3640.----.8	Employee Benefits - Hazardous Materials	\$884
	Personal Services – Emergency Medical Services -	
A.3989.CME.1	Continuing Medical Education	\$1,829
	Contractual – Emergency Medical Services –	
A.3989.EMS.4	Fly Car Program	<u>\$19,652</u>
	Total	\$35,341

DECREASE APPROPRIATION ACCOUNTS:

A.3010.----.4	Contractual - Emergency Services	\$12,852
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A.3625.----.4	Contractual - Technical Rescue Team	\$61
A.3640.----.4	Contractual - Hazardous Materials	\$947
A.3989.----.8	Employee Benefits - Emergency Medical Services	\$1,829
	Personal Services - Emergency Medical Services-	
A.3989.EMS.1	Fly Car Program	\$5,609
	Employee Benefits - Emergency Medical Services-	
A.3989.EMS.8	Fly Car Program	<u>\$14,043</u>
	Total	\$35,341

Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 78-20  
Amend 2019 Budget for Year End Reconciliations – Unified Court Costs

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

WHEREAS, some Unified Court Costs department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the county sales tax revenues are excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1135.4	Contractual - Unified Court Costs, Supreme Court	\$545
A.1162.1140.4	Contractual - Unified Court Costs, Family Court	\$1,040
A.1162.1145.4	Contractual - Unified Court Costs, Surrogate Court	\$216
A.1162.1160.4	Contractual - Unified Court Costs, Court Library	<u>\$45</u>
	Total	\$1,846

DECREASE APPROPRIATION ACCOUNT:

A.1162.1180.4	Contractual - Unified Court Costs, Justices & Constables	\$700
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INCREASE REVENUE ACCOUNT:

A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$1,146
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 79-20  
Amend 2019 Budget for Year End Reconciliations – Conflict Administration

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

WHEREAS, some Conflict Administration expenses have exceeded initial budgetary estimates; and

WHEREAS, the sales tax revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1162.1120.4	Contractual - United Court Costs, Conflict Administration	\$180,496
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INCREASE REVENUE ACCOUNT:

A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$180,496
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 80-20  
Amend 2019 Budget for Year End Reconciliation – Probation

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

WHEREAS, some Probation department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.8	Employee Benefits— Probation	\$21,790
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DECREASE APPROPRIATION ACCOUNT:

A.3140.----.1	Personal Services— Probation	\$21,790
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 81-20

Amend 2019 Budget for Year End Reconciliations – Office for Aging Services

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

WHEREAS, some Office for Aging Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.4	Contractual - Office for the Aging	<del>\$38,806</del> <b><u>\$38,992</u></b>
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DECREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services - Office for the Aging	<del>\$38,806</del> <b><u>\$38,992</u></b>
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Legislator Nazzaro: Thank you, Mr. Chairman. I would like to make a motion to amend. There is a slight revision to the amounts. In the increase appropriation account – contractual office of the aging- the amount should be \$38,992 as opposed to \$38,986. The decrease appropriation accounts- personal services that amount should also be \$38,992.

Chairman Chagnon: We have a motion to amend. Do we have a second?

Legislator Vanstrom: Second.

Chairman Chagnon: Any discussion or comments on the motion to amend? All those in favor of the amendment? Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Now on to discussion of the amended resolution. Any questions, comments or discussion on that? All those in favor? Opposed?

Signed: Pavlock, Whitney, Lawton, Whitford, Odell, Nazzaro, Niebel (Leg. Amended by strike through and new numbers indicated in bold and underlined)

Unanimously Adopted – February 26, 2020

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RES. NO. 82-20

Amend 2019 Budget for Year End Reconciliations – Mental Hygiene

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

WHEREAS, some Mental Hygiene department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4322.----.4	Contractual - Mental Hygiene Law	\$96,699
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DECREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual - Mental Hygiene Programs	\$96,699
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Signed: Pavlock, Whitney, Lawton, Whitford, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 83-20

Amend 2019 Budget for Year End Reconciliations – Veterans Service Agency

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

WHEREAS, some Veterans Service Agency department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the county sales tax revenues are excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6510.----.8	Employee Benefits--Veterans Service Agency	\$8,199
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DECREASE APPROPRIATION ACCOUNTS:

A.6510.----.1	Personal Services--Veterans Service Agency	\$1,701
A.6510.----.4	Contractual--Veterans Service Agency	<u>\$2,566</u>
	Total	<u>\$4,267</u>

INCREASE REVENUE ACCOUNT:

A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$3,932
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Signed: Pavlock, Whitney, Lawton, Whitford, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 84-20

Amend 2019 Budget for Year End Reconciliations – Health and Human Services

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

WHEREAS, some Health and Human Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Health and Human Services department has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.2960.ADMN.4	Contractual - Educ. Handicapped Children Administration	\$390,648
A.4017.JAIL.8	Employee Benefits – Clinics-Jail	\$2,543
A.4059.----.1	Personal Services - Early Intervention Program	\$15,377
A.4059.----.4	Contractual - Early Intervention Program	\$7,055
A.4059.----.8	Employee Benefits - Early Intervention Program	\$10,721
A.4090.----.1	Personal Services - Environmental Health	\$16,284
A.4090.----.8	Employee Benefits - Environmental Health	\$14,150
A.6123.----.4	Contractual - Juvenile Delinquent Care	\$125,171
A.6129.----.4	Contractual - State Training School	\$165,600
A.6142.----.4	Contractual - Emergency Aid for Adults	\$13,869
A.7020.----.1	Personal Services - Youth Bureau	\$897
	Total	\$762,315

DECREASE APPROPRIATION ACCOUNTS:

A.6010.----.1	Personal Services - Social Services Admin	\$370,390
A.6010.----.8	Employee Benefits - Social Services Admin	\$27,414
A.4017.JAIL.4	Contractual – Clinics-Jail	\$75,000
	Total	\$472,804

INCREASE REVENUE ACCOUNTS:

A.1185.----.R345.0000	New York State Aid-Other Public Health	\$600
A.4010.----.R241.0000	Use of Money & Property-Rental: County Building Space	\$35,000
A.4017.JAIL.R340.1000	New York State Aid-Public Health Grant	\$34,661
A.6010.----.R181.1000	Departmental Income-Incentive Earnings	\$9,520
A.6010.----.R189.4000	Departmental Income-Chrgs: Social Services	\$37,730
A.6119.----.R181.9000	Departmental Income-Repay: Child Care	\$172,000
	Total	\$289,511

Signed: Pavlock, Whitney, Lawton, Whitford, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 85-20  
Amend 2020 Adopted Budget due to Change in Accounting for License Fees

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

WHEREAS, previous collective bargaining agreements for CSEA 6300 required the County to earmark minimally \$5,000 during each year of the agreement for reimbursement for employees for the cost of mandated trainings, required license fees, and required credentials; and

WHEREAS, the 2020 Adopted Budget for the Department of Human Resources includes an appropriation of \$5,000 to accommodate said reimbursements, and a revenue budget of \$5,000 to accommodate receiving repayment from operating departments for said reimbursements; and

WHEREAS, the 2019-2023 collective bargaining agreement for CSEA 6300 simply requires the County to reimburse employees for the cost of mandated trainings, required license fees, and required credentials; and

WHEREAS, it would be expedient for operating departments to be charged directly for said reimbursements, rather than processing costs and revenues for said reimbursements through the Department of Human Resources; and

WHEREAS, this new expedient procedure will eliminate the need for revenue and appropriation budgets within the Department of Human Resources; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

DECREASE APPROPRIATION ACCOUNT:

A.1430.COEM.4	Contractual—Human Resources,	
	Countywide Employee Exps	\$5,000

DECREASE REVENUE ACCOUNT:

A.1430.COEM.R221.0LIC	Shared Services—Shared Services License Fees	\$5,000
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Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO.86-20  
Amend 2020 Adopted Budget for State Homeland Security Program (SHSP) Grant Award

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

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WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$149,956.00 from the 2017 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY17 grant, with no local funds, per Contract #C969570 during the performance period of September 1, 2017 through August 31, 2020; and

WHEREAS, pursuant to Resolution 237-17, 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, some revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment-Emergency Services	\$13,737
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$13,737
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 87-20

Amend 2020 Adopted Budget for County Agriculture and Farmland Protection Planning Grant  
from the New York State Department of Agriculture and Markets

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 253-19, the County Executive was authorized to execute an agreement to secure grant funding with the New York State Department of Agriculture and Markets for the Agriculture and Farmland Protection Planning Grant, and the Chautauqua County Legislature officially accepted the County Agriculture and Farmland Protection Planning Grant in the amount of \$50,000; and

WHEREAS, the Chautauqua Region Community Foundation has pledged \$30,000 towards the required match for this project; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it



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RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.8023.4	Contractual—Planning, Farmland Protection Grant	\$80,000
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INCREASE REVENUE ACCOUNTS:

A.8020.8023.R237.2001	Shared Services—Chrgs: Oth Planning Contr	\$30,000	
A.8020.8023.R391.0001	NYS Aid—Farmland Protection Grant	<u>\$50,000</u>	
	Total		\$80,000

Signed: Odell, Muldowney, Harmon, Nazzaro, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 88-20

Adjust the Division of Planning and Community Development's 2019 and 2020 Budgets for the Barcelona to Chautauqua Institution (B2CI) Trail Easement Grant

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

WHEREAS, the Division of Planning and Community Development (DPCD) is implementing the Barcelona to Chautauqua Institution Trail Easement Grant project; and

WHEREAS, pursuant to Resolutions 51-18 and 68-19, the County appropriated funds for the completion of the Barcelona to Chautauqua Institution (B2CI) Trail project, which was to be funded by a grant of \$92,511 from the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grant Program; a cash match of \$37,772 from the Reserve for Occupancy Tax designated for trail establishment and development; and an in-kind match of \$14,578; and

WHEREAS, in 2018 the cash match of \$37,772 was transferred from the Reserve for Occupancy Tax to the General Fund; and

WHEREAS, the project is a multi-year project that was budgeted in 2019 but will not be completed until the end of 2020; and

WHEREAS, the following budget amendments are required to ensure the 2019 and 2020 budgets accurately reflect the use of funds for the project; now therefore be it

RESOLVED, That the 2019 A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$ 26,503
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; and be it further

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RESOLVED, That the Director of Finance is instructed to make the following changes to the 2019 Adopted Budget:

DECREASE REVENUE ACCOUNT:

A.8020.----.R371.5000	NYS Aid—Tourism Promotion	\$ 92,511
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DECREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual--Planning	\$119,014
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; and be it further

RESOLVED, That the 2020 A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----. 917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$ 26,503
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; and be it further

RESOLVED, That the Director of Finance is instructed to make the following changes to the 2020 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.8020.----.R371.5000	NYS Aid—Tourism Promotion	\$ 92,511
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INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual--Planning	\$119,014
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Signed: Odell, Muldowney, Harmon, Nazzaro, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 89-20

Adjust the Division of Planning and Community Development's 2019 and 2020 Budgets for Soil  
& Water for Water Quality Improvement Projects

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

WHEREAS, pursuant to Resolution 255-19, the Chautauqua County Legislature authorized the County to advance Chautauqua County Soil & Water up to \$398,167.50 to fund the Jamestown Riverwalk Restoration project and Silver Creek Dam Removal projects (Projects); and

WHEREAS, the Projects are multi-year projects that were budgeted late in 2019 but will not be completed until the end of 2020; and

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WHEREAS, the following budget amendments are required to ensure the 2019 and 2020 budgets accurately reflect the use of funds for the Projects; now therefore be it

RESOLVED, That the Director of Finance is instructed to make the following changes to the 2019 Adopted Budget:

DECREASE REVENUE ACCOUNT:

A.8020.WTRS.R238.9002 Shared Services – Oth Home & Community Svcs	
– Oth Govts	\$ 398,168

DECREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual—Planning, Watershed Administration	\$ 398,168
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; and be it further

RESOLVED, That the Director of Finance is instructed to make the following changes to the 2020 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R238.9002 Shared Services – Oth Home & Community Svcs	
– Oth Govts	\$ 398,168

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual—Planning, Watershed Administration	\$ 398,168
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Signed: Odell, Muldowney, Harmon, Nazzaro, Niebel

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RES. NO. 90-20

Amend 2019 & 2020 Budgets for Grant Equipment Revenue – Emergency Services

By Public Safety and Audit & Control Committees:

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

WHEREAS, a purchase order for grant-funded equipment/apparel was prepared in 2019 for the Office of Emergency Services, but the purchase was not completed in 2019; and

WHEREAS, 2019 revenue for the Office of Emergency Services is short of budget because grant revenue could not be earned since corresponding equipment/apparel was not purchased; and

WHEREAS, the 2019 expenditure budget for the equipment/apparel was encumbered so it automatically rolled forward into the 2020 budget, but the corresponding revenue budget for the equipment/apparel did not automatically roll forward into the 2020 budget; now therefore be it

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

DECREASE REVENUE ACCOUNT:

A.3010.R430.5004	Federal Aid-Homeland Security	\$19,999
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.3010.R430.5004	Federal Aid-Homeland Security	\$19,999
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Signed: Niebel, Bankoski, Hemmer, Pavlock, Whitford, Nazzaro, Odell

Unanimously Adopted – February 26, 2020

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RES. NO. 91-20  
Close Capital Projects

By Audit & Control Committee:

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

WHEREAS, the following capital projects have been completed and can be closed:

H.1620.25973	BUILDINGS & GROUNDS-FAC ASSESS&MAINT SOFTWARE (2017)
H.1997.999	COUNTY VEHICLE REPLACEMNT-VEHICLE REPLACEMENT (ANNUAL)
H.2490.00859	COMMUNITY COLLEGE TUITION-ARTS & SCIENCE CTR RENOV (2012)
H.2490.00982	COMMUNITY COLLEGE TUITION-JCC ARTS CTR RENO-MUSIC (2017)
H.3010.14006	EMERGENCY SERVICES-AEDS (2019)
H.3110.06005	SHERIFF-NARCOTIC ANALYSIS DEVICE (2019)
H.5610.25007	CHAUTAUQUA COUNTY AIRPORT-SNOW REMOVAL EQUIP-JHW (2018)
H.6420.37004	PROMOTION OF INDUSTRY-STONEMAN FIBER OPTIC CABLE(2019)
H.7110.25010	PARKS-TRACTOR/LOADER/BACKHOE (2019)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

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

Signed: Nazzaro, Odell, Niebel

Unanimously Adopted – February 26, 2020

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RES. NO. 92-20  
Authorize Sale of Tax Foreclosure Property to Home Leasing LLC

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

WHEREAS, the Arcade Building in the City of Jamestown located at 26-32 North Main Street (Tax Parcel # 387.48-1-19) was tax foreclosed several years ago and has been in a state of continuing deterioration for decades; and

WHEREAS, despite its current condition, the Arcade Building is an architecturally significant structure that is one of the last examples of the buildings that existed in and adjacent to Brooklyn Square at the turn of the 20<sup>th</sup> century; and

WHEREAS, Home Leasing LLC, of 700 Clinton Square, Rochester, New York, has extensive experience and success in redeveloping historic properties throughout upstate New York, and securing the necessary funding sources for such projects; and

WHEREAS, Home Leasing LLC wishes to attempt to redevelop the Arcade Building and engage in a due diligence and funding development period of up to twelve (12) months to determine if a viable project can move forward; therefore be it

RESOLVED, That the County Executive is authorized to enter into an agreement with Home Leasing LLC for the sale of the tax foreclosed Arcade Building on the following terms and conditions:

Purchase Price. \$25,000

Due Diligence and Funding Development Period. Up to twelve (12) months, and as may be extended by the County Executive if deemed in the best interest of the County.

Closing. Within one hundred eighty (180) days after completion of the due diligence and funding development period.

Other. As negotiated by the County Executive.

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent – February 26, 2020

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RES. NO. 93-20  
Authorize Transfer of Tax Foreclosure Properties to the Village of Brocton and Chautauqua  
County Land Bank Corporation (CCLBC)

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

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WHEREAS, the County, Village of Brocton, and CCLBC are collaborating on the remediation and redevelopment of County tax foreclosure parcels located in the Village of Brocton, consisting of an abandoned condemned building at 10 East Main Street (145.17-2-45), and the former Green Arch Restaurant at 41 West Main Street (144.20-3-24); and

WHEREAS, the Village of Brocton is purchasing the building located at 14 East Main Street, which shares a party wall with the County's tax foreclosure parcel at 10 East Main Street, and once both properties are in municipal ownership, CCLBC will utilize grant monies received from the Office of the Attorney General (OAG) to demolish both structures at a cost of approximately \$200,000; and

WHEREAS, to facilitate later redevelopment of the adjoining properties after demolition is complete at 10 East Main Street and 14 East Main Street, it is appropriate that the County convey 10 East Main Street to the Village of Brocton at no cost to help mitigate the Village's expenses in acquiring 14 East Main Street; and

WHEREAS, CCLBC is willing to acquire the former Green Arch Restaurant property located at 41 West Main Street from the County for the sum of the foreclosed back taxes on the property, being the amount of \$12,539.19, and CCLBC will then market the parcel for responsible remediation and redevelopment in order to restore the beneficial use and taxable value of the property; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer 10 East Main Street to the Village of Brocton and 41 West Main Street to CCLBC as described above, upon such other terms and conditions negotiated by the County Executive.

Signed: Scudder, Vanstrom, Muldowney, Davis, Nazzaro, Odell, Niebel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent – February 26, 2020

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RES. NO. 94-20

Authorize Execution of Attestation for 2.00% Funding Increase to Support Annual Salary Related Fringe Benefit Costs of Direct Care Staff, Direct Support Professionals, and Clinical Staff at Not-for-Profit Providers through the Department of Mental Hygiene OASAS Programs

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

WHEREAS, Part Q of Chapter 57 of the Laws of 2017 provides funding to support an increase in annual salary and salary-related fringe benefit costs for direct care staff, direct support professionals, and clinical staff at not-for-profit providers as defined by the Commissioner of the New York State Office of Alcoholism and Substance Abuse Services; and

WHEREAS, the statute provides for a 2.00% increase for direct care staff and direct support professionals effective January 1, 2020; and

WHEREAS, effective April 1, 2020, the statute provides for a 2.00% increase for clinical staff; and

WHEREAS, the County is required to submit an attestation confirming that the funding provided to the Department of Mental Hygiene OASAS programs under this statute will be used solely to support annual salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the New York State Office of Alcoholism and Substance Abuse Services Commissioner; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute an attestation certifying that the funding provided to Chautauqua County pursuant to Part Q of Chapter 57 of the Laws of 2017 will be used solely to support annual salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the Commissioner of the New York State Office of Alcoholism and Substance Abuse Services.

Signed: Chagnon

Unanimously Adopted – February 26, 2020

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MOTION: (On File with 2/26/2020 Leg. Data)

3-20 Proclaiming March 2020 as Agriculture Month in Chautauqua County - UNANIMOUSLY ADOPTED

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2<sup>nd</sup> Privilege of the Floor

Ms. Engstrom: My name is Karen Engstrom from Mayville, New York. I am representing a number of groups of concerned citizens from Chautauqua, Cattaraugus, Niagara, Erie and Alleghany counties. On February 20<sup>th</sup> Governor Cuomo issued a budget amendment regarding energy projects in the state. His 31 page amendment makes industrial wind and solar projects subject to a dramatically new permitting and construction process. This plan wipes out our traditional article 10 process for energy projects. As Cuomo stated, "I'm going to flip the process and make it faster." Cuomo's budget amendment fast-tracks energy projects and calls for measures that will bypass public participation in the energy siting process. Existing projects are already having negative economic effects, negative environmental effects, and negative human health effects because of the impacts of industrial size 600 foot wind turbines. Home rule and zoning by local governments was eroded by the article 10 process and this siting process had dismantled many safeguards, but this new process that he is advocating will further fast-track renewables. Electricity use in New York State is equivalent to many small countries and it has

been estimated that it will take 150 thousand 600 foot turbines to accommodate the needed three thousand- seven hundred billion btu's of energy consumed by this state. Cuomo is using the budget process to enact what should be done through legislation. Under this plan the state will dictate local pilots. This plan creates a default that allows all projects be automatically approved after a year if the project has not completed. So, if they don't approve it within a year it's automatically approved and that goes for solar and wind. This has 30 days to get through and it was introduced on February 20<sup>th</sup>. Any objections will be deemed "unreasonably burdensome." There are no appropriate safeguards under this plan and no local input. No moratoriums will be allowed. The blue pages on your desk give you a summary of this. It was drawn up by a number of people in Cattaraugus County and further east in Rochester and Ithaca. I will put it into email so you can access the budget as the links are there. The Erie citizens group at the last minute said to please include our resolution for lake wind turbines, which is kind of a separate thing because there won't be any oversight by town boards. Right now we have home rule and home rule is in jeopardy because of this amendment. I think that's why we'll see some opposition to it, but I just thought I'd bring it to your attention. The New York Organization- the Association of Towns on February 25<sup>th</sup> issued a statement opposing Cuomo's budget amendment and calling for Cuomo to withdraw the amendment. Niagara County Legislature is forming a committee- a mixture of town and county officials to hear the ideas and concerns of those who might be impacted by these industrial energy projects. We are requesting that you consider supporting a (*inaudible*) for this amendment to be withdrawn and to follow Niagara County's example- there's an article attached that was in the newspaper that says that they have called together groups of people to discuss this very issue, which has been imposed arbitrarily without legislation. Finally, even in the regular budget- the regular budget under transportation on page 31- part HH authorizes this new agency- the New York State Energy Research and Development Authority to finance portions of this energy research by assessing the gas and electric corporations in our state. These handicaps to the reliable, affordable power that we have already in this state further make our grid unreliable and in danger. Just two days ago another gas line was killed. It was one coming up from Pennsylvania – natural gas line- because of the regulations and it's just one more step in the handicapping of our communities when it comes to energy. The amendment is a sweeping amendment in its scope and it changes all aspects of power plant citing including permitting and approval, land acquisition, environmental review, the creation of payment in lieu of taxes and host community benefit agreements. This amendment preempts all local zoning authority. Do you have any questions? Thank you very much.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

My name is Louis Pelletter I'm the deputy supervisor for the Town of Hanover and the Silver Creek Village historian. I was a police officer for 33 years with my last 13 being Chief of Police. I'm here to ask you to get involved with the closing of the Lakeshore hospital campus in Irving and also they have a brand new building in Forestville. As you may know, Lakeshore closed January and February. It was a full service hospital and employed over 200 people and you might also know that we lost around 250 people when Petri's closed on the buyout of Carriage House with ConAgra. So, we're looking at the town of Hanover losing 450 jobs right up front. They built this brand new building in Forestville. It's probably a year old- multi million



dollars and vacant. They put millions in the Lakeshore ER. Senator Borrello was there when they dedicated the new chemical dependency unit along with the mental health unit. We had this full service hospital – millions of tax payer dollars was put into this campus. What I'm asking for, whether it's the IDA, the Land Bank, any committee that you have to get personally involved with this because I feel if you put in millions of dollars in a building, you build a brand new building, you dedicate a new chemical dependency unit and you walk away from it within 30 days- one day you get up and you say we're closing. You take these 200 people- the village board didn't know, town board didn't know and I'm sure no one else knew. It was just closed. Millions of dollars.

Now, to give you a little background Lakeshore was a hundred year effort on our community's part from the old house hospitals that we had. Basically we had 10 doctors and they put in \$55,000 each as seed money and then the community, which would be all our tri-county community, they took a loan out for \$850,000- 1963 money- no government funding; it was all loans and they paid it back. Now, I tell people that these are our buildings and apparently they got away from us, but they are our buildings. They were put there for a purpose. We had the house hospital for 100 years. This community got together to do this- to have a place to go in the north county area.

Now, you might have read in the Observer on December 5<sup>th</sup>- Bob Sutehall who was one of our early people on the board for Lakeshore back when it was a community hospital and he said it was managed by local people and not by our so-called experts and it was prospering because it started out as a very small hospital and they added a nursing home, health related facility and all the other items I mentioned.

So, I asked for a meeting with their board and I had Mayor Hornburg from Silver Creek and Councilman Wayne Ashley from the town to meet and we met for an hour and a half and we left with more questions than we had answers. One of the things that we had heard was that we can't have this hospital because there's too much debt. People today are using outpatient services instead of the hospital, that we're a poverty area, and the state reimbursements aren't enough to keep you going. So, I asked them a question- in the paper they said you're \$20 million in debt and I said to them if Lakeshore is \$7 million in debt then that puts Brooks at \$13 million in debt, so are you going to close that hospital and not have any hospital in the north county area? Their response was that they are only \$15 million in debt and that was the end of that. The funny thing was they told me that the state health department thought that they were doing an excellent job managing with all the problems that our area produces and I told them that they're \$20 million in the ditch- how could they say you're doing a good job? I met with Senator Borrello-

Chairman Chagnon: Sir, your five minutes has been exceeded. We appreciate your comments, but we'd like to keep it moving along.

Mr. Pelletter: O.K. We went to the state mental health advisory board. They recommended that it stays open. Instead, they closed it. One of the things that they said is it had inadequate planning and evaluations to make an acceptable plan. So, in addition to closing in 30 days instead of giving 90 days' notice we're going to have a volunteer problem because now our turnaround time is going to be 5-6 hours. I don't know who we're going to get to volunteer for that amount of time especially when we have multiple calls.

So, what I'm asking you to do is if we could be proactive instead of reactive. The last thing I wanted to mention to you is that I went and checked looking for an old water bill that they might have not paid and I found a large amount of money that was paid to our Hanover district. I called county tax and they said not only are those bills there even though they emerged from bankruptcy, but now they're being assessed. If we don't do anything these buildings are going to end up in public charge anyways and I'll let it go at that. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Sheriff Quattrone: Thank you. I just wanted to thank the Legislature for proclaiming March as Agriculture month. It made me think about that for the last thirty plus years I've had the honor and privilege to visit the 4-H barns at the fair and I would encourage you all to do that. When I see the great work that 4-H does with the kids and the youth in our community- I've said before that I've never had a problem with the fair with the 4-H kids other than some pranks, but those are good pranks. The kids each year teach me something new about agriculture. I remember a couple years ago I asked a young girl to teach me about something in the barn and she said that she taught me that last year, so I guess I'm not a good learner, but I do appreciate the 4-H and all that you do in our community.

The second thing is that I sent you all an email yesterday or the day before and I just wanted to extend an invite to everyone to come tour the jail and our dispatch center. I often say our dispatch center is the first point of the criminal justice system and the jail is often the last point or we hope it's the last point and we hope the people will learn from that. Our correction officers have a difficult job that I think most people don't always realize how hard it is. It would mean a lot if we could get our county leaders to come and visit and see what they're doing. Anytime that you want to come we can make the arrangement. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Mr. Bentley: I'm Brad Bentley, the Director of Public Facilities. I just wanted to do a public service announcement that winter is not over. We will be reminded of that over the next few days. I take the road safety very seriously and I would encourage all of you to remind everyone to drive safely over the last couple of days. We've had some very good weather recently and there's a tendency for the public to forget how to drive with winter weather, so I just encourage everybody- I know that the next few days are going to be difficult. We're taking this very seriously. The DPF is ready as we always are to take care of the roads, but we do want the public to drive safely and slowly. If you don't have to go out please don't. Definitely leave room around our plows. They have a very difficult job seeing in this weather. The last thing I want to do is go out to another accident scene. So, I do encourage you and I know the Sheriff (*inaudible*) I do encourage the safety for the rest of the year. Thanks.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

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MOVED by Legislator Bankoski, SECONDED by Legislator Hemmer and duly carried the meeting was adjourned. (7:28 *p.m.*)

Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, March 25, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Chairman Chagnon delivered the prayer and pledge of allegiance followed by a moment of silence for Warren Riles, Chautauqua County Coroner for 41 years.

MOVED by Legislator Bankoski, SECONDED by Legislator Hemmer and duly carried the minutes were approved. (2/26/20)

1<sup>st</sup> Privilege of the Floor

Clerk Tampio (*Reading comments on behalf of Jim Kurtz*): Chautauqua County Legislature Resolution 102-20 Educational Kiosks for Chautauqua Hometown Heroes Veterans Memorial.

*The mottos of Chautauqua Hometown Heroes Veterans Memorial are “Honor – Remember – Educate” and “You are not forgotten”. CHHVM is for all Chautauqua County Veterans, Peace time and war time.*

*Thank you for your interest in and support of CHHVM and the educational kiosks. It has been noted and wish to thank the several members of the Legislature that have already made donation and/or purchased bricks in memory of family and friends. Resolution 102-20 will provide 98.2% of the goal of \$75,000 building fund budget.*

*The major conflicts include: Revolutionary War (1775-1783), War of 1812 (1812-1815), Civil War (1861-1865), WWI (1914-1918), WWII (1939-1945).*

*U.S. Veterans- 20,000,000 and in Chautauqua County – 20,000. 130,000 POW and 72 in Chautauqua County. 450,000 Killed in Action in the U.S. and 460 in Chautauqua County. 83,000 MIA in the U.S. and 90 in Chautauqua County. 200,000 Buried in Foreign Fields in the U.S. and in 115 in Chautauqua County.*

*The Korean War (1950-1953), Vietnam War (1955-1975). The Vietnam Veterans of America Chapter #865 sponsored memorial bricks for all 50 Chautauqua County Veterans KIA and 2 MIA/KIA.*

*War on Terrorism (2001-date).*

*The kiosks will give the CHHVM a place to list information regarding the Veterans in each war – POW/MIA/BFC, until we find sponsors for a memorial brick.*

*Goal of phase 2 fundraising will be \$75,000 for 1,000 bricks at \$75.00 for POW/MIA/BFC.*

*List of names can be sent on request for 622 memorial bricks.” That ends the communication from Mr. Kurtz.*

Chairman Chagnon: Thank you. That was the only communication that you received for the first privilege of the floor?

Clerk Tampio: That is correct.

Chairman Chagnon: O.K., then please carry on with the rest of the agenda.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 02/26/2020

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COMMUNICATIONS:

1. Declaration – County Executive Wendel – State of Emergency
  2. Letter – Legislator Muldowney – Resignation from Chautauqua County Legislature
  3. Certificate to Fill Vacancy on Chautauqua County Legislature – District 1
  4. Certificate of Acceptance to Fill Vacancy – District 1 –Kevin Muldowney
  5. Certificate – Republican Committee – Re: Election Commissioner Brian Abram
  6. Letters (2) – County Executive – Appointment to Various Boards
  7. Notice of Public Hearing – Town of Chautauqua Zoning Board
  8. Letter – Local Aviators at KJHW - Re: Proposed Hangar Lease with Luscombe Aircraft Corporation
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TABLED RES. NO. 59-20 – Amend 2019 Budget Appropriations and Revenues – Consolidated  
Local Street and Highway Improvement Program (CHIPS)

Chairman Chagnon: Under the advisement of the Budget Director, Kathleen Dennison, there is no reason for this tabled resolution to come off the table. If anyone has a desire to bring this off the table please speak up or raise your hand now, otherwise we will leave the tabled resolution on the table and it will die.

RES. NO. 59-20 – *Left on the table to die*

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RES. NO. 95-20

Appointment of Kevin Muldowney as Legislator from District 1, West Town of Dunkirk, and  
Part of City of Dunkirk, NY

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Kevin Muldowney District 1; and

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WHEREAS, a Certificate of Recommendation has been received from the Legislative District 1, (West Town of Dunkirk, and Part of City of Dunkirk, NY Committee recommending the appointment of Kevin Muldowney, 10 Beach Road, Dunkirk, NY 14048; and

WHEREAS, a Certificate of Acceptance has been received from Kevin Muldowney; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter Kevin Muldowney is hereby appointed Legislator from District 1, comprised of the West Town of Dunkirk, and Part of City of Dunkirk, NY.

Signed: Chagnon

Adopted – March 25, 2020 (*Legislator Scudder Voting “No”*)

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RES. NO. 96-20  
Confirm Appointment – Brian C. Abram (R) Commissioner of Elections

By Administrative Services Committee:

At the Request of Chairman Pierre Chagnon and Legislators Scudder, Niebel, Harmon, Odell, Lawton, Rankin, Pavlock, Vanstrom, Davis, Gould, Ward and Hemmer:

WHEREAS, the present term of the Republican Commissioner of Elections will expire December 31, 2020; and

WHEREAS, a Certificate of Appointment signed by the County Republican Chairman, Allan Hendrickson, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Brian C. Abram for the ensuing four (4) year term beginning January 1, 2021; now therefore be it

RESOLVED, That Brian C. Abram be and hereby is appointed Republican Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2021, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan.

Signed: Chagnon

Unanimously Adopted – R/C Vote: 19 Yes – March 25, 2020

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RES. NO. 97-20

Confirm Re-Appointments - Chautauqua County Aging Advisory Council

By Human Services Committee:

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

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Aging Advisory Council.

Ellen Coffaro  
92 W. Fairmount Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/21

Marie Carrubba, Esq.  
19 Widrig Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/21

Russell E. Diethrick Jr.  
153 Hallock Street  
Jamestown, N.Y. 14701  
Term Expires: 12/31/21

Dr. Lin "LJ" Baylis  
2310 Shadyside Rd  
Findley Lake, N.Y. 14736  
Term Expires: 12/31/21

Mary Anne Johnston  
3784 Victoria Rd.  
Ashville, N.Y. 14710  
Term Expires: 12/31/21

David L. Larson, PhD.  
3101 Straight Rd.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/21

Max Martin  
PO Box 371  
Dewittville, N.Y. 14728  
Term Expires: 12/31/21  
Signed: Chagnon

Unanimously Adopted – March 25, 2020

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RES. NO. 98-20

Confirm Appointments - Chautauqua County Land Bank Board of Directors

By Planning & Economic Development Committee:

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

WHEREAS, County Executive, George M. Borrello has submitted the following appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointments to the Chautauqua County Land Bank Board of Directors.

Diane E. Hannum  
10435 Bay Shore Drive  
Dunkirk, NY 14048  
Term Expires: 3/31/22

Nicole May  
120 Lambert Avenue  
Fredonia, NY 14063  
Term Expires: 3/31/22

Jim Caflisch  
928 Marving Rd.  
P.O. Box 100  
Clymer, NY 14724  
Term Expires: 3/31/22

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John Hemmer  
7539 East Route 20  
Westfield, NY 14787  
Term Expires: 3/31/22

William Carlson  
10370 Chestnut Rd.  
Dunkirk, NY 14048  
Term Expires: 3/31/22

Hugh Butler  
36 Hurst Ave.  
P.O. Box 615  
Chautauqua, NY 14722  
Term Expires: 3/31/22

Paul Whitford  
58 Harris Ave.  
Jamestown, NY 14701  
Term Expires: 3/31/22

Charles Cornell  
4393 Mahanna Rd.  
Bemus Point, N.Y. 14712  
Term Expires: 3/31/22

Mark Giese  
121 Hamlet Street  
Fredonia, NY 14063  
Term Expires: 3/31/22

Rebecca Meeder  
4811 Route 76  
Ripley, NY 14775  
Term Expires: 3/31/22

Louis Drago, Jr.  
9 Brook St.  
Lakewood, NY 14750  
Term Expires: 3/31/22

Signed: Odell, Starks, Harmon, Ward

Unanimously Adopted – March 25, 2020

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RES. NO. 99-20

Rules and Regulations re Disposition of Surplus, Obsolete or Unused Property

By Administrative Services Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, Resolution 307-80, as amended by Resolution 154-04, established Rules and Regulations of Surplus, Obsolete or Unused Property; and

WHEREAS, these rules and regulations should be updated to be consistent with changes made to the Administrative Code; now therefore be it

RESOLVED, That the Rules and Regulations of Resolution 307-80, as amended, regarding Disposition of Surplus, Obsolete or Unused Property, be amended as follows:

There is hereby created a Surplus Property Committee whose functions shall be to identify surplus, obsolete or unused supplies, materials and equipment belonging to Chautauqua County, and to formulate rules and regulations under which the ~~Deputy Director of~~ County Purchasing



Director may sell or lease such items. The committee shall be composed of the County Executive or his appointed representative, the Chairman of the Legislature, ~~and the Director of Central Services~~ the Chief Information Officer, and the Director of Public ~~Works~~ Facilities.

All department heads or county officials who have custody or control of ~~surplus, obsolete or unused~~ supplies, materials and equipment shall furnish the committee with a list of such items they have deemed surplus, obsolete or unusable ~~at least twice a year~~. The committee shall, upon receipt of such lists, meet to determine whether such items are, in fact, surplus, obsolete or unused and may require written justification for such a classification for any item.

Upon determining that any item is surplus, obsolete or unused, the committee shall direct that the item be turned over to the custody of the ~~Deputy Director of County Purchasing~~ Director, who shall thereupon sell or lease the item under terms advantageous to the County. Any item which has a fair market value at the time of ~~sale~~ disposition in excess of one thousand dollars (\$1,000.00) shall be auctioned or sold or leased to the highest responsible bidder after appropriate public notice soliciting bids for the item has been published.

Notwithstanding the foregoing, the sale or lease of any surplus, obsolete, or unused supplies, materials and equipment of whatever value, to any municipality or improvement district within Chautauqua County shall not be subject to the bidding requirements of this section and any lease or sale thereof may be accomplished by negotiated sale or lease.

Signed: Chagnon

Unanimously Adopted – March 25, 2020

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RES. NO. 100-20

Authorize Extension of Voter Education/Poll Worker Training and the New York State Poll Site  
Access Improvement Grant

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

WHEREAS, the County Board of Elections has successfully applied through the New York State Board of Elections for grant funds to enhance voting opportunities to persons with disabilities in the amount of \$40,543.00; and

WHEREAS, the County Board of Elections will use the grant proceeds to establish, expand and improve access to poll sites to increase participation in the election process by individuals with a full range of disabilities, and

WHEREAS, the remaining funding is \$10,057.11 and revenues and expenditures associated with the grant are already included in the 2020 Adopted Budget so no budget amendments are necessary; and

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WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from April 1, 2020 through March 31, 2021; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of the grant agreement with the State of New York for the designated time period.

Signed: Nazzaro, Niebel, Harmon, Odell, Gould

Unanimously Adopted – March 25, 2020

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RES. NO. 101-20

Authorize Lease Agreement with the Sea Lion Project, Ltd. for Ferry Docking and Landing Facilities

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

WHEREAS, Chautauqua County sold the Bemus Point Stow Ferry to the Sea Lion Project, Ltd., doing business as Chautauqua Lake Historic Vessels Company in 1986 pursuant to Resolution 191-86; and

WHEREAS, pursuant to the Bill of Sale the Chautauqua Lake Historic Vessels Company is required to use the ferry as a historic and tourist attraction; and

WHEREAS, the County has previously leased to Chautauqua Lake Historic Vessels Company docking and landing facilities in the Village of Bemus Point and the Hamlet of Stow; and

WHEREAS, it is in the best interests of the County to renew the lease so that there is the opportunity to have the ferry operated as a historic and tourist attraction; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement on such terms and conditions as deemed appropriate with Sea Lion Project, Ltd., d/b/a Chautauqua Lake Historic Vessels Company, for the docking and landing facilities in the Village of Bemus Point and the Hamlet of Stow and the immediately adjacent property for a period of ten (10) years through March 31, 2030, at an annual rent of One Dollar (\$1.00) per year.

Signed: Nazzaro, Niebel, Harmon, Odell, Gould

Unanimously Adopted – March 25, 2020

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RES. NO. 102-20

Authorize Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial

By Planning & Economic Development and Audit & Control Committees:  
At the Request of Legislators Terry Niebel and Mark Odell:

WHEREAS, Chautauqua County's historic sites, memorials, and other assets are invaluable resources in Chautauqua County that preserve historic artifacts and possessions, provide educational and tourism opportunities, and enhance the quality of life; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization is dedicated to showing appreciation for all veterans in Chautauqua County, including those that sacrificed their lives while serving; and

WHEREAS, there are many past and present members of the military who earned honors and awards, including POWs/MIAs, those who sacrificed their lives while serving, and others who died while not in action; and

WHEREAS, many of these brave soldiers lack a local memorial in their honor and the Chautauqua Hometown Heroes Veterans Memorial will honor these individuals; and

WHEREAS, the Mayville Cemetery will be the future home of the Chautauqua Hometown Heroes Veterans Memorial, which will attract people from throughout the region and further afield to honor our brave soldiers; and

WHEREAS, the centerpiece of the Chautauqua Hometown Heroes Veterans Memorial will be an octagon building constructed with commemorative bricks along with educational kiosks telling the stories of past wars and sacrifice, which will cater to and attract visitors from within and outside of the region to pay tribute to our courageous veterans; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization secured donations from the Town of Chautauqua (\$10,000), the Village of Mayville (\$8,800.00), and the Chautauqua Region Community Foundation (\$10,000.00), along with funding being provided by a number of private donors; and Northern Chautauqua Community Foundation (\$5,000); and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization seeks \$6,500.00 from the County to assist in constructing educational kiosks that cater to visitors and tourists, which are key tourism-attraction components to this memorial honoring all veterans in Chautauqua County, including those who sacrificed their lives while serving; therefore be it

RESOLVED, as set forth below, the Chautauqua County Legislature hereby appropriates A Fund Balance to allow the County Executive to enter into a contract to assist the Chautauqua Hometown Heroes Veterans Memorial organization in constructing educational kiosks for use at the Chautauqua Hometown Heroes Veterans Memorial; and be it further

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RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$6,500
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.-----4	Contractual—Planning	\$6,500
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Signed: Odell, Gould, Harmon, Nazzaro, Ward, Niebel

Unanimously Adopted – March 25, 2020

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RES. NO. 103-20

Establish Capital Projects for Trail Development and Lake Erie Management Commission

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

WHEREAS, pursuant to adopted budgets in 2015 through 2017, the Chautauqua County Legislature pledged funds for non-county maintained trail establishment and development in which either other municipalities or not for profit organizations shall be responsible for future maintenance of such trails; and

WHEREAS, pursuant to adopted budgets in 2012 through 2018, the Chautauqua County Legislature pledged funds for lake improvement projects administered by the Lake Erie Management Commission (LEMC); and

WHEREAS, pursuant to adopted budgets in 2016 and 2017, the Chautauqua County Legislature pledged funds for the integrated sewage management plan (ISMP); and

WHEREAS, the pledged amounts were not spent in their entirety so they were earmarked as designated portions of the 3% and 2% Occupancy Tax reserves; and

WHEREAS, trail development and lake improvements are important aspects of tourism development in Chautauqua County and meet the criteria for capital projects, so it is prudent to establish them as such; and

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WHEREAS, the ISMP has been completed so a designation of funds is no longer needed, and the designated funds can be considered part of the general reserve for lakes and waterways; now therefore be it

RESOLVED, That the designation attached to the pledged funds for the ISMP be removed; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.-----883.0000	Fund Balance, Reserved Fund Balance – Reserve for Occupancy Tax	\$ 81,528
A.-----889.0000	Fund Balance, Reserved Fund Balance – Res: Lakes & Watrway	<u>\$ 72,522</u>
	Total	<u>\$154,050</u>

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----9	Interfund Transfers – Transfer to Capital	\$154,050
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.8020.37010.R503.1000	Interfund Transfers – Interfund Transfer	\$ 81,528
H.8020.37011.R503.1000	Interfund Transfers – Interfund Transfer	<u>\$ 72,522</u>
	Total	<u>\$154,050</u>

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.8020.37010.4Contractual— Trail Development (2020)	\$ 81,528	
H.8020.37011.4Contractual— Lake Erie Mngt Comm (2020)	<u>\$ 72,522</u>	
	Total	<u>\$154,050</u>

Signed: Odell, Gould, Nazzaro, Harmon, Ward, Niebel

Unanimously Adopted – March 25, 2020

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RES. NO. 104-20

Utilize Soil and Water Appropriation from the 2% Occupancy Tax to Conduct Geographic Information System (GIS) Analysis of Chautauqua Lake Watershed

By Planning & Economic Development Committee:

At the Request of County Executive Paul M. Wendel, Jr., and Legislators Frank “Jay” Gould and Lisa Vanstrom:

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WHEREAS, conservation of soil and water resources are problems of public concern in Chautauqua County, and there is a need, in the interest of public health, safety and welfare, for the existence of a Soil and Water Conservation District to address these issues; and

WHEREAS, Chautauqua County was declared a Soil Conservation District by Res. No. 80-44, in accordance with the provisions of the Soil Conservation Districts Law; and

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, as amended, there has been a 5% occupancy or “bed tax” on the rental of lodging units within the County; and

WHEREAS, Section 1202-j of the New York State Tax Law further provides that amounts over three-fifths of all revenues derived from the imposition of the occupancy tax should be used for the sole purpose of maintaining and enhancing the lakes of Chautauqua County, including the reduction of erosion, sedimentation and nutrient loading; and

WHEREAS, the mission and existence of the Soil Conservation District meets the criteria for use of these funds; and

WHEREAS, the 2020 Adopted Budget appropriated the sum of \$35,000 to the Soil & Water Conservation District to be used for technical assistance, storm water management, and hydro-seeding services for governmental entities within the Chautauqua Lake Watershed; and

WHEREAS, the Soil & Water Conservation District proposes to use this appropriation for efforts to undertake a GIS analysis of the Chautauqua Lake Watershed to support a New York State Department of Environmental Conservation (NYS DEC) Water Quality Improvement (WQIP) Grant to identify the most at-risk areas in the watershed for erosion and water quality issues; and

WHEREAS, the Soil & Water Conservation District will continue to offer the hydro-seeding services for governmental entities within the Chautauqua Lake Watershed through funding from the NYS DEC WQIP Grant; and

WHEREAS, this initiative meets the criteria of the 2% occupancy tax and funding appropriation for the Soil & Water Conservation District; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Soil & Water Conservation District for the implementation of a GIS analysis of the Chautauqua Lake Watershed.

Signed: Odell, Harmon, Ward, Starks

Unanimously Adopted – March 25, 2020

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RES. NO. 105-20  
Amend 2020 Budget Appropriations—South & Center Chautauqua Lake Sewer Districts  
(S&CCLSD)

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

WHEREAS, South & Center Chautauqua Lake Sewer District (S&CCLSD) uses a customer billing software that will soon become obsolete; and

WHEREAS, Chautauqua County Information Technology Department recommends the billing software be replaced, and has selected a suitable replacement at a cost of approximately \$39,154; and

WHEREAS, replacement of the billing software was approved by the S&CCLSD Administrative Board at its regular meeting on March 3, 2020; and

WHEREAS, expenditures to replace the software were not included in the district's 2020 Adopted Budget for computer software, but the district's 2020 Adopted Budget includes a contingency account for unanticipated expenditures; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

ESS.8110.----.4	Contractual—Administration	\$39,154
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DECREASE APPROPRIATION ACCOUNT:

ESS.9089.----.4	Contractual—Undistributed Benefits	\$39,154
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Signed: Hemmer, Nazzaro, Davis, Gould, Niebel, Harmon, Odell

Unanimously Adopted – March 25, 2020

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RES. NO. 106-20  
Amend 2020 Budget Appropriations for Customer Billing Software—North Chautauqua Lake  
Sewer District (NCLSD) and Portland, Pomfret, Dunkirk Sewer District (PPDSD)

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

WHEREAS, the North Chautauqua Lake Sewer District (NCLSD) and Portland, Pomfret, Dunkirk Sewer District (PPDSD) use a customer billing software that will soon become obsolete; and

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WHEREAS, Chautauqua County's Information Technology Department recommends that the billing software be replaced, and has selected a suitable replacement at an initial cost of approximately \$10,503 for NCLSD and \$4,141 for PPDS; and

WHEREAS, replacement of the billing software was approved by the boards of each district; and

WHEREAS, expenditures to replace the software were not included in the districts' 2020 Adopted Budgets, but the districts' 2020 Adopted Budgets include equipment purchases that can be deferred; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.4	Contractual—Administration, Administration	\$10,503
ESP.8110.8114.4	Contractual—Administration, Administration	<u>\$ 4,141</u>
	Total	\$14,644

DECREASE APPROPRIATION ACCOUNTS:

ESN.8130.8132.2	Equipment—Sewage Treatment, Sewage Treatment	\$10,503
ESP.8120.8124.2	Equipment—Sanitary Sewers, Sanitary Sewers	<u>\$ 4,141</u>
	Total	\$14,644

Signed: Hemmer, Nazzaro, Davis, Gould, Niebel, Harmon, Odell

Unanimously Adopted – March 25, 2020

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RES. NO. 107-20

North Chautauqua Lake Sewer District and Portland, Pomfret, and Dunkirk Sewer District  
Inflow and Infiltration (I & I) Study SEQR Determination

By Public Facilities Committee:

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

WHEREAS, the North Chautauqua Lake Sewer District and the Portland, Pomfret, Dunkirk Sewer District are hiring an engineer to study Inflow and Infiltration (I&I) within the Districts; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations, (6 NYCRR) §617.5 under the State Environmental Quality Review Act (SEQR), provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it



RESOLVED That the County Legislature of the County of Chautauqua hereby determines that the proposed North Chautauqua Lake Sewer District Orchard Terrace Inflow and Infiltration Study and the proposed Portland Pomfret Dunkirk Sewer District Van Buren Point Inflow and Infiltration Study are Type II actions in accordance with 6 NYCRR §617.5(c) subparagraphs (24) and (27) in that they constitute engineering studies which do not commit the County of Chautauqua or its sewer districts to undertake, fund or approve any SEQR Type I or Unlisted actions, and that the engineering studies are therefore not subject to further review under 6 NYCRR Part 617.

Signed: Hemmer, Nazzaro, Davis, Gould

Unanimously Adopted – March 25, 2020

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RES. NO. 108-20  
North Chautauqua Lake Sewer District Authorization and Appropriation of Local Match for  
Inflow and Infiltration (I & I) Study

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

WHEREAS, Chautauqua County Resolution 174-19 authorized the County to apply for grants on behalf of the North Chautauqua Lake Sewer District (District) for inflow and infiltration studies; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) has awarded to the County a \$30,000.00 Engineering Planning Grant for such purpose; and

WHEREAS, the EFC grant requires a 20% local match, with a minimum match amount of \$6,000.00; and

WHEREAS, grant revenue and matching funds were included in the District's part of the 2020 County budget, and the District Board supports this project and the associated expenditure of District funds; now therefore be it

RESOLVED That the County of Chautauqua authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the North Chautauqua Lake Sewer District Orchard Terrace Inflow and Infiltration Study, with a minimum local match of at least \$6,000.00 (20% of the EPG grant award of \$30,000.00) to be provided by the North Chautauqua Lake Sewer District.

Signed: Hemmer, Nazzaro, Davis, Gould, Niebel, Harmon, Odell

Unanimously Adopted – March 25, 2020

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RES. NO. 109-20

Authorize Public Hearing on Hangar A Lease Agreement at the Chautauqua County Jamestown Airport

By Public Facilities Committee:

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received and accepted a Letter of Intent from Luscombe Aircraft Corporation conveying its desire and intention to lease hangar facilities at the Jamestown Airport for the purpose of producing new recreational aircraft and repairing and refurbishing legacy aircraft; and

WHEREAS, the County and Luscombe Aircraft Corporation have negotiated the lease of Hangar A for the specific purposes of aircraft manufacturing and refurbishment, authorized aviation activities for FAA-funded and regulated public airports; and

WHEREAS, the Airport Commission has considered and recommends approval of proceeding forward with the lease of Hangar A to Luscombe Aircraft Corporation for the purpose of operating an aircraft manufacturing and refurbishment enterprise; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to General Municipal Law, a public hearing on the proposed lease agreement of the Chautauqua County Jamestown Airport Hangar A with Luscombe Aircraft Corporation, to include substantially the following terms and conditions, shall be held at 6:35 p.m. during the meeting of the Chautauqua County Legislature to occur on April 22, 2020, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757:

1. Term: Twenty (20) years commencing on May 1, 2020 and terminating on April 30, 2040.
2. Premises: Hangar A, a 25,000 gross square foot facility located at the Chautauqua County Jamestown Airport, with access and frontage along Turner Road.
3. Payment: Luscombe Aviation Corporation shall pay County a monthly fixed rental fee of \$1,850 and will be eligible for rent reduction credits for authorized capital improvements of up to \$500 per month for a period not to exceed ninety-six (96) months or \$48,000.
4. Other: As negotiated by the County Executive;

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Nazzaro, Davis, Gould

Unanimously Adopted – March 25, 2020

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RES. NO. 110-20

Authorizing Public Hearing Regarding a Potential Application for 2020 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding

By Planning & Economic Development Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of the Webb’s Chautauqua Resort project located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project and administration of the OCR Economic Development Grant; and

WHEREAS, the County is required to hold a public hearing prior to submitting an application for CDBG funding to provide information to the public on the proposed Project and to seek input from the public on community development, housing needs, and proposed activities under the CDBG program, especially input from low-and moderate-income residents; therefore, be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on April 22, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least eight (8) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Odell, Harmon, Ward, Starks

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Unanimously Adopted – March 25, 2020

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RES. NO. 111-20  
Requesting Continuation of State Legislation Authorizing 1.0% Additional Sales Tax

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Chapter 61 of the Laws of 2017 adopted by the New York State Legislature, the County was authorized to continue the additional sales tax of 1% for the period of December 1, 2017 through November 30, 2020, with three-twentieths of the net collections from the additional 1% allocated to the cities, towns and villages in the county on the basis of their respective populations, and the remainder of the net collections from the additional 1% eligible to be allocated by the County as follows: (1) to pay the County's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the general municipal law; and

WHEREAS, it is desirable to continue the 1% additional sales tax for allocation to the cities, towns, villages, and the County as currently provided by State law; therefore be it

RESOLVED, that the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to continue to impose an additional sales tax of 1% subject to the same requirements in Chapter 61 of the Laws of 2017, to take effect December 1, 2020 and continuing through November 30, 2023; and be it further

RESOLVED, that the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator George Borrello and Assemblyman Andrew Goodell.

Signed: Nazzaro, Niebel, Harmon, Odell, Gould

Unanimously Adopted – March 25, 2020

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RES. NO. 112-20  
Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Chapter 61 of the Laws of 2017 adopted by the New York State Legislature, the County was authorized to continue to impose a 5% occupancy tax for the period of December 1, 2017 through November 30, 2020, with three-fifths of the net collections dedicated to the promotion of tourism and two-fifths of the net collections to be dedicated solely to the enhancement and protection of the lakes and tributary streams of Chautauqua County; and

WHEREAS, it is desirable to continue a dedicated occupancy tax for the promotion of tourism and the enhancement of the lakes and tributary streams of Chautauqua County; therefore be it

RESOLVED, that the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapter 61 of the Laws of 2017, to take effect December 1, 2020 and continuing through November 30, 2023; and be it further

RESOLVED, that the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator George Borrello and Assemblyman Andrew Goodell.

Signed: Nazzaro, Niebel, Harmon, Odell, Gould

Unanimously Adopted – March 25, 2020

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MOTIONS: (On File with 3/25/2020 Leg. Data)

4-20 In Opposition of the Energy Siting Amendment to the NYS Budget

Legislator Odell: Thank you very much, Mr. Chairman. I would like to thank my colleague Elizabeth Rankin and my other colleagues that signed on early to this very important motion. This motion before us opposes the Governor's plan of really fast tracking (*inaudible*) energy projects due to the exclusion of local zoning laws and public input. It's very inappropriate that an amendment like this would be pushed (*inaudible*) considering the impact it will have. The passage of this egregious state amendment could clear the way and greatly simplify the process for large companies to install more wind farms in Chautauqua County, including offshore projects in Lake Erie and pose a clear and imminent threat to our fresh drinking water among other environmental concerns. This Legislative body (*inaudible*) over the past several years from the public and our State elected officials who share these concerns over this proposal. This will send a message to the state that environmental projects must be closely reviewed and that local municipalities need to be part of this important decision making process. Thank you.

Chairman Chagnon: Thank you. Any other questions, comments or discussion?

Legislator Harmon: I just want to thank all the legislators for wanting to put up a fight for this one. We really have to make sure that he's not allowed to do this. I just want to thank all the legislators involved.

Chairman Chagnon: Thank you.

Legislator Rankin: My esteemed colleague said most of what I want to say, but I want to add that I could never support this with it taking away the opportunity for local control. Someone who doesn't live here and doesn't know our local life shouldn't be deciding this for us. Local input is valuable not only for a better quality outcome, but for *(inaudible)* to any project that proceeds, but even if they're not happy about it at least people would say they had the opportunity to be heard. I've heard from so many constituents about this and I feel very strongly about this motion. Thank you.

Chairman Chagnon: Thank you. Any other comments?

Legislator Vanstrom: I disagree with the governor's overreach into our local government, trying to curtail us from having the opportunity to decide what we want in our own towns, villages, and our county. Thank you.

Chairman Chagnon: Thank you. Anyone else? Any other comments on the motion? All those in favor please say aye. Opposed?

UNANIMOUSLY ADOPTED

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#### ANNOUNCEMENTS

Chairman Chagnon: We've had a kind offer from the Chautauqua County Public Health Director, Christine Schuyler, to give us a briefing on the COVID-19 situation in Chautauqua County. Christine, thank you for joining us.

Mrs. Schuyler: Thank you. Good evening everyone and thank you for giving me the opportunity to address you directly. I am assuming that everyone has been following our daily updates and media reports so you're probably pretty up to date on what we've been doing and what's been going on here. I can assure you that my public health staff has been working diligently, very long hours to do our public health work as far as disease surveillance and doing all that we can to prevent the spread of COVID-19 throughout our community. Having said that, I firmly believe that COVID-19 is at the level of community spread, meaning that regardless of our ability to have *(inaudible)* or even to have a large number of positive tests, the virus is here and without the extensive community mitigation strategies that are being deployed, it will spread at a rampant rate. I'm hopeful that everything we are doing will help to decrease that spread. I applaud the Legislature for having this meeting remotely.

Today's report shows that we have 11 persons in mandatory quarantine. That means they were a confirmed positive COVID case, which we have three of, or have had contact with those

confirmed positive cases. We have 21 individuals in precautionary quarantine. That means they had a travel history to CDC level 3 country or they are a proximal contact of one of the confirmed cases of COVID-19. We have 52 persons now in mandatory isolation. That means they are symptomatic of COVID-19 and we are awaiting test results from various labs.

It's our responsibility as the local health department to isolate and quarantine those who are persons under investigation or who have been identified positive for COVID-19 or in direct or proximal contact with a person who tested positive for COVID-19. My public health nurses are doing intensive epidemiological investigations, so that entails a lot of contact tracing to determine who has been in contact with anyone with a positive case.

I know there have been a lot of questions out there about testing capabilities within the county. We are not alone in our shortage of supplies for testing. This is a nationwide shortage. We are prioritizing those who need testing based on their risk factors and mainly those who are moderately to severely ill with symptoms. The testing supplies themselves consist of a swab, which has to be a certain kind of swab because it goes into a viral media right now to be transported to the various commercial labs in our area that are doing COVID-19 testing. I am very hopeful that very soon a new test will be available in our area that will have a 45 minute turn around and because of that it completely changes the type of swab that can be used because the viral media will no longer be needed and that's been very short supply everywhere. We hope to hear by next week if that could be a viable option for us in our county. We're doing the best that we can to assist our healthcare providers with advisement of prioritization of testing. It is the healthcare provider's decision on who does get tested. Currently, our three hospital emergency rooms do have the capability to swab patients who require testing as does the Chautauqua Center, which is our federally qualified health center with locations in Dunkirk and Jamestown. They are retrieving specimens from patients referred from outside healthcare providers as a satellite testing site for New York State's Department of Health approval. Those tests are then sent off to Quest or ACL labs for analysis. We are not notified of every test that's being done by every provider in the county. We have directly requested that we be notified, but that is just a (*inaudible*.) We are notified of every positive test in the County. We are getting several negative results back as well. I'm not fully confident that we're getting all of the negative results. I do know we will get every positive test result back and that is because of the New York State electronic reporting system. The caveat on that is some people don't realize the results for the person goes to their county of residence. So, let's say somebody came to Brooks Hospital and they ended up testing them there for COVID-19 or any other of the 70 some reportable diseases and they are an Erie County resident, those results would be sent to the Erie County Health Department even though the test happened in Chautauqua County.

We have pulled staff in from other areas, especially clerical support to help man our phones. We have a phone bank of 5 people right now, two of which are Spanish speaking, going in to our toll-free line with a phone tree to quickly triage healthcare providers who are calling and then answer general questions from the public and anyone else who's calling us at this time. A lot of people are calling us at this time.

As far as our County operations, we have scaled back to everything that is not considered essential. The public health staff is pretty much working solely on COVID-19 response and any other business such as early intervention or other (*inaudible*) child health program and the nurse family partnership. Everything is being done remotely just to keep contact with our patients. Environmental health are just doing what is really necessary to be done. That includes some

sewage work, providing guidance to restaurants that are still open and providing take out or delivery services. We are fielding a lot of calls and providing as much support as we can. Our water lab is open as well for water testing. That has to happen.

On the social services side the state really has loosened a lot of the regulations for face to face visits and interviews that normally have to take place. They've also extended the time frame for many people with open cases so they don't have to worry about coming in to recertify for their public assistance or Medicaid cases. We do have some people that still have to work and still have to be here on site and that includes (*inaudible*) the people who need emergency assistance. We are well below 50% in our physical site. CPS still has to respond to any reports that come in for potential child abuse and neglect. We have issued guidance for them and our medical directors, Dr. Burke, Dr. Faulk, and Dr. Walters have been wonderful. They've really been working hard and Dr.'s Faulk and Walters have put together actual guidance for our county staff and not just medical staff, but also our non-medical staff who are making at home visits and put themselves at risk and that includes proper personal protective equipment, staying 6 feet away and other precautions to take there.

The county mental hygiene offices- I just got an update today from Director Pat Brinkman. The (*inaudible*) have changed. Their hours have decreased to 8:30 to 4:30 as of March 23<sup>rd</sup>. They are doing most of their services via tele mental health and that's being offered 8 a.m. to 8 p.m. Monday-Thursday and 8 a.m. to 5 p.m. on Friday. They have very limited staff working on site, which is exactly what we want to see and (*inaudible*) what other providers throughout the area are doing.

The Buildings and Grounds staff are working very hard at keeping at our offices clean and cleaning frequently touched surfaces multiple times a day. It really has been a huge (*inaudible*) for them and I'm very appreciative of the extra attention that has been given there.

Dr. Maryann Spanos has also been a great liaison for our senior population, working hard to ensure that nutritional needs are met and helping to ensure that the elderly are not feeling that they are alone and isolated.

If you look at our update today, we just got notice from the State office of Mental Health that they have a NYS COVID-19 emotional support line that's staffed by specially trained volunteers who can help, so for anyone who's feeling anxious or stressed or having trouble managing in this difficult time they do have a website and also a toll-free number, so it's nice to have that come out.

We are working very closely with all of our partners including healthcare providers, both Hospitals, our federally qualified health center, our nursing homes, diagnostic and treatment centers, and dentists trying to be supportive between our public health emergency response team, emergency services at the direction of John Griffith and trying to ensure that we can help them to get the necessary personal protective equipment that they need for their staff and for their patients. There is also a nationwide shortage of personal protective equipment. We are submitting orders through New York Response (*inaudible*.) Per John, his office has processed requests from 91 different agencies for supplies to deal with COVID-19. This includes fire departments, police departments, towns, villages, hospitals, nursing homes, assisted living facilities, doctors' offices, dental offices, our own county and others. Supplies are coming in a sporadic fashion. The item that is most in demand is gowns and that is the case all over New York State. Our inventory of masks is not strong, but we have been able to get masks to the requesting agencies. We also have received hand sanitizer from the state that (*inaudible*) made in



New York State. If any of you have seen it yet, it is very, very watery. We are trying to get our hands on some spray bottles because it will help it to go further and be used more efficiently. Emergency Services staff is trying to fill parts of requests for items that are in short supply and as inventory arrives more deliveries are scheduled. County Executive Wendel, John Griffith and Dr. Burke went to one of our local companies and they are able to locally produce face shields and they feel that they will be able to support Cattaraugus and Alleghany needs as well. So, we will hopefully have a large supply of face shields in the very near future.

Our main message, and I hope that you will help us to continue (*inaudible*) we really need to flatten the curve. That means decreasing the spread of illness. The best ways to do that are the personal protective measures that we've put out and in general, stay home, abide by the social distancing recommendations that have been put out there especially that 6 feet of personal space, wash your hands frequently for 20 seconds with soap and warm water, if soap and warm water aren't available use hand sanitizer with at least 60% alcohol can be utilized, cough and sneeze into your elbow if you have to, wash your hands frequently, try not to touch your face and stay home. Today a policy went out that many of us had a part in writing for County employees or personnel (*inaudible*) COVID-19 personnel screening and return to work policy and that was written in conjunction mainly by Dr. Faulk and Dr. Walters. We are screening all County employees whether they are working remotely or working within our county office buildings for signs of illness and we have an algorithm then to follow based on what's going on there. The County Jail is (*inaudible*) everyone is being screened at the beginning of their shift. So, every staff member in the jail is being screened including the health clinic staff as well and that includes an actual taking of temperatures. I'm also having all of my nursing staff do the same as far as having to physically taking their temperature when they're here. For the rest of the staff its really self-reporting and trusting that they are- if anyone develops symptoms at work they are sent home.

I'm trying to think if there is anything else. I know that is a lot to throw at you as an update. We've been very busy. I can try to answer any questions if you would like.

Chairman Chagnon: Christine, thank you for that update and thank you for that offer. I will pass that along as well. Does everyone have any questions?

Legislator Starks: I am sure I'm speaking on behalf of all of us, Christine, words are not enough to thank you and everyone else who has taken the leadership on this. Thank you for sharing the message to stay home. I hope we are all cooperating with you. Thank you.

Chairman Chagnon: Thank you for that. Any other questions or comments?

Legislator Ward: Thank you. I would like to echo that thanks. It seems like you never sleep. I just have a question on- there is a question about folks moving around from other places and your statement about the test results if someone does not have an address here, we're not going to know if there is a positive here? There's a potential for not knowing if there are positive's here if they live somewhere else?

Mrs. Schuyler: If someone lives in a Westchester County and they are tested in Westchester County, they would be ordered quarantine by the public health official in

Westchester County. They would not be able to come to their second home while they are in quarantine.

Legislator Ward: My question was if they were at their second home and they were tested here.

Mrs. Schuyler: If they are at their second home then they should be using the address that they're at.

Legislator Ward: Thank you. That answers my question.

Legislator Niebel: Christine, the Governor is calling for 30,000 ventilators. He's soliciting these ventilators from across the state. How many do we have in Chautauqua County and have we had to send any to the state?

Mrs. Schuyler: I'm honestly not sure how many we have in the County- not very many. I actually have a call set up again tomorrow with our hospital CEO's, their infection control person and their emergency preparedness person and that is one of the things that we are going to be discussing and keeping track of.

Legislator Niebel: O.K., but as far as you know we haven't sent any ventilators to the state?

Mrs. Schuyler: As far as I know, we haven't. I haven't seen that directive so I don't know *(inaudible.)*

Legislator Niebel: O.K.

Mrs. Schuyler: We're trying to coordinate everything through emergency services and having that be kind of the collector of items and the coordinator of supplies and equipment and disseminating that as well.

Chairman Chagnon: O.K., anyone else?

Legislator Davis: I would like to echo Legislator Stark's comments and just reach out to Christine Schuyler and just express my gratitude. The work that you and your team have been doing- obviously you've been putting in long hours and this is not an easy process. In addition, we have first responders out there, so many individuals who are considered essential employees who have been going above and beyond the call of duty during these times and for all of you, I just want to say thank you and please keep up the good work you're doing.

Chairman Chagnon: Well said. Anyone else? Christine, thank you very much for taking the time to brief us on this and thank you for everything that you do.

Mrs. Schuyler: Thank you. I appreciate that. If any of other questions do surface please don't be afraid to send them my way via email or phone or whatever works. We'll do our best to get back to you as soon as we can.

Chairman Chagnon: Alright. Legislator Nazzaro has kindly offered to review the County's 2019 financial results for us.

Legislator Nazzaro: Thank you, Mr. Chairman. I hope everyone can hear me. Before I give the report I want to echo everyone's comments to Christine. Thank you for all you and your staff have done. All the staff in the county is very fortunate to have you in the position that you are leading. Thank you so much.

I would like to thank Kathleen Dennison, our Budget Director, who put this together and went over it at the Audit & Control Committee. I'm going to review the highlights of the 2019 financial results unaudited. The audit is currently taking place and we won't have those results until later this year.

I had Kathy send out my one page attachment. If you do, you can follow along. If not, just do your best. O.K., the 2019 results- the budget we approved after amendment used \$5.5 million of fund balance in 2019 with the actual general fund local share amount (*inaudible*) \$1.5 million and I'm rounding here. That is a positive variance of budget of just over \$4 million. So, we're using \$4 million less of fund balance than we had originally planned. What makes up this difference? There's things going both ways. A deficit with the property taxes- we had delinquent taxes that we had to reclassify as unfavorable. (*Inaudible*) for uncollectable taxes and that was \$1,452,000 of which \$100,000 was set in the reserve for future uncollected taxes.

On the positive side, with sales tax it exceeded the amended budget by \$984,000. Interest and penalty incomes- (*inaudible*) we actually had a positive. This is kind of a catch-22. We picked up \$385,000 in additional interest and penalties but then we lost \$53,000 at the auction, so the actual net surplus is \$334,971. If you look over at the 2020 column it's keeping track of what's happening for 2020. That is a \$400,000 positive as well. Again, it's a catch-22 because that means people aren't paying their taxes on time.

The tribal compact- we just have it there. We had already taken that out of our 2019 and 2020 budgets, but then you have the energy plant profits and this transfer did not occur. That is a deficit of \$750,000 in 2019 and if you look to the far right, the new operating agreement is in jeopardy and that is a potential \$1 million deficit for 2020.

Community College tuition is a slight deficit of \$44,861. DHHS actually has a positive adjustment of \$997,541. That is mostly in Social Services and the Admin account. Safety net- we also have a positive net local share of \$155,209.

On the deficit side- court ordered psychiatric exams. This is mostly competency to stand trial. We have a deficit of \$96,698. Jail inmate revenues- very small deficit of \$7,000. If you look over to the far right you're looking at a positive surplus for 2020 of about \$400,000 because we're having more (*inaudible*) inmates than we had budgeted for.

The fly car program is currently not self-sustaining for 2019. That deficit is \$466,194. We expect that deficit to continue. There are a lot of moving parts to this, but for 2020 that deficit is projected at \$500,000.

CARTS- we got a \$500,000 state grant for mileage reimbursement and that will be positive \$514,000.

Assigned Counsel is better than it has been, but we have a deficit of \$265,000.

Interest earnings excluding those that are transferred to capital- we have a surplus of \$45,223 and other variances from the various departments by themselves are under \$100,000 (*inaudible*.)

So, for the general fund- general operations we have a surplus of \$3,796,000 and a deficit of \$3,083,000, so the net surplus for the general operations is \$712,825. Remember when we went to the top we had a variance of budget of just over \$4 million (*inaudible*.) Interest and earnings- we had a very good year on our investments. Again, this is a moving target. So, \$1.3 million of that \$4 million will go to be transferred to the capital reserve, which is much needed.

Proceeds from the sale of the helicopter- this is a onetime situation. UPMC bought the helicopter because Star-Flight went away, so that \$1,721,000 is a positive, but we have to- we're designating that to pay off the debt. We still owe for the helicopter and (*inaudible*) we're bonding and they're not callable at this time, so the \$1.7 million is a surplus from the sale, but we're setting that aside to pay off the debt on the helicopter.

Then you have the occupancy tax and 911 surplus, which will be transferred to reserve- \$259,000. So, over \$4,015,000 (*inaudible*) \$3,302,000 is designated for a specific purpose and the \$712,000 will go to the general fund.

When you look to the far right we've identified for 2020 \$700,000 so far in a potential deficit that was not budgeted. You have to remember when we did the 2020 budget we used a very small portion of the general fund of \$100,060 to balance the budget. So, for 2020 if these things hold true, we're using about \$800,000 out of the general fund in 2020- \$700,000 that we did not plan on.

(*Inaudible*) you'll notice again the net favorable change to the general fund balance \$712,000 in 2019, which will roll over into 2020 and will offset the \$700,000 deficit that we're projecting for 2020. Keep in mind we all know we're in very, very challenging times here and there's so many unknowns in the economy right now and one of the big concerns we're going to have is the sales tax. Obviously people are being laid off, they're not working to capacity, so spending will be down from what it has been. We've had some very good years recently, so we've got to keep a close eye on sales tax. Occupancy tax will be another one even though that's in a reserve- a special fund.

Right now we can celebrate that we had a surplus of- we used less of the fund balance than we anticipated and we can celebrate that, but we need to be very cautious as we move into 2020. I know that was a lot to consume and I want to thank the Chairman for allowing me to go over the 2019 preliminary results.

Chairman Chagnon: Thank you for that Chuck. Are there any questions or comments for Legislator Nazzaro?

Legislator Starks: Again, a note of thanks to Chuck for making all of those numbers come to life and understandable. That makes a difference. Thank you.

Chairman Chagnon: Anyone else?

Legislator Whitford: I just wondered- Chuck, do you see any opportunity through the current crisis that we may get some type of reimbursement through the state or federal

government to offset some of the issues that we're going to incur during this crisis? I would be hopeful that it may happen.

Legislator Nazzaro: I would be hopeful too. Obviously the County declared a state of emergency and as we maneuver through all these changes and we're using County resources I certainly hope (*inaudible*) I know in Washington they passed the stimulus. I don't know the specifics of it all because (*inaudible*) and I know the leadership we have in the County will keep on top of that and I'm sure through the state government and the federal government, the counties will be notified of the opportunity because this is going to have a huge negative impact on the County and everyone.

Legislator Whitford: I understand that.

Legislator Nazzaro: We just don't know the specifics at this time.

Chairman Chagnon: I think Kitty is trying to contribute.

Ms. Crow: Hello, this is Kitty. Kathleen and I have been working and she has already set up some special project accounting accounts so that we are able to track any incremental expenses. This has been communicated to the department heads so they can be aware that we want to track incremental expenses because we believe at some point there will be reimbursement available. Again, that will be for incremental expenses.

Legislator Whitford: O.K., thank you.

Mrs. Dennison: This is Kathleen. Can you hear me?

Chairman Chagnon: Yes, go ahead.

Mrs. Dennison: I just wanted to add to what Kitty was saying that we did get some advice from the New York State Association of Counties that due to this declaration that we may be able to submit claims for reimbursement. All the departments have been advised how to track and record incremental expenses should we be allowed to submit those for reimbursement from the schedule (*inaudible.*)

Chairman Chagnon: Thank you, Kathleen. Any other questions or comments? Are there any announcements to be made? I've got one brief announcement that I appreciate the cooperation that all the legislators have given in working through the challenges to our meeting schedules and meeting today and the technological hurdles that we've had to clear. I also appreciate the assistance of Jon DeAngelo and Kathy Tampio and all the staff that has made this possible for us. Thank you all.

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2<sup>nd</sup> Privilege of the Floor

Clerk Tampio: We have received no communications for the second privilege of the floor.

Chairman Chagnon: Thank you.

County Executive Wendel: Mr. Chairman, could I have just a couple minutes to address the Legislature? I apologize for being late; I just got off a conference call. Thank you to everybody for all the work you're doing and I have a phenomenal team that has been working with me- my COVID-19 response team. We're doing a great job. As you know, we have three confirmed cases. We are in constant contact with all of our counterparts throughout state and federal government. I just wanted to let you know that we are doing everything to help mitigate this. We meet daily and this is a nonstop effort. My message is that we need to stay CHQ strong along with that, if you have any questions or concerns please get those to me and we will address those in our meetings. (*Inaudible*) the information I'm going to be putting out- I have a daily video that goes out along with my daily news brief. Stay home and stay safe. We have a lot of people that are still out there. The best thing you can tell to your constituents is tell them to stay home and stay safe. My daughter just got back from the Czech Republic and she is staying in Charlotte for two weeks to quarantine, so I haven't seen her since August and she is following the protocols and staying in the apartment while my brother goes elsewhere. She's not even in Chautauqua County and quarantining just like everyone else. Encourage everyone to do their best to stay safe and at the end we're going to come through this a better county and I appreciate everything you guys are doing. Thank you for your time.

Chairman Chagnon: Thank you. Please continue to represent us in the fine fashion that you have been.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:51 p.m.)

[118]  
JOURNAL OF PROCEEDINGS

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, April 22, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Lawton delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (3/25/20)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Are there any submitted comments for the first privilege of the floor?

Clerk Tampio: No comments have been received by email for the first privilege of the floor.

Chairman Chagnon: O.K. We also have a telephone line set up, so is there anyone on the telephone line who would like to wish to make a comment for the first privilege of the floor? The County Attorney is in the Legislature chambers for an opportunity for anyone who wishes to make a comment in person. Steve, is there anyone in your presence in the chambers wishing to make a comment to the first privilege of the floor?

Mr. Abdella: No, there is no one in person to speak to the first privilege of the floor.

Chairman Chagnon: O.K., thank you.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 03/25/20

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PUBLIC HEARINGS

6:39 p.m.

Public Hearing Regarding Hangar A Lease Agreement at the  
Chautauqua County Jamestown Airport

Clerk Tampio: I would like to note for everyone that proof of publication of the public hearing legal notice has been verified.

Chairman Chagnon: Thank you. At this point I will open the public hearing and we had an opportunity for members of the public to submit written comments. Are there any written comments that have been received for the first public hearing?

Clerk Tampio: Yes, Mr. Chairman. I have received email comments from Bruce Rockwell and I will read that for you at this time.

Chairman Chagnon: Please do.

Clerk Tampio: *(Reading emailed comments on behalf of Bruce Rockwell)*

*Dear Chautauqua County Legislature:*

*I wish to voice my opposition to the proposed conversion of a general aviation hangar for use as a manufacturing facility at Jamestown Airport (KJHW), referred to as "Hangar A Lease Agreement at the Chautauqua County Jamestown Airport" on previous County documents.*

*As an airplane owner and operator, and current tenant of Hangar A on Turner Road, it is imperative that the Legislature at large understand that this hangar is and has been actively used by longstanding private airplane-owning tenants at that facility for decades. Hangar A was built, as hangars are, for the storage and protection of airplanes, which are precision machines in need of careful maintenance and protection. It has been a valuable asset for the County, allowing such owners the opportunity to store and maintain their aircraft in an easily-accessible safe environment at their convenience, and has been a backbone of support for the General Aviation community in Chautauqua County. Its location at KJHW allows operations from a facility with advanced navigation and communication capability and access to state-of-the-art fuel and aircraft services at the airport. Personally, the mere existence of Hangar A is a primary and limiting factor in my ability to own and operate an aircraft in Jamestown. There is no such other facility in the Jamestown area, the nearest other comparable hangar being in Dunkirk, NY.*

*It is important that the Legislature understand what the proposed lease agreement represents:*

- 1. the eviction of long-standing, taxpaying, aircraft-owning citizen tenants from a legally-rented, publicly-supported facility;*
- 2. the forcing of said tenants to relocate their aircraft to alternative locations which cannot offer the same safe airport environment (including instrument airplane approaches) as KJHW;*
- 3. the forcing of airplane owners to sell their aircraft and erode the General Aviation community in Chautauqua County;*
- 4. loss of business for the fixed-base operator (FBO), Centric Aviation, and Dunkirk Aviation due to loss of General Aviation aircraft from the local fleet.*

*The County should recognize that aircraft are entirely dependent on hangar facilities for their safe storage and maintenance, and that hangars are scarce commodities. At the same time, there are numerous manufacturing facilities throughout the county -- many empty -- where a manufacturer can be located. Moreover, the conversion of an unheated, uninsulated hangar*



*with no utilities to a manufacturing facility will require the expenditure of precious taxpayer dollars, when such expenditures would be unnecessary in the use of an existing manufacturing building. While I appreciate the benefit of a potential manufacturing facility in Jamestown, it would be foolish for the County to ignore other, more favorable options for their location.*

*I implore the Legislature to consider carefully and reject completely the foolhardy expenditure of tax dollars on such a venture, and the betrayal of the General Aviation community and Chautauqua County citizens that such a proposal represents.*

*Sincerely,  
Bruce Rockwell, M.D.*

Chairman Chagnon: Thank you. Is that the only comment submitted in written form?

Clerk Tampio: Yes, that was the only submission.

Chairman Chagnon: O.K., next we will move to any individual who is on the telephone line or participating in the zoom meeting who would like to make a comment. Hearing and seeing no one- Steve Abdella, is there anyone in the Legislative Chambers who would like to make a comment to the first public hearing.

Mr. Abdella: There is no one to speak to the first public hearing.

Chairman Chagnon: O.K., before we close the public hearing is there anyone else wishing to comment or make any references to the first public hearing? I will now close the first public hearing. (6:45 p.m.)

6:46 p.m.

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Public Hearing Regarding a Potential Application for 2020 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding

Clerk Tampio: Once again, proof of publication of the public hearing legal notice has been verified. I also have a statement I would like to read at the beginning of this public hearing.

Chairman Chagnon: O.K., please do.

Clerk Tampio: O.K. The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title 1 of the Housing and Community Development Act of 1974 and administered by the United States Department of Housing and Urban Development (HUD). Funds are provided directly by HUD to large municipalities (generally over 50,000 in population for cities, villages, and towns and 200,000 for counties) through the Formula Entitlement program. For all other municipalities, the New York State Office of Community Renewal (OCR) is New York State's designated agency for distributing CDBG funds through the Small Cities program. The CDBG program provides grants to municipalities

in order to ensure safe, decent, and affordable housing; assist businesses and activities that will create and retain employment opportunities; and provide improved public facilities and services. The OCR generally only funds projects or activities where at least 51% of the activity beneficiaries are low- to moderate-income persons (LMI). A low- or moderate-income person is one who is a member of a family whose income is at or below 80% of the area median income established by the U.S. Department of Housing and Urban Development.

Municipalities intending to apply for CDBG funding are required to hold a public hearing prior to submitting the application. The hearing is for the purpose of (i) soliciting public input regarding community development and housing needs in the municipality; and (ii) soliciting public comment regarding any specific activities proposed for submission.

If funding is awarded, a second public hearing will be required during the implementation phase of the project or activity the CDBG funds are supporting.

At present, the County is considering the submission of a CDBG application to provide a grant to the Chautauqua Region Economic Development Corporation for the purpose of providing financing in support of new commercial operations at the Lodge at Chautauqua Lake, to be located on Route 394, Chautauqua Lake in Mayville, New York. The commercial capital budget is estimated to be \$3 million and the project will create over 30 full-time equivalent jobs, the majority of which will be made available to low- and moderate- income individuals.

Any person wishing to make comments regarding community needs or the proposed project is now invited to do so. The hearing can close after all persons are heard. Minutes regarding the hearing must be taken and certified by the County Clerk.

Chairman Chagnon: Thank you. Are there any written comments received regarding this public hearing?

Clerk Tampio: Yes there are. I have two submitted comments; one by mail and one by email. I'll start with the first comment received on April 20<sup>th</sup> from Howard and Kathy Boberg.

Chairman Chagnon: Thank you.

Clerk Tampio: *(Reading emailed comments on behalf of Howard and Kathy Boberg)*  
*Dear members of Chautauqua County Legislature, I am a lifelong resident of Mayville, New York. I'm 64 years old today. I have lived in Mayville, New York my entire life except for 5 years in Rochester, New York to get a Bachelors degree in math and economics. I have lived at my present house on Pratt Street for 39 years.*

*I very much value Mayville's peaceful serenity. I am writing to you to fight against the county applying for a Community Development Block Grant for \$450,000 for the Webb's condominium project. The people of Mayville don't want it. This condominium project would be extremely detrimental to everyone on Pratt Street, Valley Street and Morris Street neighborhoods because it would block completely our beautiful lake view. Many, many residents in our neighborhood hail from Ohio and Pennsylvania. They've bought these homes because of the lake view and the peaceful serenity of Mayville and they are extremely opposed to Webb's building these fractional ownership condominiums.*

*Also, if Webb's builds there will be so much additional sewer in the lake that no one will want to swim there are go to the Lakeside Park because of the stench.*

*Also, if Webb's builds there will be so much additional traffic from the enterprise that it would be almost impossible to enter Water Street from Pratt Street or Valley Street. Mayville is one of the few quiet, peaceful places left with little traffic.*

*Also, if Webb's builds our village electric bills will increase. I already pay \$300-\$375 a month for my electric bill. In the winter I have electric heat. If Webb's builds, the Village of Mayville will have to purchase more electric at higher rates and because of that each home owner's electric bill will increase. For one man's financial gain, Mayville will be ruined. I implore you- please do not give into Webb's endless pleading. Do not apply for a grant for him to ruin Mayville.*

That was the first communication.

Clerk Tampio: (Reading Comments on behalf of Sharon Smead.)

*Dear Legislators: In 1934 Mayor Andrew Carlson and the Village Board members had a vision, to develop Lakeside Park in Mayville. At that time, I'm sure the Village residents thought this vision was out of their reach however, the property was purchased and the park was created. Now, it is the "gem" of Mayville, the largest open piece of public land, free for all to enjoy, around the entirety of Chautauqua Lake. Even people driving by often comment as to how beautiful the open vista is, how much they appreciate being able to see the park and lake as soon as they round the curve where South Erie Street becomes Water Street. Approaching from the opposite direction, they can enjoy the view of the park, lake, and the old Train Depot (listed on the National Register of Historic Places).*

*Mr. James Webb also has a vision, to build a "fractured ownership" structure on three small parcels forming a sliver of property along the edge of Water Street between Mayville's Lakeside Park and a Village public parking lot adjacent to the old Train Depot. The Waterfront Trail runs on a wide swath of Village owned lakeside property located between Chautauqua Lake and Mr. Webb's property therefore, his development is not actually "lake front". In 1996 he proposed building a motel, restaurant, and store complex on two of these small parcels of land. That project was approved but never followed through. By 2016 he had purchased the third small parcel and presented to the Village of Mayville architectural plans for his next vision, totally different from the first.*

*The Webb's declare repeatedly that they care about the Village of Mayville yet as so many residents have asked, then why not build across the street on a larger tract of land also owned by the Webb's? It would be a much nicer setting, with a view of not only the lake but also the park. Granted, Webb's own the property yet, this project will obliterate the view of the Lakeside Park and Chautauqua Lake for all passing by. The vehicle and pedestrian traffic involved with this project will always encroach on Village property on all three sides of its borders. From a business perspective, is this the kind of project that will really benefit Mayville economically or just the Webb's? Why haven't enough investors hopped onto this opportunity by now, could it be because time-shares have become a fad of the past, a glut on the market?*

*Mayville has already suffered twice financially from a decrease in assessment of a different tourist development that is rarely fully utilized. Will the County, Town, and Village see any actual tax revenue from this project or will this be non-existent for years to come as another benefit to the Webb's?*

*Right now, as you all know, we are experiencing a pandemic the likes of which we have never known in our lifetime and experts say this may not be over and the first of many. Along*

*with this, every country worldwide is facing extreme economic hardship. Do we really want to spend tax dollars on something like this when it's desperately needed by others in our state? Have we not learned from this that focusing on developing the tourist industry may no longer be a wise or safe bet? For many years Mayville, as with most small communities, has suffered a great economic decline but is a development such as this the right thing to do not only for Mayville but when others are suffering and in so much need? So many questions should be answered before any of you could possibly make an informed decision as to whether or not to grant any amount of funding to a project like this especially at this time. I sincerely hope you have done your due diligence as representatives of Chautauqua County including the Village of Mayville. How many of you live in Mayville and represent this district? Only one, and how many of you will personally be impacted by your decision? How many residents of Mayville and the surrounding area will be personally impacted by your decision? Will that impact be negative or positive for the majority?*

*Yes, this project has gone through the Village and County process for approval, so much time and money has been spent by many, but does that really mean this project is a good fit for Mayville or Chautauqua County? It isn't too late to say "no". I ask that you give this serious thought, do your research on this project, and don't just listen to the sales pitch without studying any hard data to back it up. If this structure is eventually built, it will be there for decades to come as a monument to poor decisions.*

*Thank you for your time and serious consideration of the consequences of your decision. Sincerely, Sharon M. Smead.*

Chairman Chagnon: Thank you. That concludes the submitted comments to the second public hearing?

Clerk Tampio: Yes.

Chairman Chagnon: Alright. We will move to those individuals on the telephone line or participating in the Zoom meeting that would like to make comments. Please identify yourself along with your address.

My name is Terrance Dubois and I reside in Sinclairville, New York. I'm a 15 year hangar tenant at the Jamestown Airport and with very little notice we were told we were being dislocated for a manufacturing firm called Luscombe Aircraft and I would like-

Chairman Chagnon: Excuse me sir, that public hearing has already been concluded-

Mr. DeAngelo: Mr. Chairman, we did have a technical glitch on that.

Chairman Chagnon: If you bear with me a second I would like to ask Mr. Abdella what we should do at this point.

Mr. Abdella: For the order of things I would suggest continuing with the public hearing on the CDBG application and when that is finished you could reopen the public hearing on the hangar lease.

Chairman Chagnon: O.K. I will proceed that way. The gentleman who has called in and has been patiently waiting- if you could bear with us a little bit longer we will get back to you.

My name is Chris McCune and I live on Pratt Street. I agree with everything that was written in the two beautifully written expressive letters. I fully concur with what they said. It would break my heart to see a situation like a condominium on the lake and ruin the lakefront. Mayville is the county seat and I believe we should retain Mayville's dignity and beauty for generations to come. I just would hope that everybody at this time would see that this is not a good idea to use these funds for a project that would just interrupt Mayville and make our lives very, very uncomfortable with traffic congestion and I thank you very much.

Chairman Chagnon: Thank you for your comments. Is there anyone else wishing to speak at this time?

Ms. Boberg: Yes. I'm Kathy Boberg and I live on Pratt Street in Mayville. You read my letter, but I have a few other comments and I want to totally agree with Sharon Smead. This is the wrong use for money at this time- to give it to Webb's and just hand it over to ruin Mayville and he thinks he's doing big things since he has a dream and he wants no one to stop him from achieving the dream, but the dream hurts everyone in Mayville- the 1,500 people that live. Even people that live uptown have told me that they don't want it because they get around the curve the lake view is all gone and it impacts us greatly. I've lived in these neighborhoods here my whole life- 64 years- 39 years on Pratt and we have not only a beautiful front yard view of the lake, but we have a beautiful back yard private view of the lake and we enjoy it greatly and we want to have that for generations to come.

I agree with Sharon that it's a terrible time to build with this COVID-19 going on. You don't do an enterprise at this time, but I say not to do it period- to leave the lakefront to enjoy for generation to come in Mayville. Also, I agree with her completely on lake side park. Our ancestors- my maiden name was Bickard(?) have been here for generations. They came over from Germany. Our ancestors voted to buy this land and I think it was cheap back then, but it means everything to the children to have quiet arts and crafts and quiet swimming lessons and not to have the commotion of a big enterprise next to their swimming and crafts. We need to keep the park for the quiet of the children and I think we should just vote Webb out completely, but you legislators have really got to think about it because if you're from Clymer or Sherman or wherever you may not be familiar with the situation in Mayville. I say please vote Webb out. We need the quiet lake front setting and the peace for Mayville for generations to come.

Chairman Chagnon: Thank you for your comment. Is there anyone else wishing to speak?

*(Cross-talk)*

Ms. McCune *(Inaudible)* I was hoping that the Legislature would take this money and add to it and purchase that parcel of land- it's a tiny *(inaudible)* parcel. There would be no room for parking, no room for sidewalks- nothing- and purchase it for Mayville. Maybe Mr. Webb will have a change of heart and maybe he will want to donate it or sell it to the County and maybe we

could get state funds and federal funds to help us purchase that so that it can remain beautiful. Thank you.

Chairman Chagnon: Thank you for your comments. Anyone else wishing to address the second public hearing? Anyone on the phone or the Zoom meeting wishing to address the second public hearing?

Mr. Abdella: There is no one to speak in chambers.

Chairman Chagnon: Thank you. I believe we have concluded the comments for the second public hearing, but I will just ask one last time if there is anyone to speak to the second public hearing regarding the potential application for the 2020 Community Development Block Grant? I will close the second public hearing. (7:06 p.m.)

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Public Hearing Regarding Hangar A Lease Agreement at the  
Chautauqua County Jamestown Airport

7:07 p.m.

Chairman Chagnon: Due to our technical difficulties with the first public hearing and the fact that there are a couple of individuals who wished to speak and were not able to get through to us, I will re-open the first public hearing. Is there anyone wishing to speak to this public hearing?

My name is Terrance Dubois. I live on Bloomer Street in Sinclairville, New York. I've been a 15 year hangar tenant at the Jamestown Airport and with very little notice we were told to move our airplanes to an unsuitable location.

Besides that point I would like to give you a little history on the Luscombe Aircraft Corporation that is displacing us. The rights of the 1946 Luscombe was purchased in or around 1990 from the Luscombe Foundation and it was the result of about a 15 year lawsuit. During that time Luscombe was in charge from 2000-2001 to build an airplane within 6 months with the grant money they received. No airplanes were built and no employees were hired. In Missouri in 2001 they raised \$2.6 million in municipal bonds- Luscombe was to provide 200 jobs and 20 aircraft a month- no airplanes were built, no employees hired, no monies were paid back to the airport. They moved to Missouri to California- concessions were gave, no aircrafts were built, no employees were hired. They moved from California to (*inaudible*) in 2006- predicted the first aircraft in 6 months and they never really received the FAA approval for the said aircraft until 2008-2009 and still haven't built an aircraft. At this time that we're talking I believe they finally in 30 years built one aircraft and hired no employees. The way the deal is the hangar tenants of Jamestown pay over \$3,000/month for the hangar that we're leasing to Luscombe aircraft for \$1,850/month, but at the same token then County is doing \$48,000 in capital improvements for Luscombe

(*Cross-talk*)

Mr. Dubois: At the same time that Centric Aviation, the FBO Operator, will be- the County is going to have to return \$800 in rent to forgo the use of that hangar. That knocks the net rent down to (*inaudible.*) At the same time the County loses 5% of the over \$3,000 of rent which is another \$150, which nets it down to about \$900/month and then they're displacing 14 aircrafts and most of us will probably leave the field and you're going to lose the 15 cents a gallon gas fees that we pay to the County and to the Federal Aviation System.

I don't see where this deal is anywhere in the taxpayers best interest. I wonder why I'm making the phone call or doing the public comments because Luscombe moved into the hangar March 1<sup>st</sup> prior to the deal being inked, so I think it's a forgone conclusion before the public was even offered comments that the deal was already done and I don't quite understand that. They actually moved in before the public commission hearing several weeks ago. They moved in March the 1<sup>st</sup>. The lease on the County website if it's approved isn't dated until May 1<sup>st</sup> and they're already setting up shop. Other than that I really don't have any other comments. Thank you for your time.

Chairman Chagnon: Thank you for your comments and thank you for your patience as we overcame our technical difficulties. Is there anyone else to speak to the first public hearing regarding the hangar A lease at the Jamestown Airport?

Yes, thank you. My name is Bruce Rockwell- 1864 Winch Road in Lakewood. I sent in an email and I hope you have all had a chance to read and I echo Terry's comments about Luscombe. I won't reiterate anything I said in my email, but I implore you as legislators to look hard at this Luscombe company and challenge the airport directors who have led you down this path to really look carefully at this deal because this is a company that is talking about building an airplane, which is a 1946 design that they're planning on building and as a pilot airplane sales have been very poor over the last two decades for single engine system airplanes even so that big manufacturers can't planes. I have a feeling- this is a plane- it's a very niche kind of retro design and is not going to have popular appeal. I have a feeling they are not going to be able to sell any of these airplanes. They only have two people that have requested builds so far. They haven't built an airplane in over 15 years. I think that they County is putting itself at high risk with this company and I would challenge you as legislators to call the airport executives about their numbers and whether they've really done due diligence in looking into this company and the risk that they pose to the Chautauqua County taxpayers.

We're also having an issue with them evicting us in spite of Governor Cuomo's executive order against commercial tenant evictions until June 20<sup>th</sup>. I know this isn't the forum for you to tell me how to remedy that, but I'm hoping that someone may be able to give us direction on what we can do legally to avoid being evicted within the next several days. Thank you for your time and I appreciate your attention to this matter.

Chairman Chagnon: Thank you for comments and thank you for your patience while we overcame our technical difficulties and as you may not have heard while you were on hold, your letter to the Legislature was read during the public hearing. Are there any other comments regarding the first public hearing? Any other comments? O.K., I will now close, again, the first public hearing. (7:14 p.m.)

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**COMMUNICATIONS:**

1. Declaration – County Executive Wendel – Extend State of Emergency
2. Letter – County Executive – Appointment to Chautauqua County Fire Advisory Board
3. Reports (2) – Fn. Director Crow – Investment Reports – January 2020 and February 2020
4. Email – Bruce Rockwell – Opposition to Hangar A Lease Agreement at Jamestown Airport
5. Proof of Publication (2) - The Post-Journal – Re: Public Hearings on the 04/22/2020 Agenda

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**RES. NO. 113-20**

Confirm Appointments and Re-Appointments-Chautauqua County Fire Advisory Board

By Public Safety Committee:

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

WHEREAS, County Executive, George M. Borrello, has submitted the following re-appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Fire Advisory Board.

**1<sup>st</sup> Battalion**

Lawrence Barter  
9 Pine Dr.  
Fredonia, NY 14063  
Term Expires: 1/31/21  
Reappointment

Mike Edwards  
143 West 4<sup>th</sup> St.  
Dunkirk, NY 14048  
Term Expires: 1/31/21  
Reappointment

Christopher Wichlacz  
3381 Tarbox Rd.  
Cassadaga, NY 14718  
Term Expires: 1/31/21  
Reappointment

Brandon Mahle  
1990 Route 39  
Forestville, NY 14062  
Term Expires: 1/31/21  
Reappointment

Brian Purol  
3681 New Road  
Dunkirk, NY 14048  
Term Expires: 1/31/21  
Reappointment

Adan Reisenweber  
8470 Chautauqua Rd  
Fredonia, NY 14063  
Term Expires: 1/31/21  
New Appointment  
Alternate

**2<sup>nd</sup> Battalion**

Al Akin  
5984 Manor Dr.  
Chautauqua, NY 14722  
Term Expires: 1/31/21  
Reappointment

Lyle Holland  
47 Clinton St.  
Westfield, NY 14787  
Term Expires: 1/31/21  
Reappointment

Matthew Oehlbeck  
159 Park St.  
Sherman, NY 14781  
Term Expires: 1/31/21  
Reappointment



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Mark Smith  
9437 E. Main Rd.  
Ripley, NY 14775  
Term Expires: 1/31/21  
Reappointment

Ronald H. Trippy  
6755 S. Portage Rd.  
Westfield, NY 14787  
Term Expires: 1/31/21  
Reappointment

Burl Swanson  
6168 Wright Road  
Dewittville, NY 14728  
Term Expires: 1/31/21  
Reappointment  
Alternate

**3<sup>rd</sup> Battalion**

Ronald V. Johnson  
1265 Norby Rd.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/21  
Reappointment

Jackson Knowlton  
2141 Shadyside Rd.  
Lakewood, NY 14750  
Term Expires: 1/31/21  
Reappointment  
Sam Salemm  
217 Dearing Avenue  
Jamestown, NY 14701  
Term Expires: 1/31/21  
Reappointment

Randall Shampoe Jr.  
690 Clymer-Sherman Rd.  
Clymer, NY 14724  
Term Expires: 1/31/21  
Reappointment  
Scott Bailey  
29 Melvin Ave  
Celoron, NY 14720  
Term Expires: 1/31/21  
Reappointment

Dan Sisson  
Term Expires: 1/31/21  
Reappointment  
Alternate

**4<sup>th</sup> Battalion**

Lance Hedlund  
14 Dunn Avenue  
Jamestown, NY 14701  
Term Expires: 1/31/21  
Reappointment

Charles Piazz  
1357 Newland Ave.  
Jamestown, NY 14701  
Term Expires: 1/31/21  
New Appointment

Jeff Molnar  
30 Main Street  
Bemus Point, NY 14712  
Term Expires: 1/31/21  
Reappointment

Peter Samuelson  
4696 Maple Grove Road  
Bemus Point, NY 14712  
Term Expires: 1/31/21  
Reappointment

Barry Swanson  
4870 Bayview Road  
Bemus Point, NY 14712  
Term Expires: 1/31/21  
Reappointment

Ryan Delahoy  
205 N. Dow St.  
Falconer, NY 14733  
Term Expires: 1/31/21  
New Appointment  
Alternate

Signed: Niebel

Unanimously Adopted – April 24, 2020

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RES. NO. 114-20

Amend Resolution 194-19 - Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for the Matching Funds Program Sponsored by New York State Division of Tourism

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

WHEREAS, pursuant to Resolution 194-19, the Chautauqua County Legislature authorized the Chautauqua County Visitors Bureau as the local tourist promotion agency for Matching the Funds Program sponsored by New York State Division of Tourism; and

WHEREAS, the New York State Division of Tourism has since requested that the dates listed in the Resolution correspond to the grant program cycle and not the New York State fiscal year from which the funds are provided for 2020; and

WHEREAS, an amendment must be made to the fourth RESOLVED clause of Resolution 194-19; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the fourth

RESOLVED clause of Resolution 194-19 as follows:

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the grant program cycle year from January 1, 2020 through December 31, 2020.

Signed: Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel

Unanimously Adopted – April 24, 2020

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RES. NO. 115-20  
Amend 2019 Adopted Budget due to Changes in Fund Balances

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County Road Fund (D Fund) has been negative since the end of 2018 and needs to be replenished by a transfer from the General Fund (A Fund); and

WHEREAS, insurance recovery revenues from the 2010 fire at the North County Office Building were placed in an insurance reserve in the Liability Insurance Fund (CS Fund); and

WHEREAS, all expenditures associated with the fire have been paid so the remaining recovery revenue can be transferred from the insurance reserve to the general fund; now therefore be it

RESOLVED, That the A and CS Fund Balances are appropriated as follows:

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INCREASE THE USE OF FUND BALANCE:

CS.----.---.863.0000	Reserved Fund Balance--Insurance Reserve	\$1,108,619
A.----.----.917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$825,000

RESOLVED, That the A and D Fund Balances are appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$1,108,619
	Unassigned Fund Balance--Assigned Fund Balance	
D.----.----.915.0000	Unappropriated	\$825,000

;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT

CS.9901.----.9	Interfund Transfers - Transfers to Other Funds	\$1,108,619
	Interfund Transfers - Transfer to Other Funds-Trans Co Road	
A.9901.9000.9	Suppl (A-D)	\$825,000

INCREASE REVENUE ACCOUNT:

A.1310.9999.R503.1000	Interfund Transfers-Interfund Transfer	\$1,108,619
D.9901.9000.R503.1000	Interfund Transfers-Interfund Transfer	\$825,000

Signed by Nazzaro, Odell, Harmon, Gould, Niebel

Unanimously Adopted – April 24, 2020

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RES. NO. 116-20  
Amend 2019 Budget for Year End Reconciliations – Final Adjustments

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, some department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, some departments have received revenues in excess of budget; now therefore be it

RESOLVED, That A Fund Balances are appropriated as follows:

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DECREASE THE USE OF FUND BALANCES:

A.-----878.0000	Reserved Fund Balance--Reserve for Capital	\$161,933
A.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	<u>\$13,289</u>
	Total	\$175,222

; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Unified Court Costs-Conflict Administration	\$40,037
A.1440.----.2	Equipment - Engineers	\$16,995
A.2960.----.4	Contractual - Educ: Handicapped Children-Administration	\$10,743
EL.8160.1000.4	Contractual - Environment-Landfill	\$300,530
EL.8160.1000.8	Employee Benefits - Environment-Landfill	\$441,312
EL.8160.6000.8	Employee Benefits - Environment-Closed Landfills	\$5,050
EL.8160.7000.4	Contractual - Environment-Recycling	\$1,520
EL.8160.7000.8	Employee Benefits - Environment-Recycling	\$41,195
EL.8189.----.8	Employee Benefits - Oth Env-House Haz Waste	\$620
ESN.8110.8112.8	Employee Benefits - Administration-Administration	\$4,493
ESN.8120.8122.4	Contractual - Sanitary Sewers-Sanitary Sewers	\$1,412
ESN.8130.8132.8	Employee Benefits - Sewage Treatment-Sewage Treatment	\$6,199
ESP.8110.8114.1	Personal Services - Administration-Administration	\$81
ESP.8120.8124.8	Employee Benefits - Sanitary Sewers-Sanitary Sewers	\$16,884
ESS.8110.----.8	Employee Benefits - Administration	\$33,890
ESS.8120.----.4	Contractual - Sanitary Sewers	\$19,467
ESS.8120.----.8	Employee Benefits - Sanitary Sewers	\$16,599
ESS.8130.----.8	Employee Benefits - Sewage Treatment	\$25,123
EW.8120.----.8	Employee Benefits - Sanitary Sewers	\$973
EW.8310.----.8	Employee Benefits - Water District	\$2,881
EWN.9730.----.7	Interest - Debt Service	\$118,851

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M.9089.8000.4	Contractual - Undistributed Benefits, Benefit Surcharge	\$14,307
V.9901.----.9	Interfund Transfers - Transfer to Other Funds	\$13,289
V.9991.----.4	Contractual - Repay to Escrow, Refund Bonds	<u>\$4,872,129</u>
	Total	\$6,004,580
<u>DECREASE APPROPRIATION ACCOUNTS:</u>		
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$161,933
A.9991.----.4	Contractual - Repay to Escrow, Refund Bonds	\$28,139
A.9991.----.9	Interfund Transfers - Repay to Escrow, Refund Bonds	\$4,857,279
EL.8160.6000.4	Contractual - Environment-Closed Landfills	\$5,050
EL.8189.----.4	Contractual - Oth Env-House Haz Waste	\$620
ESN.8110.8112.4	Contractual - Administration-Administration	\$4,493
ESN.8120.8122.1	Personal Services - Sanitary Sewers-Sanitary Sewers	\$1,473
ESN.8130.8132.1	Personal Services - Sewage Treatment-Sewage Treatment	\$2,506
ESN.8130.8132.4	Contractual - Sewage Treatment-Sewage Treatment	\$3,632
ESP.8120.8124.4	Contractual - Sanitary Sewers-Sanitary Sewers	\$16,965
ESS.8130.----.4	Contractual - Sewage Treatment	\$95,079
EW.8120.----.4	Contractual - Sanitary Sewers	\$973
EW.8310.----.4	Contractual - Water District	\$2,881
EWN.8310.----.4	Contractual - Water District	\$118,851
H.3150.06848.4	Contractual - Jail-Closed-Jail Repointing (2014)	\$6,563
H.7110.25002.4	Contractual - Parks-Parks Capital Improvements (2018)	\$40,570
M.1910.----.4	Contractual - Administration	<u>\$14,307</u>
	Total	\$5,361,314

INCREASE REVENUE ACCOUNTS:

A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$57,032
A.1310.9999.R503.1000	Interfund Transfers-Interfund Transfer	\$13,289
A.2960.ADMN.R327.7000	New York State Aid-Ed Handicapped Children	\$10,743
EL.8160.1000.R237.6000	Shared Services-Chrgs: OCC Municipal	\$600,000
EL.8160.1000.R213.0000	Departmental Income-Chrgs: Refuse & Garbage	\$184,557
H.2490.550.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$6,563

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H.5130.626.R503.1000	Interfund Transfers-Interfund Transfer	\$35,553
	Proceeds L/T Obligations-Advance	
V.9991.----.R579.1000	Refunding Bonds	<u>\$4,885,418</u>
	Total	\$5,793,155

DECREASE REVENUE ACCOUNTS:

	Proceeds L/T Obligations-Advance Refunding	
A.9991.----.R579.1000	Bonds	\$4,885,418
H.2490.550.R503.1000	Interfund Transfers-Interfund Transfer	\$6,563
H.3150.06848.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$6,563
H.5130.626.R266.5000	Sale of Property/Compensa-Sale of Equipment	\$500
H.5130.626.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$35,053
	Sale of Property/Compensa-Sale of Forest	
H.7110.25002.R265.2000	Products	<u>\$40,570</u>
	Total	\$4,974,667

Signed by Nazzaro, Odell, Harmon, Gould, Niebel (Leg. Amended by Substitution- Final Version is Shown)

Unanimously Adopted – April 24, 2020

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RES. NO. 117-20

Amend 2020 Budget Appropriations and Revenues Due to Changes in Accounting Method for  
Some County-Wide Costs

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

WHEREAS, dues for the New York State Association of Counties (NYSAC) and costs associated with the President of CSEA Unit 6300 are included in the 2020 Adopted Budget, and appropriate portions of such 2020 costs are budgeted in various enterprise funds; and

WHEREAS, the costs of most county-wide services are consolidated in their home departments and charged to the enterprise funds via the cost allocation plan; and

WHEREAS, it is appropriate to charge enterprise funds for NYSAC dues and CSEA fees via the cost allocation plan; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1230.----.4	Contractual - County Executive	\$2,059
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DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.4	Contractual - Environment, Landfill	\$4,001
ESN.8110.8112.4	Contractual - Administration, Administration	\$367
ESN.8120.8122.4	Contractual - Sanitary Sewers, Sanitary Sewers	\$145
ESN.8130.8132.4	Contractual - Sewage Treatment, Sewage Treatment	\$73
ESP.8110.8114.4	Contractual - Administration, Administration	\$294
ESS.8110.----.4	Contractual - Administration	\$439
ESS.8120.----.4	Contractual - Sanitary Sewers	\$363
ESS.8130.----.4	Contractual - Sewage Treatment	\$726
EW.8120.----.4	Contractual - Sanitary Sewers	\$147
EW.8310.----.4	Contractual - Water District	\$147
EWN.8310.----.4	Contractual - Water District	<u>\$294</u>
	Total	\$6,996

DECREASE REVENUE ACCOUNT:

A.1430.COEM.R221.0CUP	Shared Services-Shared Services CSEA Union President Charges	\$4,937
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Signed by Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Odell, Harmon, Gould, Niebel

Unanimously Adopted – April 24, 2020

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RES. NO. 118-20  
Amend 2020 Budget for Liability Insurance Accounts

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

WHEREAS, some Insurance Division expenses have exceeded initial budgetary estimates; and

WHEREAS, these expenses are offset by participant assessments to County; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

CS.1710.----.4	Contractual – Insurance Administration	\$75,000
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INCREASE REVENUE ACCOUNT:

CS.1710.R270.9000	Miscellaneous – Participant Assessments	\$75,000
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Signed by Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Odell, Harmon, Gould, Niebel

Unanimously Adopted – April 24, 2020

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RES. NO. 119-20

Authorize Agreement with NY State DOT for Performance Of Federal-Aid Project PIN 5762.01

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

WHEREAS, the project for Bridge Sealing BINS 3325300, 3325310, 3325410, 3325430, 2212440, 2258400, 2258410, 3323950 and 33240900 (the Project) is now eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such Project, now estimated to be \$125,000, to be borne at \$100,000 Federal funds and \$25,000 Local funds; and

WHEREAS; the Project's Construction Phase is currently estimated to be \$125,000 to be borne at the ratio of 80% Federal Funds and 20% County Funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project PIN 5762.01; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject Project; and it is further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the costs of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

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RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and it is further

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

INCREASE THE USE OF FUND BALANCE

A.-----878.0000 Reserved Fund Balance—Reserve for Capital	\$ 25,000
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; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9 Interfund Transfers—Transfer to Capital	\$ 25,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R503.1000 Interfund Transfers-Interfund Transfer	\$ 25,000
D.5112.389.R458.9002 Federal Aid--Surface Transp Program	<u>\$100,000</u>
Total	\$125,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program	\$125,000
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Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel

Unanimously Adopted – April 24, 2020

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RES. NO. 120-20

Authorize Hangar A Lease Agreement at the Chautauqua County Jamestown Airport

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received and accepted a Letter of Intent from Luscombe Aircraft Corporation conveying its desire and intention to lease hangar facilities at the Jamestown Airport for the purpose of producing new recreational aircraft and repairing and refurbishing legacy aircraft; and

WHEREAS, the County and Luscombe Aircraft Corporation have negotiated the lease of Hangar A for the specific purposes of aircraft manufacturing and refurbishment, authorized aviation activities for FAA-funded and regulated public airports; and

WHEREAS, the Airport Commission has considered and recommends leasing of Hangar A to Luscombe Aircraft Corporation for the purpose of operating an aircraft manufacturing and refurbishment enterprise; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held regarding the proposed agreement; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement with Luscombe Aircraft Corporation to lease Jamestown Airport Hangar A to operate an aircraft manufacturing and refurbishment enterprise at the Chautauqua County Jamestown Airport in conformance with FAA regulations, to include substantially the following terms and conditions:

Term. Twenty (20) years commencing on May 1, 2020 and terminating on April 30, 2040.

Premises. Hangar A, a 25,000 gross square foot facility located at the Chautauqua County Jamestown Airport, with access and frontage along Turner Road.

Payment. Luscombe Aircraft Corporation shall pay County a monthly fixed rental fee of \$1,850, and will be eligible for rent reduction credits for authorized capital improvements of up to \$500 per month for a period not to exceed ninety-six (96) months or \$48,000. In years five (5) through twenty (20) of the lease, monthly rent shall be subject to an annual increase equal to the annual increase in the United States Department of Labor's Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, or two percent (2%), whichever is less.

Other. As negotiated by the County Executive.

Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel

Legislator Ward: Thank you. I'm concerned about the process with regard to the occupancy of the hangar by Luscombe. Did that happen before the hearing?

Chairman Chagnon: Is there someone who can speak to that question?

Legislator Odell: Can you repeat the question?

Legislator Ward: My question is there was some concern during the hearing that Luscombe has taken occupancy of the hangar prior to the hearing, is that accurate?

Legislator Odell: Materials have been moved to Jamestown in anticipation of the lease agreement, yes.

Legislator Ward: Thank you.

Mr. Abdella: Just to clarify and Ron Almeter may like to say more- as I understand it the FBO, who is still in possession of that hangar, did offer a portion of the space for some equipment or materials to be temporarily placed there pending the consideration of this lease by the Legislature. So, it was not an arrangement that the County entered into. The FBO who still controls that hangar made an arrangement with Luscombe as I understand it.

Chairman Chagnon: Thank you. Other questions or comments?

Legislator Bankoski: The one gentleman spoke that they were already given eviction notices. How can that be if this hasn't been voted on yet?

Chairman Chagnon: Is Ron Almeter here to answer that?

*(Cross-talk)*

Legislator Starks: I was thinking of the comment earlier about the company- I'm sure the Audit & Control Committee has researched the history of this company that is going to be making the aircraft, but is there anyone to speak if they have a different history rather than what was shared during the public comment?

Chairman Chagnon: Is there anyone to speak to that?

Mr. Young: This is Steve Young and I can speak to that.

Chairman Chagnon: Please do, but please identify your relationship for the Legislature.

Mr. Young: I'm the CEO of Luscombe Aircraft. We acquired the assets *(inaudible)* that history he read was from other people that operated the company before us. They did have some extreme dreams that caused them problems over the years, but this is a whole new group of individuals and our plan is use the existing aircraft model to advance it into a different model. Our history is not any of that. We bought the assets from the *(inaudible)* company.

Chairman Chagnon: Thank you for that information. I believe Mr. Bankoski's question has not yet been answered. Is there anyone to answer that?

Mr. Abdella: I don't know if Ron Almeter is having technical issues, but he can chime in if he can. Again, as I understand it, at this point the FBO is still in control of that hangar. In anticipation of the possibility of the Legislature approving this lease they have begun making arrangements for the individuals occupying Hangar A to move their aircraft to other hangars that the FBO controls. I'll mention that as was stated at committee, even after Hangar A- if approved by the Legislature, the remaining general aviation hangar space at Jamestown Airport would still be less than 50% occupied. So, that's relevant to your consideration *(inaudible)* maximizing the use of airport facilities and maximizing the revenue potential.

Chairman Chagnon: Thank you.

Legislator Odell: Just to reiterate, in our initial lease to Centric Aviation several months ago the contingency in the lease with the potential for Luscombe manufacturing to come in was already a caveat within the lease agreement. So, this wasn't a secret three or four months ago when we did our lease agreements with Centric. The adjustments were made ahead of time in contingency of the lease with Luscombe coming forward. The airport commission had met over the last few months, deliberated on it, and has given it's concurrence to this lease agreement as well.

Chairman Chagnon: Thank you.

Legislator Bankoski: I have another question. There is available hangar space at the Jamestown Airport for these planes according to Mr. Abdella?

Mr. Abdella: Yes, there is. This was discussed extensively at committee. The difference between the space that remains is that it will not have all of the self-service aspects that Hangar A offers at this time. Part of the reason that Hangar A has self-service availability at this point is that it is occupied only partially. If it were full it would also involve the need for the FBO to be involved in bringing the planes in and out. As stated at committee, the FBO is very supportive of having Luscombe come in- supportive from the standpoint of increasing potential traffic, fuel sales and interest in the airport and as stated it will still be less than 50% capacity if Hangar A is taken offline. That does not include Hangar C, which will be renovated this year and within a year or two should be additional general aviation hangar space available. The feeling has been that there is plenty of vacant available space for general aviation at this point at the airport, it just won't be on the same terms and conditions that were had in the past, but from the FBO's perspective and your perspective the market rate for such space will now be more in line with what's appropriate for an airport like this. As you know, the County does receive a percentage of hangar rents that the FBO operates.

Legislator Odell: I would like to further add to County Attorney Abdella's statement. We did receive notification again last week from the FAA directly that manufacturing of the Luscombe case was brought to the FAA's attention and we did get concurrence from them that it is an acceptable practice to be utilized in our airport space.

Chairman Chagnon: Thank you. Are there any additional questions or comments from the legislators? We will move to vote on this, but I would suggest to the Legislature that we do a roll call vote on this if that is agreeable.

Legislator Odell: I'll call for a roll call.

Chairman Chagnon: Thank you.

Legislator Niebel: Could I ask one more question before we do that?

Chairman Chagnon: Certainly.

Legislator Niebel: So, these other aircrafts- there is space for them in another hangar?

Legislator Odell: That's correct.

Mr. Abdella: There are several other hangars. Hangar C will come back online in a year or two.

*(Cross-talk)*

Mr. Geise: *(inaudible)* there are three other hangars that have available space and even after all those people have moved to that new space there is still 50% capacity left over even after they move.

Mr. Odell: I concur with Mr. Geise. I don't have my hangar map in front of me but will change is not 24/7 access to the general aviators. It will be during the business hours of Centric Aviation. Before or after their normal business hours will be by appointment and probably an additional fee.

Chairman Chagnon: O.K. Are there any other questions or comments on the resolution before we proceed to the roll call vote?

Legislator Niebel: Mr. Chairman I have just one other question. Is there any urgency on this resolution? If we table this resolution for one month, how would that impact our lease agreement with Luscombe?

Chairman Chagnon: Steve can you address that?

Mr. Abdella: Well it's been in the works for some time. The resolution is written- it does contemplate beginning May 1<sup>st</sup> and we would very much support moving forward at this point to begin collecting the increase in rent *(inaudible.)*

Legislator Nazzaro: I just want to comment that I'm not in favor of tabling this. As Mr. Abdella said, we've had many discussions on this prior to it going to committee. There was a lot of details that had to be sorted out and as we all know, we put out an RFP for a new FBO and we were fortunate to get a quality FBO in Centric and we did have that option in there regarding Hangar A and we discussed it in great detail in both Public Facilities Committee and Audit & Control and it was passed unanimously. We had representatives at Public Facilities from Luscombe and all of our questions were addressed to the committee's satisfaction, so I recommend we move on, call the question, and do a roll call vote and not table it. Thank you.

Chairman Chagnon: The question has been called. Would the clerk please call the roll?

Unanimously Adopted – R/C Vote: 19 Yes – April 24, 2020

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JOURNAL OF PROCEEDINGS

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RES. NO. 121-20

Authorize Submitting Grant Application for 2020 Community Development Block Economic  
Development Grant Funding through the New York State Office of Community Renewal

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

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of ‘Lodge at Chautauqua Lake’, located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

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

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project, for the purpose of making a loan(s), and administration of the OCR Economic Development Grant Program; and

WHEREAS, pursuant to Resolution 110-20, the County has held a public hearing pursuant to 24 CFR §§570.431 and 24 CFR §§570.486 to obtain citizens’ views regarding the CDBG program as administered by OCR and the Project; therefore be it

RESOLVED, That the County Executive is hereby authorized to submit a CDBG grant application to the OCR to support the development of ‘Lodge at Chautauqua Lake’, located on Route 394, Chautauqua Lake in Mayville, New York; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with CREDC, and all other related documents associated with the OCR grant, and all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, That the County Executive is hereby designated as the Certifying Officer responsible for all environmental review actions associated with the OCR grant pursuant to the National Environmental Policy Act (“NEPA”).

Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel

Legislator Scudder: Thank you Mr. Chairman. I’m a little unsettled on this resolution. I do understand our role in the funding process of this project. I’m not fully confident on the impact to the residents of the Village of Mayville. I did some looking today online at the scope of the project and it’s very impressive. I’m not sure- I guess at this time I’m going to have to vote no on this because of the impact on the residents of the Village of Mayville. Thank you.

Chairman Chagnon: Thank you.

Legislator Ward: I have similar concerns. There seems to be some precedent (*inaudible*) for altering the public use, for instance, the trails in front of where that would happen. The bigger picture is that in my community- one of the reasons I ran for this position was to represent this community and when folks ask me my position on this project I promised that we would work in a way that would protect the integrity of that park. I also have a lot of questions that- I have to say that I am in favor of the project, but there are a lot of things about it that remain nebulous and one of those things is lake access all the way around the front of that building. I know what is stated, but I also know there are- I know there are some- and I'm also in favor of the floating stage, but that has also brought into question the use of that trail that goes right in front of the depot and that would go in front of the Webb's project. That's only one of a few things. Given that there is some sort of- there's precedent for limiting the use of that property. I need some of those questions answered before I can vote yes for this. So, I will vote no on this right now.

Chairman Chagnon: Thank you.

Legislator Gould: I would like to propose to table resolution 121-20 for further information.

Chairman Chagnon: O.K., we have a motion to table and that is not debatable.

Legislator Hemmer: I'll second it.

**R/C Vote to Table:** 8 Yes; 11 No – The Motion to Table is Defeated w/ Legislators Lawton, Muldowney, Niebel, Odell, Pavlock, Rankin, Scudder, Starks, Vanstrom, Whitney, and Chagnon Voting “no”

Chairman Chagnon: O.K., we will move on to further discussion by the legislators.

Legislator Muldowney: My question is by delaying it does it put the funding in jeopardy? Maybe that's a question for Mark Geise?

Ms. Rasmussen: I'm Carol Rasmussen with the Chautauqua County IDA. It does put it in jeopardy a little. The start date to get this in place is 2021, however the foundation they would like to get in place this summer. So, to start building they would need these funds available. I do know that Ben Webb has worked closely with the Chautauqua County Greenway Plan, the Cultural Development Plan, and Mayville Economic Development Plan. The plan does call for a waterfront hotel. As far as not (*inaudible*) view of the lake- originally, and we've been working on this for a year, he wanted six stories and out of consideration for the citizens in the Village of Mayville and their concerns he lowered it to four stories and 27 units. He has some openings where the lake view is not blocked. He also is very concerned with the environment and the trails. They will be opened up. He's working with the park and the Village of Mayville to have (*inaudible*) openings to the lake. I answered a little more, but it is kind of dire that he would like



to get started with the foundation probably in a couple of months and it will take at least two months to get the approved.

Chairman Chagnon: O.K., Mr. Geise did you have something to add?

Mr. Geise: I just want to add to that. It does delay the project. We had talked about not having the public hearing today. We had a long discussion with our consultants and they said that would really hurt the project, so we decided to have the public hearing today. I want to add that this has been going on for years and this has gone through their planning board several times, through their zoning board, through the city (*inaudible*) and this is a project that this municipality wants. I don't think- I feel like if they want it and they've all approved it, who are we to not approve it? This is something that is going to help the economics of that project. I'm kind of squirming here just because this is getting some more funding for the project to make it more economically feasible for a project that the municipality wants. You might have some occasional people say they don't want it like any project. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments by legislators?

Legislator Muldowney: Just to add (*inaudible*) it will add to the tax base? It will be a project on the tax roll?

Mr. Geise: Correct and I have a question for Mr. Ward as he lives in that community.

(*Cross-talk*)

Legislator Ward: I think that it just so happens that there has been some wiggle room with regard to access of those trails. For instance, when the floating stage is there those trails are effectively shut off because it's a ticketed event. I understand that this would be a different situation, but I honestly don't know that all those T's have been crossed and those I's have been dotted in regard to making sure that the property is always available to the public. Mr. Geise, can you speak to that?

Mr. Geise: Yeah. This is what I know. I've talked to Ben about this many times and one of the reasons they're building that hotel is because of that trail. I was involved in building that trail five or six years ago- getting the funding for that. That's one of the reasons that they want to be there. So, I can't speak to whether there is a contract in place, but the Village owns that trail, so I'm sure that they're going to protect their interests. I don't think it's something that we need to contemplate here.

Chairman Chagnon: O.K., anybody else?

Legislator Rankin: I wanted to clarify some of the different things I've heard. I wasn't sure how far along this was, but it sounds to me that this is a done deal and is going to happen and that this funding would help move it along. So, whether they got the grant or not, this project is going to go forward? Is that correct?

Mr. Geise: Yes, that is correct. It's been approved by the IDA as well for assistance and it's going to move ahead either way.

Legislator Davis: I have a question for Mr. Geise. My understanding from these communications is that this has been approved by the IDA as well as the Town Board in Mayville? Is that correct?

Mr. Geise: Yes.

Legislator Odell: Just a couple of quick comments to add to that. Yes, this project has been in the works for a couple of years as most people know and it has not been a secret by any means. It's about \$17 million plus project. This is purely an application to apply for community block grant funding to help move this process along. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments from the legislators? I would ask the clerk to please call the roll on resolution 121-20.

R/C Vote: 15 Yes; 4 No – Adopted w/ Legislators Hemmer, Scudder, Ward, and Whitney Voting “no” April 24, 2020

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RES. NO. 122-20  
Extend 2020 Tax Foreclosure Redemption Date

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr., Chairman Pierre Chagnon, Legislator Charles Nazzaro, and Legislator Bob Scudder:

WHEREAS, pursuant to Article 11 of the Real Property Tax Law, the redemption date in a tax foreclosure proceeding is the last day a property owner can redeem a property by paying the delinquent taxes, and also the last day a property owner may file an answer in the tax foreclosure proceeding; and

WHEREAS, the redemption date in the County's annual tax foreclosure for 2020 was initially set as April 15, 2020; and

WHEREAS, due to the COVID-19 crisis, the County previously extended the tax foreclosure redemption date to June 18, 2020, consistent with Governor Cuomo's March 20 executive order that there shall be no enforcement of a foreclosure for a period of ninety days; and

WHEREAS, it would be desirable for the County to move its annual tax foreclosure auction from June until late September in order to afford additional time for property owners to reacquire their foreclosed property prior to the auction; and

WHEREAS, it is appropriate to further extend the tax foreclosure redemption date to correspond to the annual tax foreclosure auction being moved to late September; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates August 7, 2020 as the extended redemption date in the County's annual tax foreclosure for 2020.

Signed by Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Odell, Harmon, Gould, Niebel

Legislator Nazzaro: I just wanted to make a brief comment on this. The normal redemption date for tax foreclosure would have been April 15<sup>th</sup> and by virtue of the Governor's executive order related to COVID-19 we extended the redemption date to June 18<sup>th</sup>. Leadership had met and discussed this further and we want to be fair to the residents here related to the COVID-19 pandemic we're in and give them additional time. The purpose of this resolution is now to move the redemption date do August 7<sup>th</sup> with an anticipated auction date on September 26<sup>th</sup>. So, this is to give the residents more time to plan. Hopefully things will be getting back to normal in the foreseeable future, so we did extend the redemption date to help our county residents. Thank you.

Chairman Chagnon: Thank you. Any other questions?

Legislator Rankin: I'm pleased to support this resolution because if there were any residents that were hoping to redeem their property by paying off the delinquent taxes by the foreclosure date many of them have had those hopes slashed by COVID-19. This is a tangible way for the Legislature to acknowledge the hardship that COVID-19 has inflicted on many of our residents. I'm pleased to see this resolution tonight. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the resolution?

Legislator Odell: I just want to thank Chairman Scudder and his Administrative Services team as well my team on Audit & Control for putting this forward to the full legislature. This is a great benefit and I would like to echo the sentiments of Elizabeth Rankin as well.

Chairman Chagnon: Thank you. Any other questions or comments?

Unanimously Adopted – April 24, 2020

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MOTIONS: (On file with April 24, 2020 Leg. Data)

5-20 In Support of Reexamining the 2019 Bail Reform Law – UNANIMOUSLY CARRIED

6-20 Declaring May 3 – 9, 2020 as Correctional Officers and Correctional Employees Week  
In Chautauqua County – UNANIMOUSLY CARRIED

## ANNOUNCEMENTS

Chairman Chagnon: We have a couple of announcements tonight and I'm going to go first because I wanted to take the opportunity to update the legislators on efforts regarding the financial affairs of the County during these troubling times.

We all recognize the efforts of County employees to keep our citizens safe and healthy have been heroic. While those efforts must continue, we need to be cognizant of the financial toll of the pandemic, which will certainly involve reduced sales tax revenue and stress to cash flows.

The County Executive proactively took action to mitigate the expected financial effects of the pandemic, and to keep the county on track to achieve the goals incorporated in the 2020 Adopted Budget. This included direction to all departments to delay any discretionary spending and/or contracts for services.

For projects funded by non-local share sources, to confirm the funding is still available before starting the project. To track all incremental expenditures related to COVID-19. No overtime, unless related to the COVID-19 response. No new equipment purchases or leases, unless the purchase or lease is necessary to keep staff working or to respond to COVID-19. Any purchases over \$5,000 will require approval. Department Heads were asked to be prudent when exercising their discretion for purchases under \$5,000. No unnecessary travel. No commitments for future discretionary travel, such as conferences.

Department heads were cautioned to be careful with State and Federally funded aspects of their budgets as the funding may be reduced. They were urged to be ready to implement reductions in NYS-funded operations but to proceed with federal and NYS road and bridge projects if we have received confirmation of funding.

The County Executive formed a committee that meets twice weekly to address financial concerns associated with the COVID-19 pandemic. The committee includes the County Executive, Finance Director, Budget Director, Human Resources Director, County Attorney, Legislator Nazzaro, and myself.

A hiring freeze is now in effect. Staffing needs will be coordinated with Human Resources to see if it is possible to use the services of county employees that are on paid leave. We have requested each department head submit by noon today a plan for a 15-20% reduction in local share operations within their department. Thank you. Are there any other announcements that any legislator would like to make? Hearing none and seeing none we will move on.

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## PRIVILEGE OF THE FLOOR

Chairman Chagnon: Madam Clerk, have you received comments to be read during the second privilege of the floor?

Clerk Tampio: Yes, I have received two comments by email today. I will read them for you now. This one is from Gerrit Cain of 2486 Falconer Frewsburg Road in Jamestown New York.

*Dear Chairman Chagnon and Members of the Legislature,*

*A number of members of the fishing, hunting, and water recreating communities are concerned with the impact of frequent and widespread use herbicide in our county waters, particularly Chautauqua Lake.*

*We drafted a petition and began circulating it on the morning of Monday 20<sup>th</sup> of April 2020. Nearly 200 people have signed on in this short amount of time.*

*In May of 2019 this body approved \$65,000 worth of funding from the reserve bed tax fund to supplement herbicide treatment and monitoring. I encourage all of you to consider the language of and amount of support for our petition if similar resolutions were to come before you in 2020.*

*[https://www.change.org/p/chautauqua-county-legislature-remove-public-funding-for-herbicide-in-public-waters?cs\\_tk=AmXvQ\\_JQiDjKNGXIo14AAXicyyvNyQEABF8BvJhWtAQ-zuHjLmKB6YYnSTo%3D&utm\\_campaign=2db085ae22eb46f38cbde80d72d310c3&utm\\_content=initial\\_v0\\_0\\_1&utm\\_medium=email&utm\\_source=recruit\\_sign\\_digest&utm\\_term=cs](https://www.change.org/p/chautauqua-county-legislature-remove-public-funding-for-herbicide-in-public-waters?cs_tk=AmXvQ_JQiDjKNGXIo14AAXicyyvNyQEABF8BvJhWtAQ-zuHjLmKB6YYnSTo%3D&utm_campaign=2db085ae22eb46f38cbde80d72d310c3&utm_content=initial_v0_0_1&utm_medium=email&utm_source=recruit_sign_digest&utm_term=cs)*

*Thank You*

Chairman Chagnon: Thank you.

Clerk Tampio (*Reading emailed comments on behalf of Peter Wiemer of We Wan Chu Cottages of Chautauqua Lake*):

*Dear Chautauqua County Legislature:*

*I am writing You All today in putting my face behind the dire situation here that We Wan Chu Cottages is facing going forward in possibly opening in 2020. This is supposed to be our 41<sup>st</sup> year of owning and operating We Wan Chu Cottages.*

*As we all know, this Pandemic is life changing in that it can kill us, it can bankrupt us and it can change the way we call normal, for months if not years to come.*

*I understand from talking to a person on the front lines at the Westfield Hospital, that Chautauqua County is under reporting Covid-19 cases because Chautauqua County only counts the cases that have been tested. That this person fears for their own wellbeing and said, assume everyone has it. Testing, as the experts say, has to be done in huge numbers before reopening.*

*We Wan Chu Cottages gets about 50% of our Business from the Buffalo area, 45% from Ohio & Pennsylvania and the last 5% from across the USA & Canada, I trust everyone else around Chautauqua Lake gets similar numbers. My customers have been cancelling daily as I have delayed my opening from May 1st to May 13th, with that still being a moving target because New York State has not reached the number of new cases in a downward trajectory per day, let alone all of the other States that come to We Wan Chu Cottages per the White House's own conditions to reopening America <https://www.whitehouse.gov/openingamerica/>.*

*Surreal Times... Politicians that believe we can reopen before there is a cure are dreaming. I will listen to the experts, doctors and scientists when deciding on reopening and that sure sounds like massive testing Nationwide since my customers come from across the USA and Canada or a cure or a vaccine. I know that this Pandemic changes every day and I am an Optimist in being an Entrepreneur. I didn't work my whole life in paying taxes, payroll, insurance, raising a family, caring for my parents in being told when I should reopen during a Pandemic. I do not have a handbook on what to do, how to survive or how to navigate during a Pandemic.*

*That being said, I am in need of a loan of \$500,000 to \$1,000,000, low to 0% interest to bridge We Wan Chu over to 2021. The National Stimulus monies have not reached me nor do I believe short of 10 to 20 Trillion Dollars is needed to reach every business being affected by this Pandemic. I understand it in giving \$600 in addition to an unemployment check in giving enough monies to the American people so that they don't have to turn to robbing from Peter to pay for food or family needs. But, this keeps my employees from wanting to return in making \$200 to \$600 per week in working. Surreal times we all are living in.*

*I would use these monies to refund my 2020 customers who have paid me over \$200,000 to date with less than \$3,000 remaining in our checking account. Since we built our indoor Pool nine years ago, I have been burning through next year's payments in this year's September through December expenses, just to stay afloat. We would use the rest of the monies to pay our back-property taxes, sewer bills, purchase cutting edge sanitizing equipment, which is not available until later this Summer or early Fall and in paying off possibly the bank mortgage so that I do not fear of being closed involuntarily. I know everybody is in the same hardship as I am with We Wan Chu. Many Businesses will not return without help. It is easier in not opening up and Living versus opening up early and dying, let alone my staff worries for all of the same reasons.*

*We Wan Chu was fine until March, 2020. Reservations were being made all winter long, we were looking at a nice bump upwards in 2020 rentals. Myself and others, believe after this Pandemic has passed, that We Wan Chu Cottages and Tourism in Chautauqua County will explode to record numbers because no one will want to be traveling overseas or going on a cruise ship for some years going forward. I don't want to open until the experts have concluded that a Western New York Tourism property will be safe to Vacation at. That our County Attractions, Restaurants, Stores and our Indoor Pool can be opened again safely so that Tourists and Locals can feel comfortable in patronizing these businesses. This is Surreal in trying to survive this Pandemic and I believe a cure would help immensely in opening up again. With an eventual Vaccine which would help in returning to air travel and a feeling of normalcy.*

*Thank you so much for Your Time & Consideration to my request and We Wan Chu's future.  
Sincerely, Peter Wiemer*

Chairman Chagnon: Thank you. Those were the two comments that were received prior to the meeting. Is there anyone on the telephone or on the Zoom meeting that would like to make a comment to the second privilege of the floor?

Mr. Almeter: This is Ron Almeter, the Airport Manager. I would just like to comment as the Airport Manager on some of the questions that were raised during the discussion concerning the Hangar A lease to the Luscombe Aircraft Corporation. I believe most of the questions were answered correctly by Mr. Abdella and Legislator Odell, but to the question regarding the nature of the relocation of aircraft from Hangar A. I want to assure everyone that no one is being evicted from the airport. We are asking- the FBO manages the utilization of the leased hangars. Centric has offered to each of the aircraft owners a number of options with relocating their aircraft on the airport to suitable hangars. Hangar A is the least accommodating hangar at the airport. It has no running water, no heat, no drains, no *(inaudible)* and the other hangars available at the airport do. Currently, the airport is at about a 40% occupancy rate. We have 40,000 square

feet of usable hangar space available for aircraft owners and we have 19 aircrafts, so we're at less than 50% occupancy. There's plenty of room. We've offered the aircraft owners their choice of three other hangars managed by the FBO where they can relocate their airplanes. So, there's no eviction involved in any of the scenarios. Further, and perhaps it's a point of confusion with some of the aircraft owners but this opportunity to lease the hangar to Luscombe for the aircraft production purposes follows shortly on the heels of the transfer of the FBO operation from Jamestown (*inaudible*) who held the contract for many years to Centric Aviation. In connection with that transfer none of the aircraft owners had an operative lease at Jamestown Airport, so no one's lease was broken. There were no leases. There were handshake deals between the former FBO operator and the owners. So, to say that they're being evicted or that the lease is being broken- there is no basis for that. We are bending over backwards to accommodate the aircraft owners. We're working carefully with the FAA area division office to make sure that we're being respectful of the aircraft owners rights and prerogatives as well as satisfying the County's obligations under grant assurances to the FAA. Thank you for the opportunity to address these question.

Chairman Chagnon: Thank you Ron. Sorry for the technical difficulties, but I appreciate your comments at this point. Anyone else online or in the Zoom meeting that would like to make any comments for the second privilege of the floor?

Ms. Boberg: I'd like to say one thing about the Webb project. Just because the Village Planning Board approved the proposition does not mean the people of Mayville of for Webb's project. I've spoken to many, many people. I know many people in this town. I've here 64 years and they're all against it, but it goes forward because a board of 8 or 10 people says yes. In the beginning Mary Shiller(?) could see the light. She was very against it. She said you cannot fit 12 foot into a size 6 shoe and it's not the place for it. I believe it isn't the location for it. It's a big operation and Mayville has always been a little town and my neighbor that spoke has told me that this is the only place she get away from traffic. She owns a places in Rhode Island and Pittsburgh. She can't get away from the traffic but Mayville is the one place people can relax and have the (*inaudible*) toned down. Progress is not always wonderful. In this case it isn't. To dig up the land and make all this extra traffic and sewage and high electric bills and commotion is not going to be wonderful for Mayville. It's going to be terrible. Mark my words- when you see you're not going to be happy. I'm glad four voted against it, but when you see this enterprise you are not going to be happy.

Chairman Chagnon: Thank you for your comments. Anyone else wish to speak to the second privilege of the floor?

Mr. Abdella: There is no one to speak.

Chairman Chagnon: Thank you. I would like to express my appreciation to all those who participated tonight and especially for your understanding of the technical difficulties that we were dealing with tonight. I've commented that none of my predecessors as Chairman of the Legislature have ever conducted a meeting by Zoom, and now we've also conducted two public hearings by

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Zoom. I have great appreciation for the technical support that Jon DeAngelo has provided for us and I apologize for any difficulties that we experienced.

MOVED by Legislator Gould, SECONDED by Legislator Scudder and duly carried the meeting was adjourned. (8:22 *p.m.*)



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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, May 27, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Whitford)

Legislator Muldowney delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (4/22/20)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Are there any submitted comments for the first privilege of the floor?

Clerk Tampio: Yes there are. I have a communication by email from Beth Starks that she would like to have read and this was a communication that was sent to several of our Legislators. I will read it at this time.

*Attached please find the letter that childcare providers in Chautauqua County sent to the Governor. As you can see below, this letter was sent to Governor Cuomo, Senator Borrello and Assemblyman Goodell over a month ago. I am very disheartened that we have not received a response (from the Governor); that the Governor still has not mentioned the importance of childcare; and most importantly, that families and providers are still suffering.*

*Although NYS received \$163.4 million in CARES funding specific to childcare (CCDBG), the Governor did no major announcement. He did a soft roll out of the "CARES childcare scholarship program". The idea is good (I helped develop it), except it wasn't rolled out as we initially hoped it would be. Also, it is only \$30 million of the \$163.4 million. Why? That is the answer we should all be seeking. If we do not use those funds (they are specifically CCDBG funds so they cannot be used for anything else), we will not be able to get more in future CARES funding.*

*The biggest issue with the CARES scholarship in the way it was rolled out is that it only pays for childcare for up to 300% of poverty level. OCFS had already allowed for a waiver for local DSS to assist more families with childcare subsidies. In Chautauqua County, our DHHS applied for and received a waiver to assist families up to 85% of median NYS income (which is higher than 300% of PL for any family with a family size less than 7). Therefore, this scholarship actually did not help families in Chautauqua County.*

*We have to get the CCDBG CARES funding in the hands of families and providers immediately. I have tried everything I can think of and I desperately need your help!*

*My second attachment is the letter we (state-wide advocates) drafted to the Governor after his "announcement" with further information.*

*My request for you is:*

- 1) that I have the floor to speak during public comment next Wednesday*
- 2) that the legislators send a letter (or something more official) to the Governor from our County before it is too late.*

*\*My third attachmenst are copies of the most recent letter Senator Borrello and Assemblyman Goodell sent to the Governor for your reference.*

*We have to get the CCDBG CARES funding in the hands of families and providers immediately. I have tried everything I can think of and I desperately need your help!*

*In addition, I am disappointed by the lack of the inclusion of Early Childhood expertise in any of the State's reopening groups. When we want medical advice, we seek out medical professionals. I am not seeing the same in Early Childhood. New York State, a leader in many other respects, is rapidly falling behind in its COVID-19 response in regards to Education, especially Early Childhood Education. I do not want this to be the same in Chautauqua County.*

*How can we consider re-opening with schools closed, many summer camps & rec programs canceled, and grandparents unavailable? Who will families turn to in order to ensure the safety and well-being (& education) of their children as they go back to work? The answer is childcare. However, over half of the programs are closed in WNY, where we already had a childcare desert. How will we re-open in the absence of childcare? It's simple, they won't. Parents simply will not return to work. I don't think any of us want that. I have solutions. Solutions that are working in Chautauqua County and could be part of the solution, but we need support. This article explains this concept further: <https://www.google.com/amp/s/www.nytimes.com/2020/05/20/opinion/child-day-care-coronavirus.amp.html>.*

*Finally, is there anyone representing childcare in the room in any of the Chautauqua County re-open groups? Especially in Chautauqua County, childcare is such a critical component of the re-open / re-build / re-imagine efforts. An Early Childhood Expert needs to be at the table.*

*Please feel free to forward this to your fellow legislators and let me know what I need to do to make sure that this is brought up appropriately on Wednesday.*

*Thank you for your time, support and consideration of this matter! Please feel free to contact me with any questions.*

*Beth Starks*

*Executive Director  
Chautauqua Lake Childcare Center*

Chairman Chagnon: O.K., thank you Kathy. Is that the only communication we received for the first privilege of the floor?

Clerk Tampio: That is correct.

Chairman Chagnon: Thank you.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 04/22/20

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COMMUNICATIONS:

1. Letter – NYS Department of State – Ack. of State of Emergency Proclamation
  2. Letter – Town of Chautauqua – Zoning Board of Appeals Hearing
  3. Report – Fn. Director Crow – Investment Reports – March 2020
  4. Report – NYS Small Business Development Center – Quarterly Report
  5. Email – Ryan DeBrino – Sales Tax and Hotel/Motel Tax Extenders
  6. Proof of Publication (2) - The OBSERVER – Re: Public Hearings on the 04/22/2020 Agenda
- 

RES. NO. 123-20  
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:

Kristy Kathman  
304 Arlington Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/22  
New Appointment

Signed: Odell, Starks, Muldowney, Harmon, Ward (Voted “yes” by video Conference PED Committee Meeting)

Unanimously Adopted – May 27, 2020

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RES. NO. 124-20  
Confirm Re-Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:  
At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following re-appointment to the South & Center Chautauqua Lake Sewer Districts Board:

David Rowe  
3740 Westman Road  
Bemus Point, N.Y. 14712  
Term Expires: 06/01/2026

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder (Voted “yes” by video Conference PF Committee Meeting)

Unanimously Adopted – May 27, 2020

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RES. NO. 125-20

Amend 2020 Budget Appropriations for Capital Project to Rehabilitate Gravity Sewer Lines in the South & Center Chautauqua Lake Sewer Districts (S&CCLSD)

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

WHEREAS, rehabilitation of sewer lines requires ongoing effort by the S&CCLSD, and this effort has been endorsed by the Chautauqua County Planning Board; and

WHEREAS, this effort is established as Capital Project ESS.8130.27004 and requires an annual investment of approximately \$125,000; and

WHEREAS, capital funds for this project were mistakenly not included in the 2020 Adopted Budget; and

WHEREAS, some funds from prior years were not spent, so the financial need for 2020 is estimated to be \$75,000, and this need can be financed by the S&CCLSD fund balance; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2020 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNT:

ESS.8130.27004.4	Contractual—Sewage Treatment, Rehab Gravity Sewer Lines (2018)	\$75,000
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Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 126-20

Amend 2019 Budget Appropriations and Revenues—North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some North Chautauqua County Water District (NCCWD) expenses exceeded initial budgetary estimates due to the depreciation associated with construction completed in the Village of Brocton; and

WHEREAS, the NCCWD received revenues in excess of budget due to the amortization of revenue to be earned by financing the construction; now therefore be it

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

DECREASE THE USE OF FUND BALANCE:

EWN.----.----.924.0000	Unassigned Fund Balance—Net Assets,	
	Unrestricted	\$89,032

;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EWN.8310.----.4	Contractual—Water District	\$ 6,968
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INCREASE REVENUE ACCOUNT:

EWN.8310.----.R277.0000	Miscellaneous—Other Unclassified Rev	\$96,000
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Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 127-20  
Adjust D.5112 Capital Improvement Accounts-Funded Roads

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

WHEREAS, Cassadaga Windfarm LLC was required to obtain permits from the Chautauqua County Department of Public Facilities (DPF) to utilize county roads in the Towns of Arkwright, Villenova, Charlotte and Cherry Creek for work within the highway right of way and overweight and over-dimensional hauling associated with the windfarm construction in the aforementioned towns; and

WHEREAS, DPF assessed the permit request and determined that an additional permit fee of \$406,370 was required to issue the requested permit; and

WHEREAS, the assessed permit fee is expected to be utilized to repair the county roads when the windfarm construction activities have been completed; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

D.5112.393.4	Contractual---Capital Improvements, Funded Road Program	\$406,370
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INCREASE REVENUE ACCOUNT:

D.5112.393.R259.0025	Licenses & Permits, Permits-DPF	\$406,370
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Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted "yes" by video Conference PF and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 128-20  
Amend 2020 Budget Appropriations for Landfill due to Bond Issue for Phase IV Construction

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

WHEREAS, the County issued a bond to finance the construction of Phase IV of the Chautauqua County Landfill; and

WHEREAS, interest expense associated with the bond was not included in the 2020 Adopted budget because the decision to issue a bond was made after the budget was completed; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

EL.-----924.0000	Unassigned Fund Balance—Net Assets, Unrestricted	\$349,000
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;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.9710.-----7	Interest—Debt Service/Serial Bonds	\$349,000
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Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 129-20

Authorize HAVA CARES ACT Grant Award from the New York State Board of Elections

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

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the HAVA CARES Act Grant; and

WHEREAS, the State of New York will provide funding for a grant in the amount of \$156,151.74 for Contract #C004175-1110000 for the performance period of March 28, 2020 through December 31, 2020; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections to prevent, prepare for, and respond to Coronavirus, for the 2020 Federal Election; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$156,151.74 from the New York State Board of Elections HAVA CARES Act Grant; and be it further

RESOLVED, That the County Executive is hereby authorized to execute Contract #C004175-111000 with New York State to obtain these funds; and be it further

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual—Board of Elections	\$156,152
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INCREASE REVENUE ACCOUNT:

A.1450.----.R308.9007	NYS Aid—Other St Aid: Elections Grt	\$156,152
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Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted “yes” by video Conference AS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 130-20

Authorize Standardization of Taser Brand Products at the Chautauqua County Office of the Sheriff

By Public Safety Committee:

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

WHEREAS, the Office of the Sheriff employs a substantial number of Taser brand products and a limited number of similar devices by other manufacturers, as these non-lethal devices are standard in police and corrections operations; and

WHEREAS, due to the substantial number of Taser product used by the Office of the Sheriff, uniformity of the brand of product used is essential for efficient operation of the Office of the Sheriff; and

WHEREAS, standardizing the brand will assist the Office of the Sheriff in regulating costs by eliminating the need to stock parts and train staff for several brands of this product, as well as enabling the Office of the Sheriff to take advantage of bulk purchase discounts provided by the supplier and making it possible for all divisions of the Office of the Sheriff to share parts when necessary; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua finds that standardization of Taser brand product for the Office of the Sheriff is in the best interest of the Agency and the County of Chautauqua.

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer (Voted “yes” by video Conference PS Committee Meeting)

Unanimously Adopted – May 27, 2020

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RES. NO. 131-20

Authorize Agreement with NYS Division of Criminal Justice Services Grant - Southern Tier  
Regional Drug Task Force FY19

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

WHEREAS, the NYS Division of Criminal Justice Services is administering the FY19 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Narcotic Control; and

WHEREAS, the NYS Division of Criminal Justice Services will provide funding in the amount of \$30,000.00 with no local funds required for the contract period from January 1, 2020 to December 31, 2020; and

WHEREAS, this grant is included in the 2020 Adopted Budget so no budget amendment is needed at this time; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the NYS Division of Criminal Justice Services to secure this grant funding.

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 132-20

Authorize Execution of United States Department of Justice Grant – Organized Crime Drug  
Enforcement Task Forces (OCDETF) FY20 “Winter Thaw”

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice the United States Department of Justice has approved an agreement for compensation of state and local overtime directly related to specific Drug Task Force operations; and

WHEREAS, the United States Department of Justice will provide funding in the amount of \$1,750, with no local funds, for contract period from February 14, 2020 to August 14, 2020; and

WHEREAS, this grant is not currently included in the 2020 Adopted Budget; now therefore be it

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RESOLVED, That the County Executive is authorized to execute an agreement with the United States Department of Justice to secure the grant funding as set forth above; and also be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services – Sheriff	\$1,750
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INCREASE REVENUE ACCOUNT:

A.3110.----.R432.4000	Federal Aid--Drug Control Programs	\$1,750
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 133-20  
Amend 2020 Adopted 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, as well as some revenues have increased; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.2	Equipment - Publ Safety Communication - W911-E911 Wireless	\$12,360
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INCREASE REVENUE ACCOUNT:

A.3020.W911.R114.0000	Non Property Tax Items-Surchg: Emergency Phone Sys	\$12,360
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 134-20  
Change Name of Capital Project Number H.4070.655

By Human Services and Audit & Control Committees:

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

WHEREAS, Pursuant to Resolutions 241-59 and 118-13 proceeds from the sale of the Newton Memorial Hospital are located in an account titled Capital Project H.4070.655 TB Testing, TB Exam Room Upgrade (2013); and

WHEREAS, the Department of Health and Human Services' planned use of the funds has changed, it having determined that the best use of remaining funds is the purchase of an electronic medical records system for the Chautauqua County Health and Jail Clinics, which system will benefit patients and inmates, including those suffering from tuberculosis, as well as aid in mandated reporting of tuberculosis cases; and

WHEREAS, the Chautauqua County Planning Board approved of changing the scope of the project to the implementation of an electronic medical records system; now therefore be it

RESOLVED, That the title of Capital Project H.4070.655 be changed from TB Testing, TB Exam Room Upgrade (2013) to TB Testing, Medical Records System (2020); and be it further

RESOLVED, That all budgets, revenues, and appropriations remain in the accounts established and used for Capital Project H.4070.655.

Signed: Pavlock, Rankin, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon

(Voted "yes" by video Conference HS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 135-20  
Mental Hygiene Certified Community Behavioral Health Clinic (CCBHC)

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 has been awarded a Substance Abuse and Mental Health Services Administration (SAMHSA) Certified Community Behavioral Health Clinic (CCBHC) grant to fill service gaps; improve the health, safety, and well-being of vulnerable county residents; relieve over-burdened emergency rooms; and more effectively leverage resources; and

WHEREAS, the grant covers the period of May 1, 2020 through April 30, 2022 and the maximum amount of funding over the term of the grant is \$4,000,000, distributed at \$2,000,000 each year of the grant; and

WHEREAS, this grant will serve the residents of Chautauqua County and those who are in need of treatment for serious mental illness, serious emotional disturbance, substance use disorder or co-occurring disorders; and

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WHEREAS, these grant funds were not included in the 2020 Adopted 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 2020 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0001	Federal Aid—Mental Hygiene-SAMHSA	\$1,210,638
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INCREASE APPROPRIATION ACCOUNTS:

A.4320.----.1	Personal Services—Mental Hygiene Programs	\$ 103,815
A.4320.----.2	Equipment—Mental Hygiene Programs	\$ 50,000
A.4320.----.4	Contractual—Mental Hygiene Programs	\$ 990,749
A.4320.----.8	Employee Benefits—Mental Hygiene Programs	<u>\$ 66,074</u>
	Total	\$1,210,638

Signed: Pavlock, Rankin, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted “yes” by video Conference HS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 136-20

Amend 2020 Adopted Budget for COVID-19 Revenue from Federal Government – Office for  
Aging Services

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

WHEREAS, the Office for Aging Services has received additional revenue for COVID-19 related expenses from the federal Families First Coronavirus Response Act (FFCRA) and CARES Act; and

WHEREAS, the Office for Aging Services has received revenues in excess of budget;  
now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNT:

A.6772.----.4	Contractual - Office for Aging Services	\$430,821
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INCREASE REVENUE ACCOUNT:

A.6772.----.R477.2000	Federal Aid-OFA Programs	\$430,821
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Signed: Pavlock, Rankin, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted "yes" by video Conference HS and AC Committee Meetings)

Unanimously Adopted – May 27, 2020

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RES. NO. 137-20

Amend 2020 Budget Appropriations and Revenues Due to COVID-19 Pandemic and Other  
Year-to-Date Financial Impacts

By Public Facilities, Administrative Services, Public Safety, Human Services, Planning &  
Economic Development and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.

WHEREAS, due to the economic effect of the COVID-19 pandemic and other  
year-to-date financial impacts, some departmental expenses are expected to exceed initial  
budgetary estimates, as well as some appropriations will have a surplus; and

WHEREAS, due to the economic effect of the COVID-19 pandemic and other  
year-to-date financial impacts, some departmental revenues are expected to exceed initial  
budgetary estimates, as well as some revenues will be less than budgeted; now therefore be it

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

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance--Reserve for Capital	\$21,456
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; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the  
following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1362.----.4	Contractual - Tax Advertising & Expense	\$345
	Employee Benefits - Educ: Handicapped	
A.2960.ADMN.8	Children	\$8,500
A.4017.JAIL.1	Personal Services - Clinics, Jail	\$31,055
A.4059.----.1	Personal Services - Early Intervention Program	\$21,200

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	Employee Benefits - Early Intervention Program	
A.4059.----.8		\$7,900
A.4090.----.1	Personal Services - Environmental Health	\$85,800
A.4090.----.8	Employee Benefits - Environmental Health	\$12,400
A.4322.----.4	Contractual - Mental Hygiene Law	\$50,000
A.6010.----.1	Personal Services - Social Services Admin	\$267,925
A.6010.----.8	Employee Benefits - Social Services Admin	\$64,600
A.7020.----.1	Personal Services - Youth Bureau	\$2,900
A.8020.----.1	Personal Services - Planning	<u>\$5,120</u>
	Total	\$557,745
<u>DECREASE APPROPRIATION ACCOUNTS:</u>		
A.1010.----.4	Contractual - Legislative Board	\$2,500
A.1040.----.4	Contractual - Clerk, Legislative Board	\$750
A.1165.----.4	Contractual - District Attorney	\$77,000
A.1165.1169.4	Contractual - District Attorney, Crime Victims	\$1,000
A.1185.----.1	Personal Services - Med Examiners & Coroners	\$2,500
A.1185.----.8	Employee Benefits - Med Examiners & Coroners	\$4,500
A.1230.----.4	Contractual - County Executive	\$2,000
A.1310.----.1	Personal Services - Department of Finance	\$99,349
A.1310.----.4	Contractual - Department of Finance	\$23,942
A.1310.----.8	Employee Benefits - Department of Finance	\$51,104
A.1320.----.4	Contractual - Internal Audit	\$48,000
A.1330.----.1	Personal Services - Real Property Tax	\$15,475
A.1330.----.4	Contractual - Real Property Tax	\$22,394
A.1330.----.8	Employee Benefits - Real Property Tax	\$6,367
A.1410.----.1	Personal Services - County Clerk	\$15,389
A.1410.----.8	Employee Benefits - County Clerk	\$3,901
A.1420.----.4	Contractual - County Attorney	\$3,500
A.1430.----.1	Personal Services - Human Resources	\$16,789
A.1430.----.4	Contractual - Human Resources	\$20,166
A.1440.----.1	Personal Services - Engineers	\$7,646
A.1440.----.4	Contractual - Engineers	\$3,850
A.1440.----.8	Employee Benefits - Engineers	\$622
A.1450.----.1	Personal Services - Board of Elections	\$42,120
A.1450.----.4	Contractual - Board of Elections	\$85,531
A.1610.----.1	Personal Services - Office Services	\$4,000
A.1610.----.4	Contractual - Office Services	\$40,500
A.1650.----.4	Contractual - Communications System	\$14,000
A.1680.----.1	Personal Services - Information Technology	\$44,729
A.1680.----.4	Contractual - Information Technology	\$54,600
A.1680.----.8	Employee Benefits - Information Technology	\$13,080

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A.1710.----.4	Contractual - Insurance Administration	\$2,154
A.2960.ADMN.1	Personal Services - Educ: Handicapped Children	\$700
A.3010.----.4	Contractual - Emergency Services	\$6,180
A.3020.DISP.1	Personal Services - Publ Safety Communication, Consolidated Dispatching	\$10,840
A.3020.DISP.8	Employee Benefits - Publ Safety Communication, Consolidated Dispatching	\$3,088
A.3110.----.1	Personal Services - Sheriff	\$18,047
A.3110.----.2	Equipment - Sheriff	\$49,990
A.3110.----.4	Contractual - Sheriff	\$133,731
A.3110.----.8	Employee Benefits - Sheriff	\$5,141
A.3140.----.1	Personal Services - Probation	\$67,259
A.3140.----.4	Contractual - Probation	\$15,000
A.3140.----.8	Employee Benefits - Probation	\$39,315
A.3150.----.1	Personal Services - Jail	\$298,161
A.3150.----.4	Contractual - Jail	\$84,550
A.3150.----.8	Employee Benefits - Jail	\$76,395
A.4010.----.1	Personal Services - Public Health Admin	\$107,200
A.4010.----.8	Employee Benefits - Public Health Admin	\$31,300
A.4010.NURS.1	Personal Services - Public Health Admin, Nursing	\$31,725
A.4010.NURS.8	Employee Benefits - Public Health Admin, Nursing	\$43,125
A.4017.JAIL.8	Employee Benefits - Clinics, Jail	\$48,400
A.4189.LEAD.1	Personal Services - Other Public Health Progs, Lead Testing	\$94,200
A.4189.LEAD.8	Employee Benefits - Other Public Health Progs, Lead Testing	\$48,000
A.4310.----.4	Contractual - Mental Hygiene Admin	\$1,000
A.4320.----.4	Contractual - Mental Hygiene Programs	\$14,000
A.5610.5610.1	Personal Services - Chautauqua County Airport, Jamestown Airport	<del>\$87,183</del> \$103,683
A.5610.5610.4	Contractual - Chautauqua County Airport, Jamestown Airport	\$17,100
A.5610.5610.8	Employee Benefits - Chautauqua County Airport, Jamestown Airport	\$52,000
A.5610.5612.4	Contractual - Chautauqua County Airport, Dunkirk Airport	\$9,500
A.5630.5625.1	Personal Services - Bus Operations, CARTS	\$40,930
A.5630.5625.4	Contractual - Bus Operations, CARTS	\$47,374
A.5630.5625.8	Employee Benefits - Bus Operations, CARTS	\$21,284
A.6010.----.4	Contractual - Social Services Admin	\$435,196
A.6141.----.1	Personal Services - Home Energy Assist Prog	\$104,600
A.6141.----.8	Employee Benefits - Home Energy Assist Prog	\$29,400
A.6420.COMC.4	Contractual - Promotion of Industry, Community Contracts	\$121,805
A.6420.TOUR.4	Contractual - Promotion of Industry, Tourism	\$210,134

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A.6772.----.1	Personal Services - Office for Aging Services	\$30,931
A.6772.----.4	Contractual - Office for Aging Services	\$40,288
A.6772.----.8	Employee Benefits - Office for Aging Services	\$23,772
A.7020.----.8	Employee Benefits - Youth Bureau	\$2,100
A.8020.----.4	Contractual - Planning	\$26,655
A.8020.----.8	Employee Benefits - Planning	\$21,441
A.8020.WTRS.4	Contractual - Planning, Watershed Administration	\$242,000
A.9901.9000.9	Interfund Transfers - Transfer to Other Funds	\$1,592,002
A.9901.9100.9	Interfund Transfers - Transfer to Other Funds	\$146,824
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$21,456
D.5010.----.4	Contractual - Public Facilities Admin	\$600
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	\$25,000
D.5110.----.1	Personal Services - Maintenance of Roads	\$242,986
D.5110.----.4	Contractual - Maintenance of Roads	\$1,050,000
D.5110.----.8	Employee Benefits - Maintenance of Roads	\$64,416
D.5112.392.4	Contractual - Capital Improvements, Complete Streets	\$21,456
D.5142.----.4	Contractual - Snow Removal: Co Roads	\$209,000
DM.5130.----.1	Personal Services - Road Machinery	\$35,059
DM.5130.----.4	Contractual - Road Machinery	\$96,824
DM.5130.----.8	Employee Benefits - Road Machinery	\$14,941
H.3197.999.4	Contractual - Sheriff Vehicle Replacement, Vehicle Replacement (Annual)	<u>\$563,125</u>
Total		\$7,604,187

INCREASE REVENUE ACCOUNTS:

A.5610.5610.R177.0000	Departmental Income-Fees & Rental: Airport	\$74,238
A.5610.5612.R177.0000	Departmental Income-Fees & Rental: Airport	<u>\$85,400</u>
Total		\$159,638

DECREASE REVENUE ACCOUNTS:

A.1310.----.R122.0000	Departmental Income-Occupancy Tax Admin Fees	\$8,400
A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$2,651,411
A.1310.9999.R111.0CTY	Non Property Tax Items-Sales Tax--County Share	\$1,491,418
A.1420.----.R122.0000	Departmental Income-Occupancy Tax Admin Fees	\$2,520
A.1610.----.R221.0002	Shared Services-Shared Services Printing	\$20,000
A.1610.----.R221.0POS	Shared Services-Shared Services Postage	\$21,420
A.4010.PHSA.R340.1000	New York State Aid-Shared Services Postage	\$53,037
A.5630.5625.R178.9000	Departmental Income-Other Transportation Income	\$3,526
A.5630.5625.R358.9000	New York State Aid-Transportation	\$48,572
A.6010.----.R361.0000	New York State Aid-Social Services Admin	\$21,283



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A.6010.----.R461.0000	Federal Aid-Social Services Admin	\$87,496
A.6420.TOUR.R111.3000	Non Property Tax Items-Hotel Room Occupancy Tax	\$210,134
A.8020.WTRS.R111.3000	Non Property Tax Items-Hotel Room Occupancy Tax	\$242,000
D.9901.9000.R503.1000	Interfund Transfers-Interfund Transfer	\$1,592,002
D.5112.392.R503.1000	Interfund Transfers-Interfund Transfer	\$21,456
DM.9901.9100.R503.1000	Interfund Transfers-Interfund Transfer	\$146,824
<u>H.3197.999.R221.0VEH</u>	<u>Shared Services-Shared Services Vehicles</u>	<u>\$563,125</u>
Total		\$7,184,624

Signed: Bankoski, Davis, Gould, Harmon, Hemmer, Lawton, Muldowney, Nazzaro, Niebel, Odell, Pavlock, Rankin, Scudder, Starks, Vanstrom, Ward, Whitford, Whitney (Voted “yes” by video Conference PF, AS, PS, HS, PED and AC Committee Meetings)

Legislator Nazzaro: As we all know, this resolution went through every committee but I think it warrants a couple minutes to review what this resolution means because it is significant. The County Executive, in response to the COVID-19 pandemic, formed a special COVID-19 finance committee to review the effects and to help determine the financial implications of COVID-19. That committee not only included the County Executive, but the Finance Director, the Budget Director, the HR Director, our County Attorney as well as Legislators Chagnon, Gould and myself. The purpose of this- we met at least twice a week via Zoom and we viewed every department’s budget to see what effects it would be. The County Executive put out a memo to his department heads asking for their cooperation’s and again, I would like to thank all the department managers and all their staff for coming forward in a very difficult time. As a result of all these actions you have a very lengthy resolution before you that’s outlining many reductions in expenses not only in operating costs but in capital expenditures realizing that we have many challenges ahead of us. One of the biggest challenges that we are seeing, which is not a surprise to anybody, is the reduction in sales tax revenue and occupancy tax. The resolution before you is just phase one of probably several other resolutions to come before this body. This resolution is accounting for a reduction of approximately 10% in sales tax from what was budgeted, which equates to about a \$4.1 million reduction in sales tax. We are still trying to get a handle on what the sales tax will be. 10% is a very low estimate and it will likely be twice that, so we will have other resolutions coming before us. Also, the committee with the leadership of the County Executive and HR Director and everyone else on the committee offered a voluntary furlough program. I emphasize the word voluntary. I want to thank all the organized bargaining units that worked with the MOA to develop this and I am pleased to announce that affective May 21<sup>st</sup>, we had approximately 139 county employees take a voluntary furlough. This I see as a win-win for everyone involved. The employee will be able to receive the \$600 federal unemployment benefit and also the NYS unemployment benefit, but they do maintain their health insurance during this time. The benefit to the County in the voluntary furloughs is still being calculated, but I expect it will be a fairly large number. The voluntary furlough was effective May 21<sup>st</sup> and goes through July 31<sup>st</sup> when the federal unemployment \$600 expires. Again, as we go through and begin the 2021 process we’ll be looking at all the various committees and working with the COVID-19 finance group to help us identify what are the essential services that this county should provide to the tax payers and what services should be reduced or eliminated. Again, I

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encourage everyone to support this and I want to thank everyone for working so diligently and hard on this. Thank you very much.

Chairman Chagnon: Thank you. Other questions or comments on the resolution?

Unanimously Adopted – May 27, 2020

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RES. NO. 138-20  
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:

**October 1, 2019 through April 30, 2020**

<b>TOWNS</b>		<b>CITIES</b>	
Arkwright	4,016.53	Dunkirk	43,957.30
Busti	57,134.07	Jamestown	72,712.84
Carroll	11,203.24		
Charlotte	13,208.12	<b>TOTAL</b>	<b>\$116,670.14</b>
Chautauqua	55,267.29		
Cherry Creek	2,871.83		
Clymer	16,263.45		
Dunkirk	2,856.10		
Ellery	65,097.86		
Ellicott	60,571.00		
Ellington	6,341.82		
French Creek	6,899.44		
Gerry	9,253.52		
Hanover	35,936.18		
Harmony	3,980.65		
Kiantone	10,432.13		
Mina	17,126.79		
North Harmony	25,855.33		
Poland	9,891.43		
Pomfret	45,889.61		
Portland	21,131.11		
Ripley	9,905.19		
Sheridan	15,552.03		

<b>VILLAGES</b>	
Bemus Point	4,400.66
Brocton	1,926.61
Cassadaga	1,428.91
Celoron	4,707.94
Falconer	7,027.88
Fredonia	23,190.65
Lakewood	17,165.05
Mayville	4,319.16
Panama	480.21
Sherman	822.40
Silver Creek	4,160.32
Sinclairville	2,103.51
Westfield	5,952.42

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Sherman	4,694.19		
Stockton	7,893.36	<b>TOTAL</b>	\$77,685.72
Villanova	4,598.01		
Westfield	16,147.38		
<b>TOTAL</b>	\$540,017.66		
<b>GRAND TOTAL</b>			\$734,373.52

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted "yes" by video Conference AS and AC Committee Meetings)

R/C Vote: 18 Yes; 1 Absent Unanimously Adopted – May 27, 2020

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RES. NO. 139-20  
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 County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; 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 offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; 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.

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Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owng
<del>PA-85-2019</del> <b>PA-160-2019</b>	City of Jamestown	<del>060800-386.12-8-10</del> <b>060800-387.15-7-47</b>	Jorge Torres	<del>Mark &amp; Renee Simmons</del> <b>John Noe</b>	\$200.00	<del>\$7,553.27</del> <b>\$2,841.47</b>
				<b>Total</b>	\$200.00	<b>\$2,841.47</b>

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell, Harmon  
*(AC: Amended by Strike Through and New Text Indicated in Bold)* (Voted “yes” by video Conference AS and AC Committee Meetings)

R/C Vote: 18 Yes; 1 Absent Unanimously Adopted – May 27, 2020

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MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom to bring  
Emergency Resolution 140-20 to the floor

*Unanimously Carried to Bring Emergency Resolution 140-20 to the Floor*

EMERGENCY RES. NO 140-22

Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act)  
Grant to Partially Offset Operating Costs for Chautauqua County Dunkirk Airport

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

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport, a non-primary public airport in the National Plan of Integrated Airport Systems (NPIAS), in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and enhances current and future economic development in the County; and

WHEREAS, pursuant to Public Law 116-136 (CARES Act), Federal funds were made available to U.S. public airports in the NPIAS to “prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received CARES Act Grant Offer, Grant No. 3-36-0022-058-2020 in the amount of \$30,000 (hereinafter called “the Grant”) for the Chautauqua County Dunkirk Airport, and said funds will be used for any purpose for which airport revenues may be lawfully used; and

WHEREAS, the Airport Commission reviewed and recommended that the County accept the Grant for the purpose of offsetting the Chautauqua County Dunkirk Airport’s operating costs; and

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than June 18, 2020 in order for the Grant to be valid; and

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WHEREAS, pursuant to Resolution No. 137-20, the revenue associated with the Grant was amended into the 2020 Adopted Budget so no other budget amendments are necessary; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the CARES Act Grant Offer, Grant No. 3-36-0022-058-2020 in the amount of \$30,000 for the Chautauqua County Dunkirk Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant.

Chairman Chagnon: Discussion on the proposed emergency resolution? We all had that sent to us earlier via email and we discussed this at the caucus. Are there any questions or comments on the proposed resolution?

Legislator Scudder: I would just like- in case someone is keeping score on my airport votes I would just like to make the statement that I will be voting in favor of this resolution because it is federal grant money for the airport with no commitment of time for the County to stay in the airport business, so I will be voting in favor of this money. Thank you.

Chairman Chagnon: Thank you.

Legislator Odell: The Airport Commission did discuss this knowing that this was coming down the pike and the reason this is coming before the Legislature in an emergency fashion is that the grant offer from the feds had not come in during the prefile period. So, when we did get the grant offer officially we put it through. This is for \$30,000 for the Dunkirk Airport that will offset some (*inaudible*) to help further our budget performance as well. We will be expecting this as well for the Jamestown Airport, so stay tuned. Thank you.

Chairman Chagnon: Thank you. Other questions or comments on the emergency resolution?

Unanimously Adopted – May 27, 2020

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MOTIONS: (On File with 5/27/2020 Leg. Data)

7-20 Request for New York Forward Re-Opening Advisory Board Reporting –  
*UNANIMOUSLY CARRIED*

8-20 Calling on Congress to Provide Direct Aid to Local Governments

Chairman Chagnon: Are there any questions or comments on the motion?

Legislator Nazzaro: I just want to add that this will be significant because as we outlined in one of the resolutions we have many budget challenges before us and obviously one thing we have not factored in at this point is any type of federal or state aid. So, it is imperative that this motion be carried and also acted on at the federal and state levels because in order to balance our budget to have a minimum effect on tax citizens this is critical. Thank you.

Chairman Chagnon: Thank you. Any other comments or questions on the motion? All those in favor please say aye. Opposed?

*Unanimously Carried*

#### 7-22 Calling for Increased Childcare Funding

Clerk Tampio: There is a late motion and it is at the request of Legislators Ward, Starks, Pavlock, Odell, Vanstrom, Harmon, and Rankin.

Chairman Chagnon: O.K., I'm looking for a motion to bring this to the floor. I see Legislator Ward's hand up, so I will take that as a motion and I see Legislator Starks hand up and I will take that as a second. Is there any discussion on the motion to bring this to the floor?

*Unanimously Carried to Bring Motion C to the Floor*

Chairman Chagnon: Is there any discussion or comments on the motion?

Legislator Ward: Thank you very much. As we all know and we have seen from the hard work that Ms. Starks has done and she's pretty much said it all at the privilege of the floor, but this is to direct- this is for Chautauqua County Legislature to urge New York State to direct and use federal funds to cover expenses for all local department of social services across the state to pay providers participating in the childcare subsidy program. I don't think that I can add a whole lot to the work and the words that Ms. Starks brought to the beginning of this meeting, but I want to thank her for her hard work on behalf of all the childcare workers and advocates and also to Ms. Tampio who received our request for a late motion on Sunday and had it ready for review by Monday night, without error I might add. I would reiterate that this plea comes from folks on the frontlines of the reopening effort on behalf of the ones who teach, protect, care for and who are perhaps our most vulnerable. There will be no re-opening without adequate childcare. We've realized \$30 million of the \$163.4 million in federal CARES funding specifically childcare. There is an eloquent letter (*inaudible*) which explain what you all have in your hands. I would like to thank Ms. Starks, Mr. Borrello, Mr. Goodell, Mr. Wendel, Mr. Chairman and Mr. Odell

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and all the folks at the bottom of this letter that the childcare workers sent to the governor who are working tirelessly to help these kids and their parents to get these funds released. So, thanks to this body for recognizing this motion's importance and urgency.

Chairman Chagnon: Thank you. Are there other questions or comments on the motion?

Legislator Odell: Thank you. I would just like to say I'm proud of my team members that worked on this (*inaudible*.) In Chautauqua County childcare is one of the many (*inaudible*) that are building success platforms. Thank you for all the work that everyone put in.

Chairman Chagnon: Thank you. Other questions or comments on the motion?

*Unanimously Carried*

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#### ANNOUNCEMENTS

Chairman Chagnon: We will move on to the portion of the agenda titled announcements. Are there any announcements to be shared? Hearing none and seeing none let's move on.

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#### PRIVILEGE OF THE FLOOR

No one chose to speak at this time.

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MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:11 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, June 24, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:31 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Nazzaro delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (05/27/2020)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Are there any submitted comments for the first privilege of the floor?

Clerk Tampio: No, I have not received any communications.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 05/27/2020

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COMMUNICATIONS:

1. Letter – Town of Mina – Re: Chautauqua County Sewer Agency Update
2. Letter – NYS Agriculture and Markets – Agriculture District 8 Year Review
3. Letter – Town of Chautauqua – Public Hearing re: Application for Special Use Permit
4. Report – Fn. Director Crow – Investment Report – April 2020
5. Letters (2) – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2020 State Equalization Rates
6. Letter - County Executive – Appointments to Chautauqua County Emergency Medical Services Council

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Chairman Chagnon: At this point I would entertain a motion to adjust the sequence of the agenda.

Legislator Nazzaro: I move that resolution 149-20 be taken out of order so that SEQRA findings and determinations can be made prior to consideration of local law introductory 1-20.



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Legislator Vanstrom: I'll second that motion.

Chairman Chagnon: Discussion on the motion? All those in favor please say aye.  
Opposed?

*Unanimously Carried*

Chairman Chagnon: We will now move on to resolution 149-20 for discussion at this point.

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RES. NO. 149-20  
Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in  
Chautauqua County

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

WHEREAS, there is a local law being proposed for adoption by the Chautauqua County Legislature entitled "A Local Law Providing Solid Waste Flow Control in Chautauqua County"; and

WHEREAS, the adoption of said local law is an "Unlisted" action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form ("SEAF") has been prepared which found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) adoption and implementation of the above-referenced proposed local law will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed action.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted "yes" by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

Local Law  
Introductory No. 1-20 (Print 2)  
Chautauqua County  
A LOCAL LAW PROVIDING SOLID WASTE FLOW CONTROL  
IN CHAUTAUQUA COUNTY

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

SECTION 1. GENERAL PROVISIONS

A. Legislative Intent and Purpose

The purpose and intent of this Local Law is to ensure that Solid Waste generated within Chautauqua County continues to be managed in a manner which protects public health, public safety and the environment, and which provides for the financial stability of the County solid waste system. During the 1960's, the County faced a solid waste crisis as environmentally sound disposal of solid waste was beyond the financial means of small local governments. County involvement began in 1967 with a permit requirement for the approximately forty (40) town, village, and private waste dumps that were in operation at the time. Gradually the small open dumps were closed and the County created a comprehensive County-wide solid waste disposal system. Currently, the County operates its solid waste system in accordance with the following:

- 1) New York State solid waste management policies set forth in Environmental Conservation Law (ECL) §27-0106;
- 2) Local Law 9-92 of the County of Chautauqua, entitled *Mandating Source Separation and Segregation of Recyclable or Reusable Material*, and rules, regulations, and permit requirements promulgated pursuant thereto;
- 3) Local Law 13-95 of the County of Chautauqua, entitled *A Local Law Establishing User Fee Policy and Procedure*;
- 4) Local Law 14-95 of the County of Chautauqua, entitled *A Local Law Regulating the Use of Chautauqua County Sanitary Landfill & Transfer Stations*, and rules, regulations, and permit requirements promulgated pursuant thereto; and
- 5) The Local Solid Waste Management Plan for the County of Chautauqua, with pending updates under review.

The County Legislature finds and determines that in addition to the laws, rules, regulations, permit requirements, policies, and plan set forth above, establishing local flow control over the collection and disposal of certain Solid Wastes generated within the County of Chautauqua is in the public interest and assists the County in achieving the intent and purposes of this enactment.

This Legislature recognizes that regulation of Solid Waste is a proper and necessary exercise of the County of Chautauqua's police powers as it is fundamentally related to the public health, safety and well-being of persons and the environment within the County of Chautauqua. Moreover, regulation of Solid Waste is a necessary and proper exercise of the County's home rule powers under N.Y. Const., Art. IX, § 2[c][ii][10], Sections 10 and 20 of the Municipal Home Rule Law, Section 120-aa of the General Municipal Law and Section 226-b of the County Law.

B. Declaration of Policy

The Legislature recognizes that the County's solid waste system, comprised of a solid waste landfill, transfer stations, landfill gas-to-energy plant, and other assets, is a critical part of the environmental infrastructure of Chautauqua County and provides facilities and services which are necessary to protect public health and the environment. It is hereby declared to be the public policy of the County of Chautauqua to provide for the continued operation and viability of its comprehensive, publicly owned and operated solid waste management system and to provide mechanisms for the continued financial viability of its system in light of state and federal regulations and requirements. The Legislature intends to maintain the County solid waste system's historic economical rate structure for the benefit of in-County users, and continue to operate the solid waste system in a manner that provides a competitive business environment for the County's residents and industries.

The County's solid waste management program is intended on a County-wide basis to provide environmentally sound disposal of solid wastes, to provide special collections for household hazardous waste, to safely monitor and maintain closed landfill facilities, to provide for a program of recycling electronic and other waste, to encourage the growth of recycling in both the public and private sectors, to provide public education on proper waste management methods, to provide assistance in the disposal of code enforcement demolition wastes for all local governments in the County in order to reduce neighborhood blight, to provide assistance for all local governments in the County in the event of emergencies such as floods, lake fish kills, and lake weed infestations, to recover energy from the generation of landfill gas, and to employ new techniques of waste management as they become available. This Local Law is intended to ensure the orderly and reliable collection of solid waste by municipalities and qualified collection firms, to provide a means to gather relevant information regarding waste generation for planning and administration of the solid waste program, to assist in the enforcement of recycling laws, to provide a sufficient and reliable source of landfill gas for energy production as a renewable natural gas (RNG), and to advance the goals of the Solid Waste Management Plan and its periodic updates.

This law regulates only the collection, transport, processing and disposal of Solid Waste generated within the incorporated limits of Chautauqua County. This Local Law shall not be construed to extend the jurisdiction of the County of Chautauqua beyond the incorporated limits of the County of Chautauqua. It shall be the policy of the County of Chautauqua, in the adoption, implementation and enforcement of this Local Law, to treat all persons subject to its provisions in a fair and impartial manner without regard to their location or legal residence, within or without the boundaries of the County of Chautauqua, the State of New York, or any other state.

## SECTION 2. DEFINITIONS

A. Chautauqua County Department of Public Facilities (DPF). An administrative unit of the County of Chautauqua with responsibility for the operation of the County's Solid Waste Facilities and Solid Waste and Recycling programs.

B. County Solid Waste Facility. Any facility owned or operated by the County of Chautauqua, which includes, but shall not be limited to, the Chautauqua County Landfill, the County transfer stations, the County landfill gas-to-energy plant, and all facilities identified by the Deputy Director for the receipt of household hazardous waste, electronic waste and such other facilities as may be established by the County from time to time.

C. Commercial Hauler. Any person who is engaged in the business of collecting and transporting solid waste for disposal from the locations within the County of Chautauqua at which such waste is generated. For purposes of this definition, “person” shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of New York State or United States government, municipality, industry, partnership, association, limited liability company, trust, estate, non-profit entity, tax-exempt entity, or any other legal entity.

D. Deputy Director. The Deputy Director of the Division of Solid Waste of the Chautauqua County Department of Public Facilities (DPF).

E. Solid Waste and Related Terms. The terms Solid Waste, Construction and Demolition Debris, Organic, Recyclable, Regulated Medical Waste, and other terms in common usage in the solid waste industry, shall, unless otherwise specifically defined herein, have the meanings set forth in 6 NYCRR 360.2 or successor provision.

### SECTION 3. FLOW CONTROL

A. All Solid Waste, including, but not limited to, Construction and Demolition Debris, and wastes generated and collected from residences, businesses, institutions and other locations within the County of Chautauqua shall be delivered for disposal to the County Solid Waste Facility designated by the Deputy Director pursuant to this Local Law, except as otherwise provided pursuant to Section 3 (B), below.

B. This Local Law shall not be applicable to collection and disposal of source separated Recyclables, source separated Organic Wastes, Regulated Medical Wastes, wastes processed pursuant to environmental sustainability programs approved by the Deputy Director, and any materials that are not authorized for acceptance at County Solid Waste Facilities by New York State law or regulation or Local Laws 9-92 and 14-95 of the County of Chautauqua, or as otherwise provided by rules, regulations, and permit requirements promulgated pursuant to Local Laws 9-92, 14-95, and this Local Law.

C. Compliance with the provisions of this Local Law shall be a term and condition of all permits issued by the Landfill in furtherance of this Local Law and Local Laws 9-92 and 14-95 of the County of Chautauqua. It shall be unlawful for any Commercial Hauler to collect, transport or dispose of Solid Waste or Recyclables generated within Chautauqua County without a Landfill permit. Violations of the provisions of this Local Law, and/or rules, regulations, and permit requirements promulgated pursuant to this Local Law, shall subject the violator to the penalties set forth in said Local Law 14-95.

D. In order to ensure proper compliance with this Local Law, the Deputy Director is hereby empowered to promulgate rules and regulations to implement the Solid Waste flow control required by this Local Law, including, but not limited to, permit requirements. The rules and regulations promulgated by the Deputy Director shall be subject to policies and procedures specified by the County Legislature pursuant to a duly adopted and approved resolution.

### SECTION 4. UPDATING OF ADMINISTRATIVE REFERENCES IN PRIOR LOCAL LAWS

References to the “Division of the Environment” and “DPW”, in prior Local Laws 13-95 and 14-95 of the County of Chautauqua, are hereby updated and deemed to be, respectively, the “Division of Solid Waste” and “DPF”.

### SECTION 5. SEVERABILITY

If any part of this Local Law or the application thereof to any person should be adjudged

to be invalid by any court of competent jurisdiction, such judgment shall, unless otherwise provided in said judgment, be confined in its operation to the application, part or provision of this Local Law directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the rest and remainder of this Local Law or the application thereof to other persons or circumstances. The Chautauqua County Legislature hereby declares that it intends that the provisions of this Local Law that are not specifically adjudged to be invalid shall remain in full force and effect.

#### SECTION 6. COUNTY NOT LIABLE

Nothing in this enactment shall be deemed to impose any civil or criminal liability upon, or give rise to, a cause of action against any official, employee or agency of the County of Chautauqua for failing to act in accordance with this Local Law or by enforcing same in good faith.

#### SECTION 7. EFFECTIVE DATE

This Local Law shall take effect January 1, 2021.

Emailed: 06/12/2020

Adopted by Legislature: 06/24/2020

Public Hearing by County Executive: 07/06/2020

Adopted As Local Law 2-20

R/C Vote: 19 Yes

Date State Filed: 7/20/2020

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Legislator Gould: I move that the local law be amended as shown in Print 2 of the local law, which contains the amendments included in the pre-file packet that were recommended by the Audit & Control Committee, and one additional grammatical edit.

Legislator Nazzaro: Second.

Chairman Chagnon: Is there any discussion on this motion to amend the local law print 2?

Legislator Nazzaro: I just want to emphasize the importance of these two amendments. The one is that they are both positive amendments. The one is that the Legislature intends to maintain the County solid waste historical economic rate structure for the benefit of the in-county users and we will continue to operate the solid waste system in a manner that provides a competitive business environment for the County's residents and industries. So, this is to protect our residents (*inaudible*.) Also, the other amendment under section 3, flow control B- this will protect those (*inaudible*) for waste process pursuant to environment sustainably programs that are approved by the deputy director of the landfill that these will be allowed to separate organic waste and other items. This gives us some flexibility for those industries that have those type of programs. Thank you.

Chairman Chagnon: Thank you. Are there any other questions or comments on the motion amend local law 1-20? All those in favor of the motion to amend local law 1-20 please say aye. Opposed?

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*Unanimously Carried to Amend*

Clerk Tampio: Mr. Chairman and legislators, I have received a message of necessity regarding the local law introductory 1-20 from Paul M. Wendel, Jr., County Executive.

*"I hereby certify that immediate passage of Print 2 of Local Law Introductory No. 1-20, entitled "A Local Law Providing for Solid Waste Flow Control in Chautauqua County," is necessary in order to facilitate the execution of proposed renewable natural gas (RNG) agreements pursuant to Resolution 148-20."*

Chairman Chagnon: Thank you. I will entertain a motion from Legislator Bankoski. Would you read the motion?

Legislator Bankoski: I don't have it in front of me.

Legislator Nazzaro: I would be happy to read it. I move that debate and action proceed on Print 2 of the local law to allow for its immediate passage.

Chairman Chagnon: Thank you. Legislator Bankoski, is that the motion that you're making?

Legislator Bankoski: Yes sir.

Legislator Vanstrom: Second.

Chairman Chagnon: Is there any discussion or question on the discussion on the motion to proceed with immediate passage of print 2 of local law 1-20? The question before us now is if we will agree to proceed with consideration of print 2 of the local law 1-20? Any discussion? Questions? All in favor? Opposed?

*Unanimously Carried*

Chairman Chagnon: Now we can proceed with discussion and consideration of print 2 of local law intro 1-20. Are there questions or comments on this local law print 2? Will the Clerk please call the roll?

LOCAL LAW INTRO. 1-20 (Print 2)– R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

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RES. NO. 141-20  
Confirm Appointments and Re-Appointments – Emergency  
Medical Services Council

By Public Safety Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointments to the Chautauqua County Emergency Medical Services Council.

Teresa Penhollow  
3435 Bard Rd.  
Cassadaga, NY 14718  
Term Expires: 12/31/22  
Reappointment  
Battalion 1

Mark Dickey  
28 N011h State St.  
Ripley, NY 14755  
Term Expires: 12/31/22  
Reappointment  
At-Large

DeWitt Chamberlin, Jr.  
11075 Dennison Rd.  
Forestville, NY 14062  
Term Expires: 12/31/22  
New Appointment  
At-Large North

Robert Crane  
120 Miller St.  
PO Box. 607  
Sherman, NY 14781  
Term Expires: 12/31/22  
Reappointment  
Battalion 2

Gregory Ireland  
17 W. Main St.  
Panama, NY 14767  
Term Expires: 12/31/22  
New Appointment  
Battalion 3

Michael Volpe  
53 Pine Ridge Rd.  
Jamestown, NY 14701  
Term Expires: 12/31/22  
New Appointment  
At-Large South

Sharoyne Ruby  
31 W. Summit St.  
Lakewood, NY 14750  
Term Expires: 12/31/22  
Reappointment  
Battalion 3

Tyler Hansen  
5997 Centralia-Hartfield  
Rd.  
Dewittville, NY 14728  
Term Expires: 12/31/2020  
New Appointment  
WMH Rep.

Priscilla Banes  
207 Foote Ave.  
Jamestown, NY 14701  
Term Expires: 12/31/22  
Reappointment  
UPMC Rep.

Donald Mowry  
333 Oak Hill Rd.  
Frewsburg, NY 14738  
Term Expires: 12/31/2021  
New Appointment  
Paid Firefighter South

Stephen Cobb  
49 Gardner St.  
Fredonia, NY 14063  
Term Expires: 12/31/22  
Reappointment  
Fire Service EMS Rep.

David Hazleton  
133 West Main St.  
Brocton, NY 14716  
Term Expires: 12/31/22  
New Appointment  
At-Large North

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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer (Voted “yes” by video Conference PS Committee Meeting)

Unanimously Adopted – June 24, 2020

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RES. NO. 142-20

Amend 2020 Budget Appropriations and Revenues—North Chautauqua County Water District

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

WHEREAS, North Chautauqua County Water District (NCCWD) expenditures will exceed initial budgetary estimates because the budget does not include depreciation associated with construction completed in the Village of Brocton; and

WHEREAS, the NCCWD will recognize revenue in excess of budget due to the amortization of “Deferred Inflows of Resources” in recognition of the total value of assets capitalized in excess of financing the construction; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

EWN.----.----.924.0000	Unassigned Fund Balance—Net Assets,	
	Unrestricted	\$ 79,681

and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EWN.8310.----.4	Contractual—Water District	\$211,681
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INCREASE REVENUE ACCOUNT:

EWN.8310.----.R277.0000	Miscellaneous—Other Unclassified Rev	\$132,000
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Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 143-20

Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act)  
Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport, a non-primary public airport in the National Plan of Integrated Airport Systems (NPIAS), in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and enhances current and future economic development in the County; and

WHEREAS, pursuant to Public Law 116-136 (CARES Act), Federal funds were made available to U.S. public airports in the NPIAS to “prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received CARES Act Grant Offer, Grant No. 3-36-0048-054-2020 in the amount of \$69,000 (hereinafter called “the Grant”) for the Chautauqua County Jamestown Airport, and said funds will be used for any purpose for which airport revenues may be lawfully used; and

WHEREAS, the Airport Commission reviewed and recommended that the County accept the Grant for the purpose of offsetting the Chautauqua County Jamestown Airport’s operating costs; and

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than July 1, 2020 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution No. 137-20, the revenue associated with the Grant was amended into the 2020 Adopted Budget so no other budget amendments are necessary; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the CARES Act Grant Offer, Grant No. 3-36-0048-054-2020 in the amount of \$69,000 for the Chautauqua County Jamestown Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 144-20  
Removing In-Ground Fuel System at Dunkirk Airport

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

WHEREAS, Resolutions 75-18 and 76-18 authorized capital accounts and bond issuance for the design and construction of a new fuel farm at the Dunkirk Airport, at a maximum estimated cost of \$650,000 to replace the existing in-ground fuel storage system; and

WHEREAS, in furtherance of the replacement project, the former fixed-base operator at the Dunkirk Airport, Dunkirk Aviation Sales & Service, Inc. (“Dunkirk Aviation”), was responsible for removing the existing in-ground fuel storage system that it owns; and

WHEREAS, despite requests from the County, Dunkirk Aviation has not initiated the removal of the in-ground fuel storage system, but construction of the new fuel farm is complete and NYSDEC is requiring that the County, as owner of the airport, remove the existing in-ground system by November 2020; and

WHEREAS, construction of the new fuel farm was bonded for the sum of \$563,000 and completed at a cost of \$558,130, and sufficient appropriated monies remain in the project’s \$650,000 capital appropriation account to remove the existing in-ground system; therefore be it

RESOLVED, That the Department of Public Facilities is authorized to proceed with the removal of the in-ground fuel system at the Dunkirk airport utilizing the remaining funds in the capital appropriation account established pursuant to Resolution 76-18, designated as H.5610.25003.4 Contractual – Chautauqua County Airport-Fuel Farm DNK (2018); and be it further

RESOLVED, That the Department of Public Facilities and County Law Department take all necessary steps to seek reimbursement for the expense of removal of the in-ground system from Dunkirk Aviation.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 145-20  
Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief,  
and Economic Security (CARES) Act of 2020

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

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WHEREAS, under the CARES Act of 2020, Chautauqua County has been recommended as eligible to receive supplemental funding for the following endeavors:

- |                                    |             |
|------------------------------------|-------------|
| 1. Standard Operating Assistance   | \$2,050,351 |
| 2. Appalachian Development Funding | \$37,037    |
| 3. Mobility Management             | \$61,204    |

and;

WHEREAS, supplemental CARES Act funding may be used at up to a federal share of 100% and may be used for any eligible activity authorized under the Formula Rural Area Program; and

WHEREAS, supplemental CARES Act funding may also be used for operating activities (net of fare revenues), including the cost of drivers' salaries, fuel, and items having a useful life of less than one year, such as personal protective equipment and cleaning supplies; and

WHEREAS, supplemental CARES Act funding may also be used for the salary of the Mobility Manager until the 100% federally funded and budgeted revenue is received from the 2019-2020 5311 Grant; and

WHEREAS, the 2020 Adopted Budget cannot be amended at this time because the exact use of these funds is not yet known; however, it is known that these funds may not be used to reduce local share; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted "yes" by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 146-20  
Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program  
Supplemental Grant

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

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation under the 2018 Modernization and Enhancement Supplemental Program for the following projects:

- |                                      |           |
|--------------------------------------|-----------|
| 1. Purchase 3 – Hybrid Trolleys      | \$600,000 |
| 2. Service Improvements – Rebranding | \$327,500 |

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3. R & D New Tech – Route Match	\$400,999
4. Consultant Services – Routes	<u>\$126,501</u>
Total Grant:	\$1,500,000

; and

WHEREAS, funding for all of the foregoing four (4) projects will be at a rate of 100% state dollars; and

WHEREAS, upon execution of the contract, the budget will be amended as necessary in subsequent resolutions once the County is ready to expend the grant funds; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 147-20  
Approving SEQRA Findings and Determinations for Landfill Renewable Natural Gas (RNG)  
Agreements

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

WHEREAS, the County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals (RFP) for the development of an RNG facility at the County Landfill that is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; and

WHEREAS, DPF and the County Law Department have reviewed the proposed project and determined that it is an “Unlisted” action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form (“SEAF”) has been prepared for the project, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are on file with the Clerk of the County Legislature; therefore be it

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RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed actions will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a “Negative Declaration” for the proposed actions.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted “yes” by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 148-20

Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)

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

WHEREAS, the County owns and operates a landfill gas-to-energy generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas to a third party who will convert it to renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals (RFP) for the development of an RNG facility at the County Landfill that is intended to allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; and

WHEREAS, in response to the County’s RFP, Vireo Energy, a renewable energy financial consulting firm from Malibu, California, and EmKey Gathering LLC from Erie, Pennsylvania, a natural gas gathering company operating in southwestern New York and northwest Pennsylvania, have formed a new company Chautauqua Green Energy LLC for the purposes of building, owning, operating, and managing the County’s proposed RNG project; now therefore be it

RESOLVED, That the County Executive is authorized to enter into a lease and any other necessary agreements with Chautauqua Green Energy LLC (CGE), 558 West 6<sup>th</sup> Street, Erie, Pennsylvania, to enable the development of an RNG facility at the County Landfill, to include the following terms and conditions:

1. RNG Plant and Infrastructure. CGE, at its sole expense, shall design, construct, operate, and maintain an RNG plant and infrastructure at the County Landfill, to be completed within twenty-four (24) months of execution of the lease agreement. Unless the County elects to purchase the RNG plant and infrastructure upon the termination of the lease agreement, CGE, at its sole expense, shall also be responsible for the decommissioning and removal of the RNG plant and infrastructure except for buried facilities, such as pipelines, which may be abandoned in place.
2. Leased Premises. An approximately two (2) acre site at the County Landfill, and subsurface rights to install gas gathering and transmission lines on Landfill property to serve the RNG plant.
3. Term. Twenty-two (22) years, including the period of design and construction of the RNG plant and infrastructure.
4. Existing County Gas-to-Energy Plant. For the full term of the lease agreement, including the period of design and construction of the RNG plant and infrastructure, CGE, at its sole expense, shall be responsible for operating and/or mothballing the County's existing gas-to-energy plant, and maintaining it in good working order.
5. Rights and Use of Landfill Gas. For the full term of the lease agreement, including the period of design and construction of the RNG plant and infrastructure, CGE shall have exclusive rights to all biogas emanating from the County's landfill and collected by the County's gas collection system. CGE shall be obligated during said full term of the lease agreement to utilize all County Landfill biogas by consuming it in the RNG plant or the County's gas-to-energy plant, or by flaring it, to ensure County's compliance with air and nuisance odor regulations.
6. Utilities. CGE shall obtain and pay for all utilities necessary to operate and maintain the RNG plant and infrastructure, the existing County gas-to-energy plant, and any other project facilities operated by CGE over the term of the lease agreement.
7. Taxes and Costs. CGE shall pay all taxes, assessments, charges, fees, fines or penalties which may be owed by reason or as a result of CGE's ownership and/or operation of the RNG plant and infrastructure, the existing County gas-to-energy plant, and any other project facilities.
8. Government Requirements. CGE shall, at its sole expense, comply with all Federal, State and local requirements for the RNG plant and infrastructure, including its construction, operation, maintenance, decommissioning, and removal, and also comply with all government requirements for the operation, maintenance, and/or mothballing of the existing County gas-to-energy plant, and for any other project facilities.
9. Payments to County.

2020:       \$1,000,000 in installments to be approved by the County Executive.

Years two (2) through (10):

- a. Base payment of \$1,000,000.00 per year, payable in quarterly installments; and
- b. Royalty payment of \$0.05/MMBTU for all Landfill biogas captured by the County's gas collection system and provided to CGE, payable in quarterly installments.

Years eleven (11) through twenty-two (22):

- a. Base payment of \$1,000.00 per year; and

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- b. Royalty payment of \$1.00/MMBTU for all Landfill biogas captured by the County's gas collection system and provided to CGE, payable in quarterly installments.
10. Other. As negotiated by the County Executive.

Signed: Hemmer, Gould, Davis, Nazzaro, Scudder, Niebel, Odell, Harmon (Voted "yes" by video Conference PF and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 150-20  
Authorize Execution of State Interoperability Communications Grant FY19

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State (NYS) Division of Homeland Security and Emergency Services has approved the application submitted for the Statewide Interoperability Communications Grant (SICG) Program; and

WHEREAS, the State of New York will provide funding for the FY19 grant in the amount of \$636,624, with no local funds, for the performance period of January 1, 2020 through December 31, 2021; and

WHEREAS, this grant is not currently included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the NYS Division of Homeland Security and Emergency Services to secure the grant funding as set forth above; and also be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3020.PSCN.2	Equipment—Publ Safety Communication,	
	Pub Sfty Communications	\$372,000

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000	Federal Aid—Other Public Safety Aid	\$372,000
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted "yes" by video Conference PS and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 151-20  
Amend 2020 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, as well as some revenues will have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3189.3111.2	Equipment – Other Law Enforcement - Navigation	\$22,813
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ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.3189.3111.R268.0000	Sale of Property/Compensa-Insurance Recoveries	\$4,470
A.3189.3111.R438.9000	Federal Aid-Other Public Safety Aid	\$2,026
A.3189.3111.R331.5000	New York State Aid-Navigation Law Enforcement	<u>\$16,317</u>
	Total	\$22,813

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 152-20  
Amend 2020 Budget Appropriations and Revenues due to COVID-19 – Department of  
Emergency Services

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

WHEREAS, some Emergency Services department expenditures have exceeded initial budgetary estimates due to the response to the COVID-19 pandemic; and

WHEREAS, the Department of Emergency Services has filed a Request for Public Assistance (RPA) with the Federal Emergency Management Agency (FEMA) and expects to receive reimbursement for expenditures related to the pandemic; and

WHEREAS, FEMA typically requires a local match of 25% for all RPAs, but the federal government has indicated the local match will be reduced to zero; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:



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INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.2	Equipment—Emergency Services	\$ 12,695
A.3010.----.4	Contractual—Emergency Services	\$200,000
A.3640.----.2	Equipment—Hazardous Materials	<u>\$ 6,203</u>
	Total	\$218,898

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.3010.----.R430.5001	Federal Aid—Emergency Mgt Assistance	\$212,695
A.3640.----.R430.5001	Federal Aid—Emergency Mgt Assistance	<u>\$ 6,203</u>
	Total	\$218,898

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 153-20

Authorize Acceptance of the BJA FY 20 Coronavirus Emergency Supplemental Funding  
Program Grant for funds for 2020-2022

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

WHEREAS, the Office of the District Attorney has applied for a grant in the amount of \$58,008 from the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), titled “BJA FY 20 Coronavirus Emergency Supplemental Funding Program,” for the period of January 20, 2020 to January 31, 2022; and

WHEREAS, the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), has awarded \$58,008 to Chautauqua County; and

WHEREAS, this federal grant will provide additional resources to the Office of the District Attorney to support a broad range of activities, including preventing, preparing for, and responding to COVID-19; and

WHEREAS, the Office of the District Attorney has not included these grant funds in the 2020 Adopted Budget; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the BJA FY 20 Coronavirus Emergency Supplemental Funding Program Grant with the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), in the amount of \$58,008 for the term of January 20, 2020 to January 31, 2022; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all documents necessary on behalf of Chautauqua County with the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), in connection with this grant; and be it further

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services—District Attorney	\$23,100
A.1165.----.4	Contractual	<u>\$ 9,052</u>
	Total:	\$32,152

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1165.R438.9000	Federal Aid—Other Public Safety Aid	\$32,152
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video Conference PS and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 154-20

Authorizing SEQRA Review of Waterways Panel 2021 2% Occupancy Tax Recommendations

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

WHEREAS, thirty-one applications for the 2021 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the thirty-one requests; and

WHEREAS, eight of the thirty-one projects submitted for 2% Occupancy Tax funding for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Department of Planning and Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the projects recommended by the Waterways Panel for 2021 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Lakewood Grandview	1	\$40,000.00	\$40,000.00
CWC Lake Friendly Lawn Care	2	\$23,734.00	\$23,734.00
Rice Tim	3	\$28,660.00	\$28,660.00
O'Brien	4	\$40,000.00	\$40,000.00
Mud Creek 2	5	\$29,907.00	\$29,907.00
Sunset Bay HOA	6	\$29,935.00	\$29,935.00
Pomfret Salt Storage	7	\$40,000.00	\$40,000.00

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Stark Chaut Lake Shoreline	8	\$12,000.00	\$12,000.00
Giacchino Walnut Creek	9	\$20,164.00	\$ 0
Village of Silver Creek	10	\$40,000.00	\$ 0
Hiliker Walnut Creek	11	\$21,904.00	\$ 0
Narraway Lake Erie	12	\$25,064.00	\$ 0
Heenan Crooked Brook	13	\$26,314.00	\$ 0
Reynolds Chaut Lake Trib	14	\$25,000.00	\$ 0
Mallard Cove Chau Lake Trib	15	\$6,800.00	\$ 0
Harvey Clear Creek	16	\$24,660.00	\$ 0
Jackson Walnut Creek	17	\$21,740.00	\$ 0
Miller Canadaway Creek	18	\$45,432.00	\$ 0
Burns Canadaway Creek	19	\$34,700.00	\$ 0
Stott Walnut Creek	20	\$33,356.00	\$ 0
Reinhardt Dutch Hollow Creek	21	\$34,632.00	\$ 0
Smith Mud Creek	22	\$31,278.00	\$ 0
AbiNader Prendergast Creek	23	\$39,648.00	\$ 0
Dolce Walnut Creek	24	\$28,782.00	\$ 0
Glaser Mud Creek	25	\$19,822.00	\$ 0
Seymoure Dutch Hollow Creek	26	\$18,320.00	\$ 0
Montgomery Bemus Creek	27	\$16,662.00	\$ 0
Weintraub	28	\$20,472.00	\$ 0
Klaes Chautauqua Lake Trib	29	\$22,400.00	\$ 0
Avery Chaut Lake Trib	30	\$10,262.00	\$ 0
Mulkin Chaut Lake Trib	31	\$9,992.00	\$ 0
<b>TOTALS</b>		<b>\$821,640.00</b>	<b>\$244,236.00</b>

Signed: Odell, Starks, Harmon, Ward, Nazzaro, Gould, Niebel (Voted “yes” by video Conference PED and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 155-20

Authorize Extension of Lease Agreement for the Department of Planning, Division of Planning and  
Community Development at Welch Foods Building in Westfield, New York

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

WHEREAS, Chautauqua County has 42 municipalities located across approximately 1,100

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square miles; and

WHEREAS, the Chautauqua County Department of Planning, Division of Planning and Community Development (CCDPCD) collaborates with municipal entities on a wide variety of projects and initiatives; and

WHEREAS, an office location within our villages and towns helps provide easier access to the majority of CCDPCD's municipal customers; and

WHEREAS, pursuant to Resolution 245-18, the County entered into a lease agreement with the Town of Westfield for office space at the Welch Foods Building; and

WHEREAS, the County is desirous of extending its lease agreement with the Town of Westfield on the following terms and conditions; and

WHEREAS, the funds for this lease are included in the County's 2020 Adopted and Amended Budget; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to negotiate and enter into a lease with the Town of Westfield for office space at 2 South Portage Street, Westfield, New York, upon substantially the following terms and conditions:

1. Premises: 1,441 square feet at Welch Foods Building, 2 South Portage Street, Westfield, New York.
2. Rent: A monthly rate of \$916.67.
3. Utilities: Landlord to pay for heat and electric; County to pay for telephone and Internet.
4. Term: Month to month tenancy commencing on August 1, 2020, and terminating no later than December 31, 2021.
5. Other: As negotiated by the County Executive.

Signed: Odell, Starks, Harmon, Ward, Nazzaro, Gould, Niebel (Voted "yes" by video Conference PED and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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RES. NO. 156-20  
Amend Chautauqua County Health & Human Services 2020 Adopted Budget for Increased Services  
for Recipients Costs

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

WHEREAS, 2020 expenditures for Services for Recipients costs related to Non TA Residential Domestic Violence are now projected to be in excess of the budgeted amount; and

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WHEREAS, Services for Recipients costs related to Non TA Residential Domestic Violence are not funded by the Federal government or by the State of New York; and

WHEREAS, 2020 contractual expenditures for Family Assistance are now projected to be lower than the budgeted amount; and

WHEREAS, Family Assistance costs are generally funded at 79% by the Federal government; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6070.----.4	Contractual--Services for Recipients	\$105,000
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DECREASE APPROPRIATION ACCOUNT:

A.6109.----.4	Contractual--Family Assistance	\$500,000
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DECREASE REVENUE ACCOUNT:

A.6109.R460.9000	Federal Aid – EAF Foster Care	\$395,000
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Signed: Pavlock, Rankin, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted “yes” by video Conference HS and AC Committee Meetings)

Unanimously Adopted – June 24, 2020

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MOTION: (On File with June 24, 2020 Leg Data)

9-20 Calling on the State of New York to Release Enhanced Federal Medicaid Matching Funds to Counties and New York City

Chairman Chagnon: Are there any questions or comments on the motion?

Legislator Nazzaro: Mr. Chairman, I thank you and our County Executive for bringing this motion before the county legislature. I will, without hesitation, support this because as we read this motion it's the understanding that the State of New York has already received money from the federal government for FMAP to the tune of \$2.5 billion for the period of January 1, 2020 through June 30, 2020 and the federal law requires that a portion of these funds be passed to the counties, as well as New York City. As we all know, the federal government approved a 6.2% increase in the federal Medicaid medical assistance percentage, known as FMAP. Also, what is even more disturbing as I read down the motion in the last whereas, the State of New York has also been holding for roughly 3 years similar payments for FMAP that is owed to counties and New York City. I certainly encourage all of my fellow legislators to support this and I hope New York State takes action on this, not only for Chautauqua County, but all counties

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and New York City that are suffering and could use these federal monies that are due us. Thank you.

Chairman Chagnon: Thank you that was very well said. Are there any other questions or comments?

Clerk Tampoio: Mr. Chairman, as part of the protocol we need to know that there's support of a majority of legislators to bring this to the floor.

Chairman Chagnon: Thank you very much for pointing that out. As always, I appreciate the guidance. Unless there are any other questions or comments on the motion, I would entertain a motion to bring this to the floor for consideration.

Legislator Gould: So moved.

Legislator Nazzaro: Second.

*No Objection was made to the Motion*

Chairman Chagnon: Now that it's on the floor for action we have had one comment made, are there any questions or comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

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PRIVILEGE OF THE FLOOR

No comments were received.

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Chairman Chagnon: Thank you. Before Legislator Gould puts his hand up, I would like to thank you all again for your excellent participation in these virtual meetings that we've been having this month in the committees and at this Legislature meeting. I appreciate your patience and your participation and I am hopeful that we'll all get the pleasure of seeing each other face to face in the very near future; hopefully as early as next month. As I said earlier in caucus, Bill Ward got the gold star for the caucus meeting, which assisted this meeting, so my congratulations and appreciation goes out to him. Unless there is anything else for the good of the order, I will entertain Legislator Gould

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:03 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, July 22, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Clerk Tampio called the roll and announced a quorum present (Absent: Lawton)

Legislator Niebel delivered the prayer and pledge of allegiance.

Chairman Chagnon: At this time it gives me pleasure to recognize Legislator Scudder.

Legislator Scudder: Thank you, Mr. Chairman. Like many of you, the man I would like to honor tonight I had the privilege of knowing personally. He was a great servant of his community of Fredonia, of Chautauqua County, of New York State and of the United States. I had someone share with me a saying that goes something like this, it's been said better and it's been said before, yet I believe it bears repeating. So, with that being said, I would like to take a moment to read from the obituary of the honorable David A. Prince.

“The Honorable David A. Prince, a life-long resident of Fredonia, N.Y., passed away on July 2, 2020, at the age of 77. He was born Sept. 20, 1942, in Brooks Hospital, to the late Arthur F. and Charlotte (Schwertfager) Prince English.

David is survived by his loving wife, caregiver and best friend for over 30 years, Susan Marsh; his son, David A Prince II (Sheryl) of Minneapolis, Minn.; grandson, Joseph David (JD) Prince; and his dog, Hunter.

He was preceded in death by his parents; and his sister, Patricia A Logan of Fredonia, N.Y.

David graduated from Fredonia Central High School, class of 1961, and, after his military service, from the Chautauqua County Sheriff's academy. David grew up helping to run his family business, a local service station, where he worked after school and weekends from the age of 10 until his father's untimely death when he was only 18.

David was drafted into the U.S. Army in 1964, where he served as a MP (Military Policeman). He was stationed at Fort Hood, Texas, until his first assignment as a bodyguard to Martin Luther King and marchers during the 1965 legendary march for civil rights, from Selma to Montgomery, Alabama. Soon after, he was deployed to Vietnam (1965-66). While there, along with his normal duties, he was assigned to escort and protect General William Westmoreland and Vice President Hubert Humphrey during their visits to Saigon.

After returning from the service in 1966, David began his long-time career with the Dunkirk and Fredonia Telephone Company where he worked for 35 years. On July 1, 1967 he was appointed as the Town of Sheridan's police officer. He worked the next 23 years, nights and weekends, as their chief of police. In 1970, David was appointed as a special deputy sheriff for the County of Chautauqua by Sheriff John Bentley. He was the first Chautauqua County police officer to be certified as an EMT.

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In 1990 David was elected as the Town of Pomfret Justice, a position he held until 2015. In 1997, he was also elected as the Village of Fredonia Justice, a position he held until shortly before his death.

David was a volunteer fireman with D.R. Barker Hose Co. since 1962 and the Sheridan Fire Department, when he lived in Sheridan. He was a member of the Fredonia United Methodist Church. David was a charter and life member of the Sheridan Veterans of Foreign Wars, a life member and past president of the Chautauqua County Deputy Sheriff's Association, and a member and past president of the Van Buren Bay Association. He was also a member of the Shorewood Country Club, the Dunkirk Exempt Firemen, the Elks Club, the NYS and Chautauqua County Magistrates Associations, and a past member of the Dunkirk Yacht Club. David has never been afraid of hard work, working two to three jobs all his life. Even with failing health, he still continued to work until he was no longer able. He took his work to heart and always gave it all he had. His greatest joy was helping someone turn their life around. David will be missed dearly by his friends, family and all who knew him."

Thank you.

Chairman Chagnon: Thank you. At this time I have the pleasure of recognizing Legislator Ward.

Legislator Ward: Thank you. The Chautauqua Community, including this Legislature, recently received a beautiful letter; a tribute for Jared Jacobsen from the Chautauqua president Michael Hill. A long time Chautauqua organist and choir director, Jared lost his life in an automobile accident shortly after the 2019's conclusion. As a long time Chautauquan and a friend of the great Jared Jacobsen I can easily add my name to the long list of humans blessed to have known him, let alone participate in his art. Jared will be remembered not only as the standard bearer for the positions he held, but also he'll be remembered for the deposit he left on this earth as a lover of all things good. His gift to all of us is his tremendous mark of decency and excellence in all that he touched. It's my honor to recognize Jared in these chambers tonight.

Chairman Chagnon: Thank you. Alright, the next item on our agenda is approval of the minutes of the Legislature meeting on June 24, 2020.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (06/24/2020)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Were there any submitted comments for the first privilege of the floor?

Clerk Tampio: No, I have not received any emailed submittals.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 06/24/2020

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PRESENTATION:

Planning Board's Review of  
2021 Capital Projects  
By Doug Bowen

Mr. Bowen: County Executive Wendel, Mr. Chairman, County Legislators, ladies and gentlemen: My name is Douglas Bowen, and I am Chairman of the Chautauqua County Planning Board. The County Administrative Code charges the County Planning Board with the responsibility of annually reviewing capital requests from county departments and making recommendations to County Government with respect to estimated costs, project justification, and priority. This evening I am here on behalf of the Chautauqua County Planning Board to present the Board's report, with recommendations for the 2021 Capital Budget, and the 2022-2026 Capital Plan.

The capital project review process is challenging in normal times. The last few months have been anything but normal. This year, capital project requests were reviewed and discussed by the Planning Board members remotely through teleconferencing, while many of us were working from home. Typically, the Planning Board holds a capital projects meeting in May, where each project is presented to the Board. Throughout these presentations, the Board can gain insight from someone's body language, facial expressions, and by making eye contact. This social interaction helps the Board to understand the project nuances and gives them the ability to ask clarifying questions. With the circumstances we are under this year, it was not possible to hold this meeting as we have done in the past. Instead, the Planning Board's review was based on the information provided with each project request. On a positive note, I feel the current circumstances forced the Planning Board members to review the written Capital Requests more thoroughly, since they knew an in-person presentation would not occur. This, however, placed a much greater reliance on a complete and accurate capital request forms.

Based upon the Board's review process, a few key suggestions came to light in 2020. The following are items the Board would like you as policy makers to consider as we move forward:

- 1.) The County Planning Board has continually stressed the importance of the Multiyear Capital Plan. The Multiyear Capital Plan should be a critical piece of the County's overall financial plan. A Multiyear Capital Plan should identify all capital and major equipment needs, incorporate a process for prioritizing projects, and include a maintenance cycle to sustain current capital assets. However, the Board noticed that numerous capital projects presented for the first time were not mentioned in past Multiyear Capital Plans. It is the Board's opinion that the best time to begin planning for 2022 Capital Projects is the day after 2021 Capital Projects have been approved.

2.) The Planning Board understands that circumstances may change between the time the project rankings are compiled, the time they are submitted to the County Legislature and the time the Legislature makes its final decision as to what projects are funded. The priority of a project also may change from year to year as well. The Legislative Chambers A/V upgrade is a perfect example of this. This project was submitted this year for the second time. The project was not considered a critical project to be funded when it was reviewed in 2019. However, with the onset of the COVID-19, the need for video conferencing to help maintain social distancing has made this a critical project. The County Planning Board has recommended this project be moved from a 2021 Capital request to a 2020 project.

3.) The new uncertainty in revenue streams has placed a greater emphasis on the future operating costs of capital projects. The outcome of past and future projects must be measured. Did the project meet expectations? Were the additional services provided? Were the anticipated operational savings achieved? If not, why not? As an example, the SCOB First Floor Renovations project has stated an estimated \$150,000 in annual operational savings. Given the expected reduction in operational costs the County Planning Board believes this project is worth pursuing. However, the Planning Board also strongly suggests that the projected project savings be tracked on an annual basis to gauge the success of the project and help the County understand the potential for future savings.

The stakes are high. Many capital investments are large and it is important to plan and ensure that projects are needed, well designed, and efficiently implemented. Clearly, decisions made today will have an influence for years to come on our citizens. This year the planning board reviewed 54 county funded capital projects for the 2020 capital budget and an additional 11 projects for the 2022 - 2026 capital plans. These projects were submitted by 15 various Chautauqua County departments. If you separate out the sub-departments that are under the umbrella of "Public Facilities" there were submissions from 19 different departments.

The total cost requested for the 54 capital projects reviewed, without FAA/State funded airport projects, was 38,212,606. The county share of these projects was 15,641,120.

The Capital Project Report is broken into multiple tables for your use. Table A, on page 6 lists a total cost, and total County share, of the 2021 capital project requests received by department. Table 8, on page 8, lists the Board's prioritization of County funded capital projects. The table contains corresponding page numbers to allow easy reference to project information.

Table C, on page 12, lists the prioritization of the requested enterprise funded capital projects for 2021. Again, the table contains corresponding page numbers to allow easy reference to project information.

Table D, on page 12, lists the prioritization of the requested airport capital projects and the County vehicle requests are listed on page 14. This follows the same format that many of you have seen in past years. I hope you find the Board's comments enlightening.

Before I leave, I would like to thank the County Executive and the County Legislature for the appointments made to the County Planning Board. You have provided the Planning Board with a group of dedicated and knowledgeable individuals with diverse

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backgrounds who provide valuable insight to future planning for Chautauqua County. That said I would like to thank all the members of the Chautauqua County Planning Board who volunteered many hours reviewing the Capital Projects. I commend them for their efforts

Thank you. Are there any questions?

Chairman Chagnon: Thank you. Are there any questions for Mr. Bowen?

Legislator Odell: Thank you very much for that great presentation. We'll look forward to seeing this and discussing this further in our Planning & Economic Development Committee. Again, thank you for your time and the volunteer work (*inaudible*) taking the time to put this together to give us the best advice possible. Thank you again.

Chairman Chagnon: Thank you. Anybody else? Doug, I would just echo Mark's comments. Thank you very much. You do a fine job each year and we're indebted to you and your board members for the service that you provide to Chautauqua County. Thank you very much.

Mr. Bowen: Thank you for that. I have one last comment. We do still have a couple vacancies.

Chairman Chagnon: O.K., PJ and I will work on that.

Mr. Bowen: Thank you.

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COMMUNICATIONS:

1. Letter – Chautauqua Institution – Honoring Memory of Organist Jared Jacobsen
  2. Minutes – Conewango Watershed Commission – Meeting Minutes
  3. Report – NYS Department of Taxation and Finance – 2020 State Equalization Rates
  4. Report – Chautauqua County Planning Board – Re: 2021 Capital Budget & 2022-2026 Capital Plan
  5. Report – County of Chautauqua Industrial Development Agency – Re: Notice of Coordinated Review and Intent to Re-Establish Lead Agency Status
  6. Report – Land Bank – Annual Report
  7. Report – Fn. Director Crow – Investment Report – July 2020
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RES. NO. 157-20

Adopt Records Retention and Disposition Schedule for County Government

By Administrative Services Committee:

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

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WHEREAS, the New York State Archives has revised and consolidated its local government records retention and disposition schedules and has issued a single, comprehensive retention schedule (LGS-1) pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for local government records; and

WHEREAS, the existing CO-2 Records Retention and Disposition Schedule for counties which was adopted by Resolution 109-90 will expire January 1, 2021; and

WHEREAS no local government records may be legally destroyed unless the LGS-1 is adopted to replace the CO-2 Records Retention and Disposition Schedule; it is therefore

RESOLVED, the LGS-1 Records Retention and Disposition Schedule for Local Government Records is hereby adopted for use by all Chautauqua County government officers and employees in legally disposing of valueless records; and it is further

RESOLVED, in accordance with Article 57-A, all future disposal shall be according to Records Retention Schedule LGS-1 after records have met the minimum retention period described therein, and only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks (Voted “yes” by video Conference A.S. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 158-20  
Amend 2020 Budget Appropriations and Revenues – Landfill

Public Facilities and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, some Landfill department expenses have exceeded initial budgetary estimates due to prior year expenditures recorded in the current fiscal year; and

WHEREAS, the Landfill is expected to receive revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.6000.4	Contractual—Environment, Closed Landfills	\$71,000
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INCREASE REVENUE ACCOUNT:

EL.8160.1000.R237.6000     Departmental Income—Chrgs: OCC Municipal     \$71,000

Signed: Hemmer, Scudder, Nazzaro, Gould, Davis, Niebel, Odell (Voted “yes” by video Conference P.F. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 159-20  
Adjust D5112-Capital Improvement Accounts

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

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

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

WHEREAS, the Chautauqua County capital budget includes \$3,726,172 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2020-2021 CHIPS appropriations for Chautauqua County to \$3,724,255.64; and

WHEREAS, the Chautauqua County capital budget includes \$850,535 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2020-2021 PAVE-NY appropriations for Chautauqua County to \$850,098.41; and

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and it has appropriated additional funds under the EWR program in the amount of \$547,296.36; and

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

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

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following budgetary changes to the 2020 Adopted Budget:

DECREASE REVENUE ACCOUNT:

D.5112.390.R350.1000	New York State Aid—NYS Aid CHIPS	\$ 1,917
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DECREASE REVENUE ACCOUNT:

D.5112.391.R350.PAVE	New York State Aid—NYS Aid PAVE NY	\$ 437
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DECREASE APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual--Capital Improvements, County Bridge Program	\$ 1,917
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INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual--Capital Improvements, Highway Improvements	\$546,859
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INCREASE REVENUE ACCOUNT:

D.5112.391.R350. EWR	New York State Aid—NYS Aid-Extreme Weather Recovery	\$547,296
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Signed: Hemmer, Scudder, Nazzaro, Gould, Davis Niebel, Odell (Voted "yes" by video Conference P.F. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 160-20

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2020-2021

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

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$193,463.00 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the funded "GIVE" Task Force partners consist of the City of Jamestown Police Department, and the Chautauqua County Agencies of the District Attorney, Sheriff's Office and Probation Office; and

WHEREAS, the City of Jamestown Police Department has been awarded \$72,221.00 of the total "GIVE" funding and will sign and administer a separate contract with the New York State Division of Criminal Justice Services (DCJS) for said funding; and

WHEREAS, the Chautauqua County Agencies consisting of the office of the District Attorney (\$83,306.00), the office of the Chautauqua County Sheriff (\$27,436.00) and the office of Probation (\$10,500.00) will share the balance of such funds; and

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WHEREAS, the office of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2020 Adopted Budget with the balance to be included in the 2021 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$121,242.00 for the term of July 1, 2020 to June 30, 2021.

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Odell, Gould (Voted "yes" by video Conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 161-20

Amend 2020 Budget for State Homeland Security Program (SHSP) Grant Award

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$149,956.00 from the 2017 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY17 grant with no local funds, per Contract #C969570 during the performance period of September 1, 2017 through August 31, 2020; and

WHEREAS, pursuant to Resolution 237-17, 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, some revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.2	Equipment-Hazardous Materials	\$15,376
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$15,376
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Odell, Gould (Voted “yes” by video Conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 162-20  
Reallocation of 2018 2% Occupancy Tax Funding

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

WHEREAS, the Chautauqua County Division of Planning and Community Development (CCDPCD) has deferred implementation of the 2020 Occupancy Tax projects to achieve mandated budget reductions in response to the COVID-19 virus outbreak; and

WHEREAS, in 2018 and again in 2019 CCDPCD accrued expense from the 2018 Adopted Budget for the 2% Occupancy Tax Starr Point Dairy project, and that project is no longer viable; and

WHEREAS, reversal of the 2019 expense accrual makes available \$39,888 in contractual appropriations; and

WHEREAS, CCDPCD recommends the \$39,888 be used to implement the highest ranking project on the 2020 Occupancy Tax project list; now therefore be it

RESOLVED, That the Chautauqua County Legislature approves the reallocation of \$39,888 within the 2% Occupancy Tax Program for the implementation of the highest ranking project on the 2020 Waterways Panel List.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video Conference P.E.D. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 163-20  
Authorize ELECTIONS CYBERSECURITY REMEDIATION Grant Award from the New York  
State Board of Elections

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:



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WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the ELECTIONS CYBERSECURITY REMEDIATION Grant; and

WHEREAS, the State of New York will provide funding for a grant in the amount of \$94,013.90 for Contract #C004237-1110000 for the performance period of December 21, 2019 through December 31, 2021; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections to enhance Cybersecurity and Physical Security of Elections Infrastructure; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$94,013.90 from the New York State Board of Elections CYBERSECURITY REMEDIATION GRANT; and be it further

RESOLVED, That the County Executive is hereby authorized to execute Contract # C004237-1110000 with New York State to obtain these funds; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual—Board of Elections	\$94,013
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INCREASE REVENUE ACCOUNT:

A.1450.----.R308.9007	NYS Aid—Other St Aid: Elections Grt	\$94,013
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Signed: Nazzaro, Niebel, Odell, Gould (Voted “yes” by video Conference A.C. Committee Meeting)

Unanimously Adopted – July 22, 2020

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RES. NO. 164-20

Authorizing 2021 Levy of Participant's Share of Chautauqua County Self-Insurance Plan  
(Workers' Compensation) Costs

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

RESOLVED, that pursuant to the Workers' Compensation Law and Chautauqua County Local Law 11-79, as amended by Local Laws 1-82, 4-84, 3-89, 7-93, 4-06, 4-07 and 5-14, the following amounts shall be apportioned in 2021 to each municipal participant, forty percent

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(40%) of such amounts being based on of the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) of such amounts being based on the loss-percentile experience of the participant as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2021:

<u>Towns</u>			
Arkwright	\$35,957.68	Harmony	\$52,160.28
Busti	\$43,033.17	Kiantone	\$12,938.67
Carroll	\$19,767.28	Mina	\$29,657.17
Charlotte	\$12,924.50	N Harmony	\$74,101.74
Chautauqua	\$129,515.72	Poland	\$52,176.86
Cherry Creek	\$16,392.64	Pomfret	\$74,685.83
Clymer	\$10,442.37	Portland	\$53,710.82
Dunkirk	\$23,546.73	Ripley	\$29,851.03
Ellery	\$66,211.94	Sheridan	\$60,075.27
Ellicott	\$143,714.17	Sherman	\$10,578.07
Ellington	\$13,350.10	Stockton	\$13,782.99
French Creek	\$16,604.16	Villanova	\$23,510.38
Gerry	\$18,035.67	Westfield	\$28,489.14
Hanover	\$59,598.90		
<b>Subtotal Towns</b>			<b>\$1,124,813.29</b>
<u>Villages / Cities</u>			
Bemus Point	\$10,206.91	Panama	\$2,113.20
Brocton	\$30,602.36	Sherman	\$2,613.78
Cassadaga	\$4,959.28	Silver Creek	\$36,170.03
Celoron	\$5,409.86	Sinclairville	\$2,473.69
Falconer	\$15,162.32	Westfield	\$99,675.28
Fredonia	\$209,838.71		
Lakewood	\$34,672.05	Dunkirk (City)	\$309,498.83
Mayville	\$16,228.12	Jamestown (City)	\$791,637.04
<b>Subtotal Villages / Cities</b>			<b>\$1,571,261.44</b>
<b>Chautauqua County</b>			<b>\$2,278,925.27</b>
<b>Grand Total</b>			<b>\$4,975,000.00</b>

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 165-20

Authorizing Contract for 2021 Administration of Chautauqua County Self-Insurance Plan  
(Workers' Compensation)

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

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2021; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Eighty-Nine Thousand Seventy Five and No/100 Dollars (\$189,075.00) for the 2021 year, and to include personnel services and office expenses; and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 166-20

Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York

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

Be it enacted by the County Legislature of the County of Chautauqua, as follows:

SECTION 1. Section 4-A of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2015, and ending November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating

or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (f) of Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(f) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2015, and ending November 30, 2023, in respect to the use of property used by the purchaser in this county prior to December 1, 2015.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(c) Disposition of net collections from the additional rate of sales and compensating use taxes in the county. Notwithstanding any contrary provision of law, if the county imposes the additional one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2015, and ending November 30, 2023, the county shall allocate three-twentieths of the net collections from the additional one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the General Municipal Law. The net collections from such additional rate shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county to be used for purposes above described.

SECTION 4. This enactment shall take effect December 1, 2020.

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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RES. NO. 167-20  
Quit Claim Deeds

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

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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 County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; 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 offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; 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 Owning
PA-94-2014	City of Jamestown	060800-387.06-6-46	Truman Leeper	Charles H Fisher Jr.	\$50.00	\$7,526.49
PA-22-2017	City of Dunkirk	060300-79.19-1-25	John E Kuschell	Bennett Boys LLC	\$1,100.00	\$15,061.29
				<b>Total</b>	\$1,150.00	\$22,587.78

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)

Unanimously Adopted – July 22, 2020

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PRIVILEGE OF THE FLOOR

Chairman Chagnon: Kathy, are there any submittals for the second privilege of the floor?

Clerk Tampio: There are no comments from the public.

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MOVED by Legislator Gould, SECONDED by Legislator Rankin and duly carried the meeting was adjourned. (7:07 p.m.)

Respectfully submitted and transcribed,  
Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Ames, Deputy Clerk/Secretary to the Legislature

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Special Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Monday, August 3, 2020 4:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 4:32 p.m.

Clerk Tampio called the roll and announced a quorum present (Absent: Lawton, Whitford)

Legislator Odell delivered the prayer and pledge of allegiance.

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Were there any submitted comments for the first privilege of the floor?

Clerk Tampio: We have not received any correspondence from the public.

Chairman Chagnon: Thank you.

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RES. NO. 168-20  
Confirm Appointment – Director of Human Resources

At the Request of County Executive Paul M. Wendel, Jr., Chairman Pierre Chagnon, County Legislator Jay Gould, and County Legislator Chuck Nazzaro:

WHEREAS, County Executive Paul M. Wendel, Jr. has appointed Jean Riley, 10142 Meadow Road, Findley Lake, New York (Town of Mina) to fill the pending vacancy in the office of Director of Human Resources, subject to confirmation by the Chautauqua County Legislature; now therefore be it

RESOLVED, that the Chautauqua County Legislature hereby confirms the appointment of Jean Riley as Chautauqua County Director of Human Resources effective August 10, 2020, in Range 10 of the Management Salary Plan, for the remainder of the term ending May 31, 2023, as provided in New York Civil Service Law and New York Public Officers Law.  
Signed: Chagnon, Gould, Nazzaro

Chairman Chagnon: There is a correspondence from the County Attorney that we will need to understand so that we can entertain an amendment to the proposed resolution. Kathy, would you share that with us?

Clerk Tampoio: Yes. This is actually a correspondence received today from Paul M. Wendel, Jr., our County Executive regarding the appointment as Director of Human Resources. "Dear Ms. Riley:

Pursuant to Section 15 of New York State Civil Service Law, I hereby appoint you as Director of Human Resources for the County of Chautauqua to fill a vacancy in the office with a remaining term commencing August 10, 2020, and ending May 31, 2023. By copy of this letter to the Clerk of the County Legislature, I respectfully request confirmation by the County Legislature at its Special Meeting on August 3, 2020."

Chairman Chagnon: O.k., I'm sure you noticed that the resolution has a couple of blanks in it, so at this point I would entertain a motion and Steve, would you help us by suggesting what the motion should be to amend the resolution that we have before us.

Mr. Abdella: Yes. In both blanks in the resolution, which is where one would be filling in the name of Ms. Riley, we would ask for motion to amend to fill in both blanks with the name and address as follows: Jean Riley, 10142 Meadow Road, Findley Lake, New York (Town of Mina) to fill the position of Director of Human Resources.

Chairman Chagnon: O.k., so I would entertain a motion as Steve indicated. Chuck Nazzaro has his hand up, so we have a motion.

Legislator Nazzaro: I enthusiastically make the motion to amend the resolution as presented by our County Attorney to present the name of Jean Riley.

Chairman Chagnon: Thank you. I saw a hand go up from Lisa Vanstrom as a second. I have a motion and a second to amend the proposed resolution. Is there any discussion on the motion to amend? All those in favor please say aye. Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Before we begin discussion on this resolution I have asked our current Director of Human Resources, Jessica, to review for us the recruitment process that we have gone through to bring us to this point and then I've asked our County Executive to give us his perspective on this as well. So, Jessica if you could share with the legislature the recruitment process.

Mrs. Wisniewski: Being on this call is a little bit difficult because obviously if I wasn't moving out of state this would not be occurring, but I did make a personal decision to leave and again, I'm moving to North Carolina where I'm originally from. I did give my notice to PJ back in May and we began the recruitment process at the beginning of June, actually June 4<sup>th</sup>. We started advertising for the position through various channels; online as well as newspapers. We did receive many applicants with various backgrounds including several with extensive human resources management experience and we started with a first interview with myself, Steve Abdella, County Attorney and Kitty Crow, Finance Director. We did a first round of interviews with several candidates and then we took the top candidates from the first interview and had a

second interview with myself, with County Executive PJ Wendel, Chairman Chagnon, Majority Leader Jay Gould, Minority Leader Chuck Nazzaro and again, Steve Abdella the County Attorney. After having a final review with the top candidates PJ and the rest of the committee unanimously agreed to offer the position to Jean Riley.

Chairman Chagnon: Jessica, thank you for that. PJ could you share your thoughts with the resolution?

County Executive Wendel: Again, this is bittersweet. We're getting a phenomenal person and it's hard to replace somebody like Jessica, but I think we found someone that will be able to fit the bill. We're very sad to see Jessica leave, but she will be here for the remainder of this week, so if you're in the vicinity send her an email or if you're in the building get approval first and then stop in and say hello.

Jean does come to us- we had three great candidates, I will say that. After each interview we looked at Jess and said you did not make this process easy. As she said, we all unanimously chose in the same order and that we would offer the job to Jean. So, along with that, Jean comes to us with 15 years' experience combined with (*inaudible*) and leadership development, executive management and project management. She holds a Bachelor's degree in communication and a Master's degree in Human Resource management. She's had previous positions as a Human Resources Manager and Director, worked in various environments including corporate, manufacturing, multi-state multi-site as well as union and non-union experience and an extensive background in employee relations, compensation, benefits, recruitment, safety, and security. So, like I said, there was an evaluation process (*inaudible*), but at the end we felt that Jean had a lot of strong suits that put her over the top. We made the offer and she graciously accepted. We're excited. She will be shadowing via Zoom with Jessica if this approval goes through tonight, but I really can't say how excited I am. It's bittersweet, obviously. Jessica has been an integral part of my time as we've moved through this COVID crisis and I've warned Jean that she'll be on my speed dial. Any questions I have I will be reaching out, but really the essence is we've had a great team as we've done this process. My hats off to Pierre, Chuck, and Jay and Steve as well for sitting down at each interview and going through and it was a great process and I think we have a very outstanding candidate and I'm excited to get to work with her when she gets here on campus. Thank you.

Chairman Chagnon: Thank you. I would now like to give the opportunity if they're interested to Jay or Chuck to say any words about the recruitment process.

Legislator Gould: I'm very impressed with Jean. I hope she works for the County for many, many years. That's all I've got.

Legislator Nazzaro: I just want to thank you and PJ for including me on the interview process. I think it was well done- very fair. Like you said, and like PJ said, there were very good candidates and I would like to welcome Jean to Chautauqua County and I would also like to thank Jessica for her dedication and commitment to the 1,200 plus employees of this county and you helped us during a very difficult time here with the COVID-19 pandemic coming up with the



voluntary furlough program and working with the unions. You're an asset that will be truly missed, but like PJ said, it's bittersweet in welcoming Jean. Thank you.

Chairman Chagnon: Thank you. The recruitment process was executed very, very well, as we're accustomed to with Jessica's performance. As PJ said, it was very encouraging that all of us had the same conclusion at the end of it. So, the only hard part for me was that Jessica didn't take my threats about her leaving seriously and she's still leaving, so that's just something I'll just have to live with. I am very excited for the selection that we've made and I think Jean will be a wonderful HR Director for Chautauqua County. I look forward to many good years to come in that area. So, with that I will open it up to the rest of the Legislators or anyone who would like to say anything.

Legislator Starks: I was just thinking that if we were live and in person we would have clapped already. So, I think that we should give some recognition to Jessica for all of her hard work and to *(inaudible)* and I know it's weird to clap via Zoom, but if we were live and in person we would be doing such a thing.

*(Applause)*

Mrs. Wisniewski: Thank you, I appreciate that.

Chairman Chagnon: Anything else?

Legislator Ward: Jessica, the first time that I really had a chance to experience your unbelievable expertise was during the orientation that happened before I was actually sworn in. My jaw really dropped open at how unbelievable talented you are and how incredibly *(inaudible)* to hard headed people like me. Thank you so much for your work. You are awesome.

Mrs. Wisniewski: Thank you.

Chairman Chagnon: Anyone else? Any other comments or questions on the proposed resolution? Hearing none and seeing none, all those in favor please say aye. Opposed?

*Unanimously Adopted*

Chairman Chagnon: It's your turn Jean. Welcome.

Ms. Riley: Thank you. Well, I would just like to thank everyone for this opportunity. When my husband and I moved to Chautauqua County about 7 years ago, we fell in love with the county, the neighborhood, and the services. I really didn't think it could get any better and now it has and I'm so looking forward to the opportunity to work with everybody. I'm just extremely grateful.

Chairman Chagnon: I would just like to point out my appreciation to the Legislature and the staff for arranging this special meeting so we could have some degree of overlap between

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Jessica and Jean. That was the need for the emergency meeting to have the overlap that we've arranged. Thank you all for that.

Mr. Abdella: We will need to do a roll call vote on that resolution. We can do that very quickly and just run through that.

Chairman Chagnon: Thank you for being my memory. Would the Clerk please call the roll?

R/C Vote: 17 Yes; 2 Absent – UNANIMOUSLY ADOPTED

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RES. NO. 169-20  
Extend 2020 Tax Foreclosure Redemption Date

At the Request of County Executive Paul M. Wendel, Jr., Chairman Pierre Chagnon, Legislator Charles Nazzaro, Legislator Jay Gould, and Legislator Bob Scudder:

WHEREAS, pursuant to Article 11 of the Real Property Tax Law, the redemption date in a tax foreclosure proceeding is the last day a property owner can redeem a property by paying the delinquent taxes, and also the last day a property owner may file an answer in the tax foreclosure proceeding; and

WHEREAS, due to the COVID-19 crisis, the County previously extended the 2020 tax foreclosure redemption date from April 15, 2020 to August 7, 2020, in order to afford additional time for property owners to reacquire their foreclosed property prior to the auction, and with the expectation that the County's annual tax foreclosure auction would be held in late September; and

WHEREAS, as a result of several COVID-19 impacts on legal foreclosure procedures and the logistics of holding a public auction, it will not be feasible to complete the tax foreclosure and hold an auction in late September; and

WHEREAS, it is now appropriate to further extend the 2020 tax foreclosure redemption date to correspond to the 2021 tax foreclosure redemption date of April 15, 2021, so that a combined 2020 and 2021 tax foreclosure auction can be held in June 2021; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates April 15, 2021 as the extended redemption date in the County's annual tax foreclosure for 2020.  
Signed: Chagnon, Gould, Nazzaro, Scudder

Chairman Chagnon: Steve Abdella, if you would be so kind as to give us an explanation of this?

Mr. Abdella: Yes, Mr. Chairman. There's a number of factors involved in presenting this resolution to you. As you may recall, with the onset of the COVID-19 pandemic the legislature initially did extend the redemption date for the 2020 tax foreclosure to June and then after that, it extended to August 7<sup>th</sup>. This resolution proposes to extend it a full year to April 15, 2021, which hopefully would have it coincide with the 2021 tax foreclosure that would commence in January. There are several reasons for making this request to you. First and foremost, at this point the current administrative orders of the New York Justice system are requiring that any foreclosure, including tax foreclosure- in order to proceed to a judgement it must have a settlement with the court and a foreclosed owner before proceeding to judgement, which in the case of the County's tax foreclosure would be several hundred such conferences, which to be honest would be logistically impossible to complete. Beyond that, the State Legislature- for as long as the pandemic continues, has put limits on the ability to evict on residential properties and those are continuing limitations, which in the case of our foreclosures many of our properties still are occupied by either the foreclosed owners or (*inaudible.*) There is concern about our auction moving forward with occupants of those properties who will not be able to be evicted by the new owner and the concern that that could put a chill on our auction. Besides that, the pandemic itself and the requirements regarding social distancing makes it difficult to hold an in-person auction and it wasn't clear whether there would be a venue willing to host such an auction. There could be a number of limitations on who could attend. So, for all of those reasons it's my recommendation that the auction be moved and the redemption date be moved to April of 2021 to coincide with the 2021 auction. It's not an ideal situation but I will point out that it's not too long ago that our normal foreclosure cycle was a three year cycle as opposed to a two year cycle. So, we think it's better to have a two year cycle, but it is certainly by no means unprecedented. For many years- for decades it was actually a three year cycle, so this would put us on a three year cycle for the 2020 properties and hopefully we can pick this up next spring and proceed at that time.

Chairman Chagnon: Thank you for that explanation. Are there any questions or comments from the legislators?

Legislator Nazzaro: Thank you, Mr. Chairman and Mr. Abdella. I do believe this is the right thing to do and I am very supportive of this. It should help the property tax owner for the reasons Mr. Abdella gave. I just want to point out- I know the legislators are aware of it, but I want to make sure the property owners are aware of this. The 5% penalty that is assessed under the New York Real Property Tax Law will still be imposed as well as the 1% interest per month, so it does give- we are moving the tax foreclosure redemption date, but the interest will continue to accrue. I just want to make that known to the taxpayers. Thank you.

Chairman Chagnon: Thank you. Other questions or comments?

Legislator Niebel: As much as I'd like to see a tax auction this year, I did speak to the County Attorney this morning. Apparently we would have to have a tax hearing in court on each foreclosure property prior to any tax auction. The logistics of doing so is practically impossible this year, so reluctantly I will be voting for this resolution.

Chairman Chagnon: thank you. Any other questions or comments on the proposed resolution? Any other questions or comments on the resolution? Will the Clerk please call the roll?

R/C Vote: 17 Yes; 2 Absent – UNANIMOUSLY ADOPTED

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#### ANNOUNCEMENTS

County Executive Wendel: I just wanted to make sure- it has hit the media, but there was an accident this afternoon at our landfill that landed in a tragedy of a local contractor. I wasn't sure what was going to hit the papers or the media, but it has already hit. The Sheriff's team is investigating it at this time. That's all the information we have right now, but more news will follow from the Sheriff's Department. Unfortunately, it was a local contractor and our thoughts and prayers are with his family. I just wanted the Legislature to be aware.

Chairman Chagnon: Thank you. Are there any other announcements from any legislators?

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#### PRIVILEGE OF THE FLOOR

Chairman Chagnon: Kathy, are there any communications received for the second privilege of the floor?

Clerk Tampio: There are no communications.

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MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (5:00 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, August 26, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:31 p.m.

Clerk Tampio called the roll and announced a quorum present (Absent: Rankin)

Legislator Pavlock delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (07/22/20 & 08/03/20)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Were there any communications received for the first privilege of the floor?

Clerk Tampio: We have received no emailed communications from the public.

Chairman Chagnon: Thank you.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 07/22/2020 & 08/03/2020

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CERTIFICATES OF RECOGNITION:

BIG INLET BREWING  
and  
CHAUTAUQUA MARINA  
by  
LEGISLATOR WARD

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COMMUNICATIONS:

1. Letter – County Executive Wendel – Appointment of Acting Director of Real Property Tax Services
2. Letter – Planning Board – Legislative Chambers A/V Upgrade
3. Letter – NYS Department of State – Acknowledgement of Local Law 2-20

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4. Letter – NYS Department of Taxation and Finance – Acknowledge Receipt of Certified Resolution 166-20
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RES. NO. 170-20  
Confirm Appointment – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established as a county sewer district of the County of Chautauqua by Resolution 272-77; and

WHEREAS, pursuant to County Law § 261 and Resolution 345-77 the District is governed by a seven-member Board of Directors, who serve for terms of six years; and

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has recommended the appointment of a new board member to fill the unexpired term of a board member who has resigned; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment to the Portland-Pomfret-Dunkirk Sewer District Board:

Appointment

Donald R. Swingle  
10064 Patterson Lane  
Fredonia, N.Y. 14048  
Term Expires: 12/31/2025

Filling the Unexpired Term of  
Douglas K. Newell

Signed: Hemmer, Scudder, Nazzaro, Gould, Davis (Voted “yes” by video conference P.F. Committee Meeting)

Unanimously Adopted – August 26, 2020

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RES. NO. 171-20  
Amend 2020 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, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.2 Equipment – Sheriff – Sheriff Grants

\$83,500

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Contractual – Pub Safety Communication – Pub Sfty Communications		
A.3020.PSCN.4	Network	\$178,600
A.3020.W911.4	Contractual – Pub Safety Communication - E911 Wireless	<u>\$14,400</u>
Total		\$276,500

DECREASE APPROPRIATION ACCOUNT:

Equipment – Pub Safety Communication – Pub Sfty Communications		
A.3020.PSCN.2	Network	\$178,600

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9BM		
B	Federal Aid-Bomb Detection	\$61,000
A.3020.W911.R114.0000	Non Property Tax Items-Surchg: Emerg Phone Sys	\$14,400
A.3110.GRNT.R438.9000		<u>\$22,500</u>
Total		\$97,900

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 172-20

Authorize Execution of Lease Agreement with Verizon Wireless for Tower Space

By Public Safety and Audit & Control Committees:

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

WHEREAS, Verizon Wireless has negotiated a tentative contract with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the County-owned tower located on Oak Hill Road in the Town of Carroll, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Verizon Wireless and such tower space is not needed for public (governmental) purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to lease with a five (5) year term; and

WHEREAS, this revenue is not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, The Chautauqua County Executive is hereby authorized and empowered to execute the lease agreement with Verizon Wireless granting the right to maintain an antenna and communications equipment at the County-owned tower located on Oak Hill Road in the Town of Carroll; and also 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            \$4,250

;and be it further

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R241.0TWR    Use of Money & Property-Rental: Tower Lease            \$4,250

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 173-20

Authorize Execution of New York State Office of Homeland Security Funding Grant—  
Operation Stonegarden FY19

By Public Safety and Audit & Control Committees:

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

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

WHEREAS, the State of New York will provide funding for a FY19 grant in the amount of \$76,383.26, with no local funds, for a contract period of September 1, 2019 through August 31, 2022; and

WHEREAS, this grant is included in the 2020 Adopted Budget so no budget amendments are needed; now therefore be it

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

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 174-20

Authorize Execution of New York State Governor's Traffic Safety Committee Grant for the  
Police Traffic Services Program FY21

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 \$18,750 with no local funds required for the contract period from October 1, 2020 to September 30, 2021; and WHEREAS, this grant is new to the Chautauqua County Office of the Sheriff and is not currently included in the 2020 Adopted Budget; 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; and also be it

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2020 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.1	Personal Services – Sheriff	\$1,000
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INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R338.9000	NYS Aid—Other Public Safety	\$1,000
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 175-20

Amend 2020 Budget for State Homeland Security Program (SHSP-2017) Grant Award

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$149,956.00 from the 2017 State Homeland Security Program; and

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WHEREAS, the State of New York will provide funding for a FY17 grant with no local funds, per Contract #C969570 during the performance period of September 1, 2017 through August 31, 2020; and

WHEREAS, pursuant to Resolution 237-17, 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, some revenues and expenditures associated with this grant were not included in the 2020 operating budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual-Emergency Services	\$4,371
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$4,371
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 176-20  
Amend 2020 Budget for State Homeland Security Program (SHSP-2018) Grant Award

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$150,000 from the 2018 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY18 grant with no local funds, per Contract #C969580 during the performance period of September 1, 2018 through August 31, 2021; and

WHEREAS, pursuant to Resolution 237-18, 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, some revenues and expenditures associated with this grant were not included in the 2020 operating budget; now therefore be it

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RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment—Emergency Services	\$9,735
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid—Homeland Security	\$9,735
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference P.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 177-20

Environmental Assessment of Projects for 2021 2% Occupancy Tax Projects

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

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 154-20 that the Chautauqua County Department of Planning and Development (“CCDPD”) conduct a New York State Environmental Quality Review (“SEQRA”) for the projects approved by the Waterways Panel for funding in 2021 as set forth below and provide a report and recommendations to the County Legislature; and

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

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

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

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

RESOLVED, That the County hereby finds and determines that Actions listed and identified below will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental

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Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, is issuing a negative declaration.

<b>Project/Agency or Organization</b>	<b>Rank</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Lakewood Grandview	1	\$40,000.00	\$40,000.00
CWC Lake Friendly Lawn Care	2	\$23,734.00	\$23,734.00
Rice Tim	3	\$28,660.00	\$28,660.00
O'Brien	4	\$40,000.00	\$40,000.00
Mud Creek 2	5	\$29,907.00	\$29,907.00
Sunset Bay HOA	6	\$29,935.00	\$29,935.00
Pomfret Salt Storage	7	\$40,000.00	\$40,000.00
Stark Chautauqua Lake Shoreline	8	\$12,000.00	\$12,000.00
<b>Totals</b>		<b>\$244,236.00</b>	<b>\$244,236.00</b>

Signed: Odell, Starks, Muldowney, Harmon, Ward, Nazzaro, Gould, Niebel (Voted “yes” by video conference P.E.D. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 178-20

Amend Capital Project H.6010.31002

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County approved Capital Project H.6010.31002 HRC Teleconferencing (2019) is in the 2019 Capital Budget; and

WHEREAS, the proposed cost of Project H.6010.31002 was established at \$52,470 with a funding formula of \$28,234 Federal Aid, \$6,580 NYS Aid, and \$17,656 Local Share; and

WHEREAS, due to a clerical error, the costs and revenues approved in the 2019 Capital Budget were incorrect and the incorrect figures rolled forward into the 2020 Capital Budget; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Capital Budget:

DECREASE CAPITAL REVENUE ACCOUNT:

H.6010.31002.R368.9001     NYS Aid--Soc Srvcs Capital Funding     \$10,578

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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.6010.31002.R468.9001	Federal Aid--Soc Svcs Capital Funding	\$28,234
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6010.31002.4	Contractual--Social Services Admin, HRC Teleconferencing (2019)	\$17,656
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Signed: Pavlock, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon (Voted "yes" by video conference H.S. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 179-20  
Request Funding for Replacement of Mayville Buildings Doors

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

WHEREAS, the main exterior doors at the security entrance at the Gerace Office Building have become worn and deteriorated and are no longer closing properly causing issues with the door locking/unlocking mechanisms and security systems connected to the doors; and WHEREAS, these doors have been repaired numerous times and can no longer be adjusted to properly close and function as required, and should be replaced; and

WHEREAS, there is a steel man-door located in the sally port of the Mayville Municipal Building that is used by security personnel when transporting inmates for trial at the Family Court; and

WHEREAS, this door has become worn and deteriorated and no longer functions and should be replaced; and

WHEREAS, the Chautauqua County Department of Public Facilities (CCDPF) submitted a capital project request to replace these doors and the request was approved by the Chautauqua County Planning Board; and

WHEREAS, the CCDPF received a cost estimate of \$38,550 from the door and glass contractor that currently services the doors, which cost estimate includes additional costs to reconnect the security system to the new doors; therefore be it

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the above-subject Project; and it is further

RESOLVED, That A Fund Balance is appropriated at follows:

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INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance—Reserve for Capital	\$38,550
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;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

**INCREASE APPROPRIATION ACCOUNT:**

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$38,550
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### ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1620.25195.4	Contractual—Buildings & Grounds, Mayville Door Replacement	\$38,550
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### ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.25195.R503.1000	Interfund Transfers—Interfund Transfer	\$38,550
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Signed: Hemmer, Scudder, Nazzaro, Gould, Davis, Niebel, Odell, Harmon (Voted “yes” by video conference P.F. and A.C. Committee Meetings)

Unanimously Adopted – August 26, 2020

## RES. NO. 180-20

Authorize Public Hearing on Terminal Building Office No. 46 Lease Agreement at the  
Chautauqua County Jamestown Airport

By Public Facilities Committee:

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received and accepted a Letter of Intent from Chase Aviation Company, LLC conveying its desire and intention to lease office facilities at the Jamestown Airport for the purpose of engaging in aircraft brokerage and lease management services; and

WHEREAS, the County and Chase Aviation Company, LLC have negotiated the lease of Terminal Building Office No. 46 for the specific purposes of aircraft brokerage, lease management, and authorized aviation activities for FAA-funded and regulated public airports; and

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WHEREAS, the Airport Commission has considered and recommends approval of proceeding forward with the lease of office space for the purpose of operating an aircraft leasing and brokerage enterprise; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to General Municipal Law, a public hearing on the proposed lease agreement of the Chautauqua County Jamestown Airport terminal building office No. 46 with Chase Aviation Company, LLC, to include substantially the following terms and conditions, shall be held at 6:35 p.m. during the meeting of the Chautauqua County Legislature to occur on September 23, 2020, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757, or via virtual meeting technology due to the pandemic:

1. Term: Two years commencing on October 1, 2020, and terminating on September 30, 2022.
2. Premises: Terminal Building Office No. 46, a 414 gross square foot office located at the Chautauqua County Jamestown Airport, with access to private bathroom, non-exclusive use of the baggage room No. 33, and access to the terminal apron.
3. Payment: Tenant shall pay County a monthly fixed rental fee of Five Hundred Dollars (\$500).
4. Other: As negotiated by the County Executive.

and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Hemmer, Scudder, Nazzaro, Gould, Davis (Voted “yes” by video conference P.F. Committee Meeting)

Unanimously Adopted – August 26, 2020

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RES. NO. 181-20

Acceptance of Funds from the FAA and NYSDOT for the Runway 15-33 Lighting Improvements (MIRL/PAPI/REIL/Wind Cones) Project – Design at the Chautauqua County/Dunkirk Airport

By Audit & Control Committee:

At the Request of County Executive Paul M. Wendel, Jr. and Legislator Charles Nazzaro:

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (FAA) a project application and received a grant from the FAA to pay 100% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: Runway 1533 Lighting Improvements (MIRL/PAPI/REIL/Wind Cones) - Design, FAA AIP Project No. 3-36-0022-057-2020 (herein called the “Project”); and

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WHEREAS, the FAA has approved the Project for the Chautauqua County/Dunkirk Airport consisting of a design phase of Runway 1533 lighting systems, which is more fully described in the Project agreement; and

WHEREAS, pursuant to Resolution 19-20, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan (“ACIP”) and approved submission of an application for FAA and NYSDOT grant funds for the Runway 1533 Lighting Improvements (MIRL/PAPI/ERIL/Wind Cones) under ACIP, and funding shares for the Project are as follows:

Federal:	\$81,771
State:	\$ 0.00
<u>Local:</u>	<u>\$ 0.00</u>
Total Project Costs:	\$81,771

; and

WHEREAS, the Airport Commission has considered and recommended that the County seek this funding as the Project is crucial for the safe and sustained operation of the Chautauqua County/Jamestown Airport; now therefore be it

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

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

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610. 25196.4	Contractual—Chautauqua County Airport, Runway 15-33
Lighting Improvements-DKK (2020)	\$81,771

ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.5610.25196.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$81,771</u>
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Signed: Nazzaro (A.C. Discussed under “other” with no action taken)

Adopted w/ Legislator Scudder Voting “No” – August 26, 2020

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RES. NO. 182-20

Acceptance of Funds from the FAA for Performance of On and Off Airport Obstruction  
Removal at the Chautauqua County Jamestown Airport

By Audit & Control Committee:

At the Request of County Executive Paul M. Wendel, Jr., and Legislators Charles Nazzaro and Mark Odell

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (FAA) a project application and received a grant from the FAA to pay 100% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Jamestown Airport: Environmental Assessment for On and Off Airport Obstruction Removal; FAA AIP Project No. 3-36-0048-053-2020 (herein called the "Project"); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Jamestown Airport consisting of an environmental assessment for on and off airport tree obstruction removal from runways 7/25 and 13/31 approaches, which is more fully described in the Project agreement; and

WHEREAS, pursuant to Resolution 18-20, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYSDOT grant funds for the Environmental Assessment of Obstructions under ACIP, and funding shares for the Project are as follows:

Federal:	\$274,000
State:	\$ 0.00
Local:	\$ 0.00
Total Project Costs:	\$274,000

; and

WHEREAS, the Airport Commission has considered and recommended that the County seek this funding as the Project is crucial for the safe and sustained operation of the Chautauqua County/Jamestown Airport; now therefore be it

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

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

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25197.4Contractual—Chautauqua County Airport, EA Obstruct Removal-JHW (2020)	
<b>25200</b>	\$274,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.5610.25197.R459.2000	Federal Aid – Airport Federal Capital Grants	\$274,000
<b>25200</b>		

Signed: Nazzaro, Odell (A.C. Discussed under “other” with no action taken)

Chairman Chagnon: I believe that we need to have an amendment to the resolution as presented.

Legislator Nazzaro: Thank you, Mr. Chairman. I wish to amend this resolution by substitution and we should have all received it via email.

Legislator Gould: I will second it.

Chairman Chagnon: Thank you. We have a motion to amend Resolution 182-20. Is there any discussion on the motion to amend? All those in favor of the motion to amend please say aye. Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Is there any discussion or questions on the resolution as amended? All those in favor please say aye? Opposed?

(Leg. Amended by Correction of Account Numbers)

Adopted w/ Legislator Scudder Voting “No” – August 26, 2020

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RES. NO. 183-20  
Standard Workday and Reporting Resolution

By Administrative Services Committee:

At the Request of Chairman Pierre E. Chagnon:

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:

Title	Standard Work Day  (Hrs/day) Min. 6 hrs Max. 8 hrs	Name  (First and Last)		Social Security Number  (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates  (mm/dd/yy - mm/dd/yy)	Record of Activities Result	Not Submitted (Check only if official did not submit their Record of Activities)
<b>ELECTED OFFICIALS</b>									
Legislator	6	John	Davis	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	3.73	
Legislator	6	Daniel	Pavlock	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	8.98	
Legislator	6	Lisa	Vanstrom	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	4.80	
<b>APPOINTED OFFICIALS</b>									
Deputy County Fire Coordinator	6	Daniel	Aldrich	XXXX	XXXXXXXXXX		01/01/20 - 12/31/20	1.41	
Assistant District Attorney	7	Bridget	Anderson	XXXX	XXXXXXXXXX		01/10/19 - 12/31/20	26.44	
Deputy County Fire Coordinator	6	Scott	Bailey	XXXX	XXXXXXXXXX		01/01/20 - 12/31/20	1.52	
Public Defender	7	Nathaniel	Barone	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	34.36	
Director Public Facilities	8	Bradley	Bentley	XXXX	XXXXXXXXXX		01/01/20 - 12/31/20	24.26	
Assistant Public Defender	7	Heather	Burley	XXXX	XXXXXXXXXX		12/23/19 - 12/31/21	27.03	

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Title	Standard Work Day  (Hrs/day) Min. 6 hrs Max. 8 hrs	Name  (First and Last)		Social Security Number  (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates  (mm/dd/yy - mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
<b>APPOINTED OFFICIALS</b>									
First Assistant Public Defender	7	Philip	Cala	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	22.19	
Assistant Public Defender	7	James	Dimmer	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	20.24	
Assistant Public Defender	7	Danielle	Erickson	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	23.11	
First Assistant District Attorney	7	Marilyn	Fiore Lehman	XXXX	XXXXXXXXXX		04/12/19 - 12/31/20	23.44	
Deputy County Exec for Econ Dvl	7	Mark	Geise	XXXX	XXXXXXXXXX		01/01/20 - 12/31/20	30.10	
Assistant Public Defender	7	Carlton	Hamann	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	22.14	
Deputy County Fire Coordinator	6	Daniel	Imfeld	XXXX	XXXXXXXXXX		01/01/20 - 12/31/20	3.15	
Assistant Public Defender	7	Peter	Larson	XXXX	XXXXXXXXXX		12/18/19 - 12/31/21	23.53	
First Assistant Public Defender	7	Robert	Lee	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	23.66	
Assistant Public Defender	7	Andrew	Molitor	XXXX	XXXXXXXXXX		03/08/19 - 12/31/21	24.91	
Second Assistant Public Defender	7	Rexford	Morgan	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	23.48	
Assistant Public Defender	7	Luwing	Peché Loayza	XXXX	XXXXXXXXXX		01/27/20 - 12/31/21	26.27	
First Assistant Public Defender	7	Joseph	Price	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	22.96	
First Assistant	7	John	Rice	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	23.18	

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Public Defender									
Assistant Public Defender	7	Elisabeth	Rossow	XXXX	XXXXXXXXXX		12/3/19 - 12/31/21	23.37	
Coroner	6	Douglas	Sanderson	XXXX	XXXXXXXXXX		09/03/19 - 11/28/22	4.73	
Deputy County Fire Coordinator	6	Richard	Westpfahl	XXXX	XXXXXXXXXX		01/01/20 - 12/31/20	2.22	
Assistant Public Defender	7	James	Williams	XXXX	XXXXXXXXXX		05/28/19 - 12/31/21	23.84	
Assistant Public Defender	7	Kristy	Woodfield	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	22.84	

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom (Voted “yes” by video conference A.S. committee meeting)

Unanimously Adopted – August 26, 2020

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RES. NO. 184-20  
Amend Chautauqua County Purchasing Policy

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

WHEREAS, pursuant to Section 104-b of New York State General Municipal Law (GML), the County Legislature adopted a Purchasing Policy in Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, 68-14, 161-15, 230-16 and 189-18; and

WHEREAS, individuals who have authority to make purchases on behalf of the County change on a frequent basis; therefore, in order to keep the list of such individuals current, it is preferable to incorporate the list in this Resolution by reference rather than including it in the body of the Resolution; and

WHEREAS the County desires to clarify and otherwise update purchasing requirements; now, therefore, be it

RESOLVED, That the County Purchasing Policy established by Resolution 182-92, as amended, is hereby further amended to read as follows:

**1. Purchasing Procedures.**

a. State Requirements. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with State competitive bidding / offering requirements and preferred source requirements, under the general supervision of the Purchasing Manager. Any procurement that is not subject to competitive

bidding shall be accompanied by documentation of the basis for the determination that competitive bidding is not required by law. The Purchasing Manager should be consulted when an acquisition is believed to be a professional service and therefore not subject to State competitive bidding requirements. Contracts involving the receipt by County of revenues are not required to be bid; however, quotes or proposals should be solicited.

b. Alternative Proposals and Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be:

- i. secured by use of written requests for proposals (RFPs) and written, faxed, or e-mailed quotations received from at least three vendors, for procurements of services expected to exceed \$20,000 in value per year;
- ii. secured by written, faxed, or e-mailed quotations received from at least three vendors, for procurements of goods and services expected to be between \$5,000 and \$20,000 per year; and
- iii. within the discretion of the Department Head, subject to the advice of the Purchasing Manager, for procurements of goods and services under \$5,000 per year.

With respect to the procurements of goods and services between \$5,000 and \$35,000 (other than professional services) that are not subject to State competitive bidding requirements, the County shall purchase from a responsible and responsive local vendor when: (i) the price quoted by the local vendor does not exceed the lowest price quoted by a non-local vendor by more than ten percent (10%); and (ii) the local vendor is willing to match the lowest, non-local vendor's quoted price. For purposes of this Purchasing Policy, a "local vendor" shall be deemed to mean (i) in the case of a business entity vendor, a business entity which has a physical location in Chautauqua County and employs at least one full-time employee in Chautauqua County; and (ii) in the case of an individual vendor, an individual whose legal residence is Chautauqua County.

Purchases must also be compliant with any funding source requirements. See, for example, the requirements of Title 2: Grants and Agreements, of the Code of Federal Regulations (CFR), Part 200—Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards ("Uniform Guidance") §§200.318-200.326.

Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or the Agreement or Agreement of Services request submitted to the Purchasing Manager, and the credit card purchase information submitted to the Department of Finance. Such documentation must include a statement of the reason that three quotes were not able to be secured, when applicable. This Policy requires the receipt of three proposals or quotes; however, when that is not possible, the procuring party may document good faith efforts to comply with this Policy and/or reasons that three responses were not able to be secured.

c. Exceptions. In the event that the procurement is from: a State contract bid; General Services Administration schedule seventy, information technology; General Services Administration's "1122 Program Equipment and Supplies Catalog" and consolidated schedule contracts;

involves surplus or second hand supplies, materials or equipment to be acquired from other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from a State-designated Preferred Source; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why adherence to the procedures set forth in this Policy would not be practical or would not be in the best interest of the County shall accompany the Purchase Order, Agreement or Agreement of Services request submitted to the Purchasing Manager, or the Procurement Card statement submitted to the Department of Finance, which determination shall be subject to review by the Purchasing Manager, Department of Finance, and/or the Law Department.

d. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offeror, the Purchase Order or Agreement / Agreement of Services request shall be accompanied by written documentation and justification specifying why such award is in the best interest of the County. When a contract is awarded utilizing “best value” procedures pursuant to Section 103 of New York State General Municipal Law, the award shall be based to the extent possible on objective and quantifiable analysis, and best value RFPs shall include a description of the manner in which the evaluation of the offers and award of the contract will be conducted, and as appropriate, identify the relative importance of price and non-price factors.

e. Miscellaneous Provisions.

- i. Whenever practical, economical, and permitted by State law, the County shall acquire goods and services from local vendors and select goods and services which provide the least possible negative impact on the environment, including products made from recycled materials. In the event of a tie bid between a local vendor and a non-local vendor, the County may award the contract to the local vendor.
- ii. The requirements of this Purchasing Policy apply to procurements in which the County expends funds or receives revenues.
- iii. Notwithstanding anything to the contrary in this Purchasing Policy, all County procurements shall be made in conformance with Federal and State requirements, including but not limited to applicable laws and Federal and State grant/funding requirements.
- iv. Department heads shall require their employees with purchasing authority to attend training sessions provided by the County

- Purchasing Manager and ensure that new employees receive training prior to purchasing on behalf of that department.
- v. An individual or entity that reviews a County Invitation to Bid or Request for Proposals in draft or final form prior to its issue may not (i) submit a response to the solicitation or (ii) serve as an employee, contractor or subcontractor of the individual or entity awarded the contract, for the first five (5) years of the contract period.
  - vi. From the time of issuance of a County Invitation to Bid or Request for Proposals until final determination of the successful vendor, all prospective vendor questions and communications must be referred to the Purchasing Manager or his/her designee.

## **2. Credit Card Usage.**

Procurement Credit Cards issued by the Finance Department to County departments and departmental staff, hereinafter referred to as credit cards, can be used to make payments for purchases of goods not exceeding \$1,000 in value when pre-approved by the Department Head and consistent with the direction provided by the Purchasing Manager. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholders. Such cards are not re-assignable for use by other employees.

Credit card limits shall be established by the Finance Department's credit card administrator. The credit cards have a monthly limit of \$5,000, unless the Department Head requests that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements. There is a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder authorize a transaction exceeding this \$1,000 limit without the advance written approval of the Purchasing Manager.

Procurements paid for with credit cards remain subject to all requirements of this Policy. The Cardholder to whom the credit card is assigned shall reimburse the County for costs incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card, to the extent such costs were within the Cardholder's control. The credit card is expressly not authorized to be used to pay for the procurement of services unless specifically authorized in writing by the Purchasing Manager.

Cardholders must obtain packing slips for all purchases paid for by credit card, reconcile the slips with the Cardholder's monthly credit statement, and attest by signature on the credit card statement that all goods recorded have been received in good condition and are for the use of conducting County business. Department Heads must sign the monthly credit statements of their Cardholders as an indication that all purchases were authorized by the Department Head.

Credit shall be immediately requested from the vendor for any unauthorized purchases or billing errors. In the event the vendor does not cooperate in issuing a credit when due, the Cardholder should contact the Department of Finance and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases or purchases made for personal use.

Cardholders must perform an initial audit and reconciliation of their monthly statements and must promptly submit their statements, along with the appropriate G/L Account number to



be charged, so that the bill can be paid prior to the time of imposition of late fees or penalties, and prior to the monthly closing of the County's financial statements.

The Purchasing Manager will review the periodic audit reports submitted by the auditors and take appropriate action to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form, and must attend all applicable Purchasing Manager training sessions.

**3. Violations.**

Employees are subject to disciplinary action and/or referral to the Chautauqua County Ethics Board, for violation of this Policy. County employees aware of a violation of this Policy shall report such violation to their County supervisor and/or to the County's Purchasing Manager.

**4. Individuals with Purchasing Authority.**

Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the individuals identified as having purchasing authority are included on a list to be maintained and continually updated by the County Executive's office, which list is incorporated herein by reference. Such list shall identify all employees with purchasing authority, which includes individuals who are authorized to:

- i. Approve Agreements and Agreements of Services;
- ii. Use a County Credit Card;
- iii. Approve Purchase Orders; or
- iv. Approve Vouchers or Grids.

; and it is further

RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted "yes" by video conference A.S. and A.C. committee meetings)

Unanimously Adopted – August 26, 2020

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RES. NO. 185-20  
Investment Policy for the County of Chautauqua

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, the change in name of one of the County's authorized depositaries needs to be reflected in this update of the County Investment Policy; therefore be it

RESOLVED, That the County Investment Policy is hereby reconfirmed and amended in Section VII and Section X to read as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,  
\*to conform with all applicable federal, state and other legal requirements (legality);  
\*to adequately safeguard principal (safety);  
\*to provide sufficient liquidity to meet all operating requirements (liquidity); and  
\*to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability, based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information, and to regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity schedule.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of receipt, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$40,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Bank of America	Evans Bank, N.A.
N.A.	JP Morgan Chase, N.A.	Citizen's Bank
	PayPal	Northwest Bank
<u>Bank</u>	<u>Five Star Bank</u>	<u>TD</u>
<u>Bank of Castile</u>	<u>BankonBuffalo</u>	<u>Cattaraugus County Bank</u>

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by one or more of the following:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any,

executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- \*Special time deposit accounts;
- \*Certificates of deposit;
- \*Obligations of the United States of America;
- \*Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- \*Obligations of the State of New York;
- \*Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- \*Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments;
- \*Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;
- \*Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;
- \*Through a Deposit Placement Program, certificates of deposit in one or more "banking institutions", as defined in Banking Law Section 9-r;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the

moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

**XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS**

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
Stifel, Nicolaus & Company, Inc.	Manufacturer’s & Traders Trust Co.
Morgan Stanley	Financer Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	Greenwich Capital
Edward Jones	Duncan-Williams Inc.
The Baker Group LP	

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RIBS Greenwich Capital
Federal Reserve Bank	Manufacturer’s & Traders Trust Co.
Wachovia Securities	Wilmington Trust
Edward Jones	Morgan Stanley
JP Morgan Chase, N.A.	

**XII. PURCHASE AND SALE OF INVESTMENTS**

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such

obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10. The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities. The Director of Finance shall notify the County Attorney and obtain approval as to the legality of an investment prior to making purchases of any new type of investment not currently in the County's portfolio. With regard to obligations issued by any municipality, school district, or district corporation other than the County, or obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies, the Director of Finance shall also receive the approval of the County Attorney as to the legality of the investment prior to making purchases of such investments.

### XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- \* All repurchase agreements must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- \* Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.
- \* No substitution of securities will be allowed.
- \* The custodian shall be a part other than the trading partner.

### XIV. OVERSIGHT OF INVESTMENT PROGRAM

The Director of Finance shall provide written monthly investment reports to all County Legislators and the County Attorney which shall be accompanied by the actual monthly investment statements showing the County's current holdings, all transactions during the statement period, and realized and unrealized gains and losses. On not less than a quarterly basis, the Audit & Control Committee of the County Legislature shall discuss the status of the investment program at its regular committee meetings, including the four (4) objectives set forth in the County's Investment Policy. The Audit & Control Committee shall also on not less than an annual basis undertake a review with a financial advisor of the County's current investment holdings.

Signed: Nazzaro, Gould, Niebel, Odell, Harmon (Voted "yes" by video conference A.C. Committee Meeting)

Unanimously Adopted – August 26, 2020

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RES. NO. 186-20  
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 County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; 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 offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; 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 Owning
PA-155-2017	Busti	062289-385.05-5-50	Robert Robbins	Lee Robert & Sharon Fischer	\$2,000.00	\$12,315.03
PA-290-2018	Pomfret	065889-129.00-3-43	Eric & Tamra Johnson	Michael & Debra Brooks	\$500.00	\$22,716.64
				<b>Total</b>	\$2,500.00	\$35,031.67

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell, Harmon  
(Voted "yes" by video conference committee meetings)

R/C Vote: 18 Yes; 1 Absent – Unanimously Adopted - August 26, 2020

MOTION: (On File with August 26, 2020 Leg. Data)

10-20 Celebrating the 100<sup>th</sup> Anniversary of the Passage and Ratification of the 19<sup>th</sup> Amendment to the U. S. Constitution in Chautauqua County – UNANIMOUSLY CARRIED

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PRIVILEGE OF THE FLOOR

Chairman Chagnon: Kathy, are there any communications received for the second privilege of the floor?

Clerk Tampio: We have not received any communications.

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MOVED by Legislator Bankoski, SECONDED by Legislator Gould and duly carried the meeting was adjourned. (6:53 p.m.)



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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, September 23, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present (Absent: Rankin)

Legislator Odell delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (08/26/2020)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Is there anyone here wishing to speak to the first privilege of the floor?

Were there any communications received for the first privilege of the floor?

Clerk Tampio: We have received no emailed communications from the public.

Chairman Chagnon: Thank you.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 08/26/2020

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6:35 P.M.

PUBLIC HEARING

REGARDING TERMININAL BUILDING OFFICE NO. 46 LEASE AGREEMENT AT THE  
CHAUTAUQUA COUNTY JAMESTOWN AIRPORT

Chairman Chagnon: I will call the public hearing to order. (6:35 p.m.) Is there anyone here to speak to this public hearing?

Mr. DeAngelo: There is nobody on the line.

Chairman Chagnon: O.k., anyone wishing to speak to this public hearing? Hearing no one and seeing no one, I will close the public hearing. (6:37 p.m.)

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COMMENDATIONS:

Don McCord  
By  
County Executive Wendel and Legislator Mark Odell

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Tom Narraway  
By  
County Executive Wendel and Legislator Terry Niebel

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PRESENTATION:

2020 CashVest Award  
By  
THREE+ONE

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PRESENTATION:

2021 CHAUTAUQUA COUNTY  
TENTATIVE BUDGET  
By  
COUNTY EXECUTIVE PAUL M. WENDEL, JR.

County Executive Wendel: Good Evening Mr. Chairman, County Legislators, Department Heads, County Employees and Residents joining us via the live stream from home. Thank you for the opportunity to present the 2021 Tentative Chautauqua County Budget.

In 2019, we looked for bushels of pennies. And we found them, but in order to provide financial stability and adhere to our 5 year fiscal plan, in 2020 we needed to look for a Barrelof pennies. Now that we find ourselves in the COVID crisis, we have a new challenge. Our 2021 budget challenges are as follows – current events may have affected 2020 budget, but have affected the 2021 budget in the following ways:

- a \$4-\$8 million drop in the 2020 sales tax, a 10-20% decline
- a \$450,000 drop in our 2020 Occupancy Tax, a 28% decline
- an \$800,000 deferment of capital projects
- an increase in expenditures in order to protect our citizens and our employees

Because of these challenges, we made a significant amendment to the 2020 Adopted Budget. This amendment reduced expenditures by approximately \$4 million, in response to the projected decline in sales tax revenue. This amendment was possible because of the hard work of all department heads, who scoured their budgets looking for opportunities to save money. In addition to the budget amendment implemented in May, we reduced expenditures further through the voluntary furlough program. All county employees are to be commended for their willingness to either participate in this program or to take on extra work to keep things operating

smoothly during the furlough period. Let's take a moment to recognize the hard work of our department heads, county employees, and especially my budget team.

*(Applause)*

So, we need the budget outside of the box. Our current situation also required a change in the way we thought about 2021. Every year, we talk about thinking outside the box. This year we needed to budget outside the box. Our situation reminded us of a legendary idea. "You see things: and you say "Why?" But I dream things that never were: and I say "Why not?" I first heard this by John F. Kennedy, but was reminded by our Chairman that it was first coined by George Bernard Shaw in 1949. The quote that I later use and refer to often is, "some men see things as they are, and say why: I dream things that never were and say why not – Robert F. Kennedy in 1968.

This is very inspirational and you're probably wondering how this applies. Well, what this meant for the 2021 budget are the following: We had to find new ways to deliver services, new ways to utilize our grants, new ways to earn revenue and also new ways to do more with less. In essence, we had to think of things that had never been and make it possible.

Next, we have our budget targets and goals. Our goals were to reduce the local share by 10%, compared with our 2020 adopted budget, to identify effect of local share reduction on services, to present a structurally balanced budget with no use of fund balance, maintain a general fund balance of 5-15% of revenues per our Fiscal Management Policy and to minimize the tax rate increase.

The "COVID" amendment to the 2020 budget reduced local share 6.3% in our A, D, and DM funds. The goal was to stretch that reduction to 10% from the adopted budget. There were several reasons we tried to achieve this reduction:

1. The 2020 budget included use of DM fund balance and transfers from the energy fund and landfill that might not be available in 2021.
2. We may need to use general fund balance in 2020. Our fund balance is low, so any use this year should be replenished.
3. Our current financial situation is fluid, and we are not certain what will happen with the economy. We had to plan for the worst, and make changes from that starting point.

We needed to be fluid, a term we know all too well during the COVID-19 Pandemic. We knew reaching this goal would present many challenges. While many departments were unable to achieve the goal, we found departments made every effort they could toward that end. Any further reductions would have resulted in cuts in public services. Furthermore, while we did not reduce local share as much as we projected, we maintained all current services. Let's move on to our other goals – a structurally balanced budget. We consider a structurally balanced budget one that uses no general fund balance, and covers recurring expenses with recurring revenues.

For the third year in a row, the budget uses no undesignated general fund balance. The budget used \$292,700 from a designation of fund balance and \$10,000 from the 2% occupancy tax reserve. The designation was created last year after a gain on the sale of StarFlight helicopters; however, the designation is for the debt service expenses associated with the purchase of the helicopters.

Goal: General Fund Balance between 5-15% of Revenue. Maintaining our fund balance was a particularly challenging goal, given that we may need to use fund balance in 2020, and our

fund balance is very close to the bottom of the recommended range. The 2021 Tentative budget is balanced, and preserves fund balance, which remains at the minimum level called for in our Financial Management Policy.

Our policy suggests general unobligated fund balance between 5 & 15% of general fund gross revenue. Our projection indicates the fund balance at the end of 2021 will be slightly above the minimum percentage at 5.2%, but the fund balance as a percentage of revenue will decrease in 2022 through 2025, so looking ahead we will have our work cut out for us.

The next goal is to minimize the tax rate increase. New York State specifies what our tax levy can be, based on a variety of factors. The 2021 allowable Levy increase is \$1,221,034, compared with the \$2,317,810 allowed in 2020. The allowable increase for the 2020 levy carried over \$857,904 from prior years, which is not available to us this year. Further, the Levy growth factor, the lesser of inflation or 2%, for 2021 is 1.56%, vs. 2% allowed in 2020.

Due to a 4% increase in the county's property valuation and efforts made by our departments to reduce local share, the tentative 2021 property tax rate is \$8.41 per thousand. This is 5 cents below last year, but 12 cents above the tax rate needed to stay under the tax cap. Lowering the tax rate while remaining over the tax cap is a very unique situation; however, you can see that the proposed tax rate is significantly below \$10.11, the tax rate adjusted for inflation since 2011.

So, in summary a tax rate reduction of 5 cents, with a total levy increase of \$2,196,595 is proposed for 2021. And now for the numbers - revenues increased by 0.5%, driven by increases in interest earnings and departmental income from enhanced mental hygiene operations. New York State Aid declined due to changes in health and human services programs. Many of the reductions in revenue are accompanied by reductions in appropriations. The 2021 Tentative Budget for sales tax is equal to the 2020 Adopted Budget, which was \$42,066,707. Expenditures were held to an increase of 0.4%.

Personal Services increased 5% due to contractual changes. This is because for the 2021 budget all county bargaining units are under contract, whereas the 2020 budget was approved prior to settling our largest contract with CSEA 6300. Under the newest contract, all employees are now on high deductible health insurance plans which helped mitigate the increase in benefit expenditures.

You can see departments held the line on contractual costs and equipment; those costs decreased 2% and 43%, respectively. Our Medicaid weekly contribution decreased at the end of June, and is expected to remain below the level budgeted in 2020.

You'll also see our staffing is at minimum levels necessary to maintain public services. New funded positions include 5 positions in the Public Defender's Office, 5 for mental hygiene which are grant funded, and 11 positions associated with transitioning CARTS bus drivers from substitutes to full time employees.

As I noted previously, for the first time in several years contracts are in place for all bargaining units. Therefore, the tentative budget includes all wages and benefits.

So, the accomplishments of our 2021 budget:

- No reduction in services
- A Return to normal road maintenance schedule
- Addition of fourth Fly Car
- Addition of a Safety Coordinator
- Conservative sales tax budget

- Conservative occupancy tax budget and \$11 million investment in capital projects and heavy equipment

We were able to accomplish this tentative budget without a reduction in services our county residents rely on, including a return to a normal road maintenance schedule for 2021. We also added a fourth fly car to the emergency services budget to enhance services, response time, and generate revenue opportunities. This will only be implemented if we can secure contracts to ensure the revenue will come in as projected. We also are adding a County Safety Coordinator, a position long requested by our Labor Relations Council. This position will develop safety plans and conduct safety trainings and investigations to help prevent future accidents. Not only will this generate savings in future claims, but most importantly ensure the safety of our employees and visitors.

The 2021 Tentative Budget keeps the sales tax budget flat compared with the 2020 Adopted Budget. This represents an increase of \$432,091 over 2019 actual results.

The 2021 Tentative Budget keeps occupancy tax at the 2020 Amended Budget, approximately 30% below the 2020 Adopted Budget.

Capital projects include investments in road machinery, brownfield remediation, jail equipment, and improvements to the JCC campus, to name a few.

So, what are the challenges ahead?

- Returning our sales tax and occupancy tax revenue to the pre-COVID levels.
- Leveraging grants to enhance our services without creating long-term dependence on grant funding
- Navigating the changing directives and/or funding from NYS
- Continuing to deliver the same services as efficiently as possible

The challenges are many, but I am confident the 2021 Tentative Budget provides a plan for continued success in Chautauqua County. In summary, I leave you with this and it's something I've said throughout the COVID-19 crisis: My goal is to make our 2021 comeback greater than our 2020 setback. Thank you.

*(Applause)*

Chairman Chagnon: Thank you, County Executive Wendel. The County Legislature is looking forward to our opportunity to review the budget and then begin our budget hearings, which will start the first week in October. So, I'm sure all the legislators are delighted to have their budget books in their hands now and I expect that there will be lots of good reading going on over the next couple of days.

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Clerk Tampio: The Legislature Office is in receipt of the four communications listed on the agenda this evening. In addition, I had one submitted myself from our office on September 22<sup>nd</sup> it's an acknowledgment of receipt of financial disclosure statements from 2020. Are there are any communications you would like to be read aloud? If you'd like to see a copy of any of these please let our office know.

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COMMUNICATIONS:

1. Proof of Publication - The Post-Journal & The Observer – Re: Public Hearing - Lease Agreement at Jamestown Airport
  2. Minutes – Conewango Watershed Commission – Meeting Minutes
  3. Report – Fn. Director Crow – Investment Report – June 2020
  4. Reports (2) – Bonadio & Chairman Odell., LLP – Audit Reports for 2019
  5. *Letter – Office of the Legislature – Receipt of 2020 Financial Disclosure Statements*
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RES. NO. 187-20

Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2019 to December 31, 2021

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919.00 for the operational period of January 1, 2019 through December 31, 2021; 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, proceeds from this grant have been included in the operating budgets for the Office of the Public Defender so no budget amendments are necessary; 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 for the period of January 1, 2019 through December 31, 2021 in the amount of \$269,919.00, 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, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 188-20  
Authorize Execution of New York State Office of Homeland Security FY20 State Law  
Enforcement Terrorism Prevention Program Grant

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

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

WHEREAS, the State of New York will provide funding in the amount of \$51,731 with no local funds required for the contract period from September 1, 2020 to August 31, 2023; and

WHEREAS, this grant is included in the 2020 budget so 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 Office Homeland Security and Emergency Services.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 189-20  
Authorize Acceptance and Use of Univera AED Grant Funding

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

WHEREAS, Univera, Inc. routinely makes donations of money or property to first responder agencies in the interest of improving emergency medical care; and

WHEREAS, through its business relationship with SOS Technologies, Univera, Inc. has offered to the Chautauqua County Sheriff’s Office up to \$11,000 in AED devices and supplies; and

WHEREAS, this gift would allow sixteen (16) AED devices to be equipped/installed into CCSO patrol vehicles, vessels and facilities at no cost to the County; and

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WHEREAS, pursuant to County Law § 215, the County Legislature is authorized to accept gifts of real and personal property for lawful county purposes; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive and the Chautauqua County Sheriff to accept this donation from Univera, Inc. and to execute any necessary documentation with SOS Technologies for receipt of the equipment; and be it also

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.2	Equipment – Sheriff	\$11,000
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INCREASE REVENUE ACCOUNT:

A.3110.----.R262.6000	Fines & Forfeitures – Restricted-Forfeiture	\$11,000
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Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 190-20

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Two School Resource Officers

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

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of Chautauqua-Cattaraugus Erie II BOCES and determined that the County and BOCES schools in the region and would benefit by the continuation of the School Resource Officer program; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has agreed to compensate the County of Chautauqua for the cost of providing two (2) Deputy Sheriffs for the period of July 1, 2020 through June 30, 2021, the deputies to be shared between three facilities at a total sum not to exceed \$224,920.00, plus any agreed upon overtime hours compensated at the rate of \$66.29 per hour; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2020 Adopted Budget so no budget amendment is needed; now therefore be it



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RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for the purpose of providing two School Resource Officers for the term as set forth above with revenues to be credited to account A.3110.----.R226.0000.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 191-20

Authorize Agreement with Silver Creek Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Silver Creek Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of July 1, 2020 through June 30, 2021; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Silver Creek School District to provide a certified School Resource Officer for the term of July 1, 2020 through June 30, 2021 at a cost of \$79,109; and

WHEREAS, this contract is a renewal and is included in the 2020 Adopted Budget so no budget amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Silver Creek Central School District for the purpose of providing a School Resource Officer for the term as set forth above with revenues to be credited to account A.3110.---.R226.0000.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 192-20

Emergency Management Performance Grant - S (COVID-19) Fiscal Year 2020

By Public Safety and Audit & Control Committees:

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

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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 \$58,984.00 with a fifty percent (50%) in kind match from the County in the amount of \$29,492.00; and

WHEREAS, the grant is to help manage COVID related Emergency Management functions and to enhance planning, training, supplies, and public preparedness; and

WHEREAS, the grant period runs from January 27, 2020 through July 31, 2021, or as may be amended; and

WHEREAS, the expenses and revenues for the local match portion of the grant agreement are already included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the award and subsequent changes to work plans; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.1	Personal Services - Emergency Services	\$ 2,913
A.3640.----.2	Equipment - Hazardous Materials	<u>26,579</u>
	Total	\$29,492

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$29,492
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Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted "yes" by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 193-20  
Emergency Management Performance Grant for Fiscal Year 2020

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 \$109,326.00 with a fifty percent (50%) in kind match from the County in the amount of \$54,663.00; and

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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, 2019 through September 30, 2022, or as may be amended; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the proposed 2021 County Budget; now therefore be it

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

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 194-20  
State Homeland Security Program for Fiscal Year 2020

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

WHEREAS, Chautauqua County was awarded funds of \$139,194 under the State Homeland Security Program (SHSP) to Emergency Services; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area through projects and initiatives that comply with the Federal grant guidelines and support the implementation of the State Homeland Security Strategy; and

WHEREAS, the grant period runs from September 1, 2020 through August 31, 2023, and as may be extended; and

WHEREAS, upon acceptance of application and execution of contract, funds will be allocated to the proper accounts in subsequent resolutions once the County is ready to expend them; 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, Pavlock, Hemmer, Whitford, Nazzaro, Odell, Harmon (Gould voted “yes” by video conference)

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Unanimously Adopted – September 23, 2020

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RES. NO. 195-20  
Amend Chautauqua County Health & Human Services 2020 Budget for Rollover of Univera  
Lead Screening Improvement Initiative Funding

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

WHEREAS, 2019 expenditures for the Univera Lead Screening Improvement Initiative were less than expected; and

WHEREAS, 2019 revenues for the Univera Lead Screening Improvement Initiative were also less than expected; and

WHEREAS, activity on the project is expected to increase in 2020 and unused funds are still available as the grant is for a three year period with no requirements as to how much is to be spent per year; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual – Other Public Health Progs,	
	Lead - Lead Testing	\$13,402

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R168.9000	Departmental Income – Oth Public Health	
	Income	\$13,402

Signed: Pavlock, Whitney, Whitford, Nazzaro, Odell, Harmon (Rankin, Lawton, Gould and Niebel voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 196-20  
Authorize Execution of Attestation for 2% Funding Increase to Support Minimum Wage and  
Workforce COLA Salary and Salary-Related Fringe Benefit Costs of Direct Care Staff, Direct  
Support Professionals, and Clinical Staff at Not-For-Profit Providers through the Department of  
Mental Hygiene

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

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WHEREAS, Part Y of Chapter 57 of the Laws of 2019 provides funding to support an increase in New York State-mandated minimum wage and workforce COLA salary and salary-related fringe benefit costs for direct care staff, direct support professionals, and clinical staff at not-for-profit providers as defined by the Commissioner of the New York State Office of Mental Health; and

WHEREAS, the statute provides for a 2% increase for direct care staff and direct support professionals effective January 1, 2020; and

WHEREAS, the statute provides for an additional 2% increase for direct care staff and direct support professionals and a 2% increase for clinical staff effective April 1, 2020; and

WHEREAS, the County is required to submit an attestation confirming that the funding provided to the Department of Mental Hygiene under this statute will be used solely to support New York State-mandated minimum wage and workforce COLA salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the New York State Office of Mental Health Commissioner; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute an attestation certifying that the funding provided to Chautauqua County pursuant to Part Y of Chapter 57 of the Laws of 2019 will be used solely to support New York State-mandated minimum wage and workforce COLA salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the Commissioner of the New York State Office of Mental Health.

Signed: Pavlock, Whitney, Whitford, Nazzaro, Odell, Harmon (Rankin, Lawton, Gould and Niebel voted "yes" by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 197-20  
Authorize Lease Agreement for Office Suite at the Chautauqua County Jamestown Airport  
Terminal Building

By Audit and Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received a Letter of Intent from Chase Aviation Company conveying its desire and intention to lease office facilities at the Jamestown Airport main

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terminal building for the purpose of operating an aircraft brokerage and aircraft management business; and

WHEREAS, the Airport Commission has considered and recommends leasing office space in the airport terminal to Chase Aviation Company for the purpose of operating an aircraft brokerage and management business; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held regarding the proposed agreement; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Chase Aviation Company to lease office space in County Jamestown Airport main terminal in conformance with FAA regulations and to include substantially the following terms and conditions:

1. Term. Two years commencing on October 1, 2020, and terminating on September 30, 2022.
2. Premises. Terminal Building Office No. 46, a 414 gross square foot office located at the Chautauqua County Jamestown Airport, with access to a private bathroom, non-exclusive use of the baggage room No. 33, and access to the terminal apron.
3. Payment. Tenant shall pay County a monthly fixed rental fee of Five Hundred Dollars (\$500.00).
4. Other. As negotiated by the County Executive.

Signed: Nazzaro, Odell, Harmon (Gould and Niebel voted “yes” by video conference)

Unanimously Adopted – September 23, 2020

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RES. NO. 198-20  
Designate Chautauqua County ~~Legislature~~ as Lead Agency Responsible for State Environmental  
Quality Review (SEQR) of State Funded Snowmobile Trails

By Planning & Economic Development Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County acts as a local sponsor for the New York State Office of Parks, Recreation and Historic Preservation's Snowmobile Trail Maintenance program; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has tentatively approved the addition of a new snowmobile trail “S16A” in the Town of Cherry Creek, which is proposed to run northwest from Cockaigne Ski Resort for approximately zero point-seven-five (0.75) miles along Thornton Road, then northeast through Boutwell Hill State Forest and private land for approximately one point-nine (1.9) miles to Erwin Road, then

northwest approximately two point-zero (2.0) miles to Boutwell Hill State Forest Parking Area; and

WHEREAS, the State Environmental Quality Review Act (SEQR) requires expansions of the existing trail system to have an environmental assessment; and

WHEREAS, the environmental assessment is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That the Chautauqua County ~~Legislature~~ does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for the addition of a new snowmobile trail "S16A" in the Town of Cherry Creek, which is proposed to run northwest from Cockaigne Ski Resort for approximately zero point-seven-five (0.75) miles along Thornton Road, then northeast through Boutwell Hill State Forest and private land for approximately one point-nine (1.9) miles to Erwin Road, then northwest approximately two point-zero (2.0) miles to Boutwell Hill State Forest Parking Area.

Signed: Odell, Starks, Muldowney, Harmon, Ward

Legislator Nazzaro: Thank you, Mr. Chairman. I would like to make a motion to amend in the title to remove the word "Legislature" and in the last resolved to also removed the word "Legislature," so it just reads "Chautauqua County."

Chairman Chagnon: We have a motion to amend, do we have a second.

Legislator Gould: Yes. I would like to make that motion.

Chairman Chagnon: Thank you. Is there any discussion on the motion to amend resolution 198-20? Hearing none, all those in favor of the amendment please say aye. Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Now, onto the resolution as amended- is there any discussion, questions or comments? All those in favor please say aye. Opposed?

Unanimously Adopted as Amended— September 23, 2020

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RES. NO. 199-20  
Environmental Assessment (SEQRA) for Establishment of Chautauqua County Snowmobile  
Trail "S16A" in the Town of Cherry Creek

By Planning & Economic Development Committee:

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act of the Environmental Conservation Law, the County ~~Legislature~~, as the declared lead agency, must evaluate the environmental impact of establishing snowmobile trail "S16A" in the Town of Cherry Creek, which is proposed to run northwest from Cockaigne Ski Resort for approximately zero point-seven-five (0.75) miles along Thornton Road, then northeast through Boutwell Hill State Forest and private land for approximately one point-nine (1.9) miles to Erwin Road, then northwest approximately two point-zero (2.0) miles to Boutwell Hill State Forest Parking Area; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact of the trails establishment is very low; therefore be it

RESOLVED, That the Chautauqua County ~~Legislature~~, as lead agency, has determined that the establishment of snowmobile trail "S16A", which is proposed to extend between Cockaigne Ski Resort and Boutwell Hill State Forest in the Town of Cherry Creek, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Odell, Starks, Muldowney, Harmon, Ward

Legislator Nazzaro: Again, in this resolution I would like to make a motion to amend in the first whereas- the third sentence- remove the word "Legislature," so it's just the County and then in first sentence of the resolved again remove the word "Legislature."

Chairman Chagnon: O.k., we have a motion to amend.

Legislator Gould: I would like to second this amendment.

Chairman Chagnon: Thank you. We have a motion to amend resolution 199-20. Is there any discussion on the motion to amend? All those in favor of the amendment please say aye? Opposed?

*Unanimously Carried to Amend*

Chairman Chagnon: Now, onto the resolution as amended. Is there any discussion, questions, comments? All those in favor please say aye. Opposed?

Unanimously Adopted as Amended – September 23, 2020

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RES. NO. 200-20

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2021 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman

By Audit & Control Committee:  
At the Request of Chairman Pierre Chagnon:

WHEREAS, Pursuant to Sections 359 and 271 of the County Law public hearings must be held on the Tentative Budget and the sewer district assessment rolls, with statement of maximum salary of members of County Legislature included in notice; and

WHEREAS, Such notice shall state the time, place and purpose of the public hearing on the Tentative Budget and that copies of the budget will be available for distribution and inspection and specify therein the maximum salary that may be fixed and payable to members of the Legislature and Chairman thereof during the ensuing year; and

WHEREAS, Public hearings on the sewer district assessment rolls will be held simultaneously with the hearing on the Tentative County Budget and the assessment rolls will be completed and open to inspection during business hours before the public hearing on them; therefore be it

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in such publications that a public hearing will be held on the 2021 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 28, 2020 at 6:30 P.M. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in notice of public hearing on Tentative Budget that the 2021 salary of each Legislator shall be no more than \$9,000, that the Chairman of the Legislature shall be paid no more than \$8,000 in addition to his Legislator's salary and that the following positions be additionally compensated no more than the amounts indicated nor for more than one of the positions listed, over and above the basic Legislator's salary.

Majority Leader	\$1000.00
Minority Leader	\$1000.00
(1) Assistant Majority Leader	\$ 500.00
(1) Assistant Minority Leader	\$ 500.00
Each Committee Chairman	\$1000.00
Ranking Members	\$ 250.00

Signed: Nazzaro, Odell, Harmon (Gould and Niebel voted "yes" by video conference)

Unanimously Adopted – September 23, 2020

MOTION: (On File with September 23, 2020 Leg. Data)

11-20 Proclaiming October 4-10, 2020 as 4-H Week in Chautauqua County

Chairman Chagnon: I would look for a motion to bring this to the floor this evening. Mr. Hemmer?

Legislator Hemmer: Thank you, Mr. Chairman. I would like to bring this motion proclaiming October 4-10, 2020 as 4-H Week in Chautauqua County.

Legislator Pavlock: I would like to second this motion, please.

Chairman Chagnon: Thank you. All in favor of bringing this motion to floor for consideration please say aye. Opposed?

*Unanimously Carried*

Chairman Chagnon: Now that this is on the floor are there any questions or comments? All those in favor please say aye. Opposed?

*UNANIMOUSLY CARRIED*

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#### PRIVILEGE OF THE FLOOR

Chairman Chagnon: Is there anyone from the public wishing to make a comment on any subject at this time?

Ms. Reynolds: Good evening. I'm Emily Reynolds with Cornell Cooperative Extension here in Chautauqua County and I reside in Sherman, New York. I want to thank you for your support of 4-H and your continuing support of the Cooperative Extension and I just want to invite you- we're celebrating national 4-H week with a chicken barbeque this year. Our fundraising has been a little skewed from what we've done in the past, so we are doing a drive-through chicken barbeque on Friday, October 9<sup>th</sup>. We'll be at Tractor Supply in Dunkirk and on Saturday, October 10<sup>th</sup> we'll be at Running's in Lakewood. You can catch us at either location and it's from 4 p.m. - 7 p.m. We do have presale tickets and I have those is anyone is interested. It's \$11 for presale and \$12 at the door. I did want to thank you for your support and just let you know that it's happening if you're around and interested in Chiavetta's chicken. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to speak to the second privilege of the floor? Have we received any electronic communications for the second privilege of the floor?

Clerk Tampio: No, we have not.

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Chairman Chagnon: O.k., then I would recognize Legislator Gould if this is the appropriate time.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:26 p.m.)

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Special Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Tuesday, October 13, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:33 p.m.

Clerk Tampo called the roll and announced a quorum present (Absent: Pavlock, Rankin, Vanstrom, Hemmer)

Legislator Scudder delivered the prayer and pledge of allegiance.

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Thank you. At this time we have the first privilege of the floor. Kathy, were there any communications for the first privilege of the floor?

Clerk Tampo: There are no communications.

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LOCAL LAW  
INTRODUCTORY NO. 2-20  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING AN OVERRIDE OF THE TAX LEVY LIMIT FOR THE  
2021 COUNTY BUDGET

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

**Section 1. Legislative Intent and Purpose.**

The purpose and intent of this Local Law is to enable responsible budgeting for the 2021 Chautauqua County budget, and to comply with the requirements of New York State General Municipal Law §3-c(5) prior to adoption of the 2021 budget.

The ongoing COVID-19 pandemic is causing unusual and unpredictable changes to County operations and expenses, as well as uncertainties as to revenues, financial resources and reimbursements which will be available from the federal and state governments and other sources. In addition, the 2021 default property tax levy growth factor for local governments with fiscal years closing December 31<sup>st</sup> is 1.56 percent. This is the first time the levy growth factor has been capped at less than 2% in three years.

In order to ensure compliance with General Municipal Law §3-c, it is prudent to adopt a law authorizing an override of the tax levy limit and to thereby ensure the ability to adopt a responsible, realistic budget.

**Section 2. Override Authorization.**

The Chautauqua County Legislature hereby authorizes the override of the New York State General Municipal Law §3-c tax levy limit applicable to the County for 2021, and correspondingly authorizes adoption of a County budget for fiscal year 2021 that requires a tax levy that exceeds such tax levy limit.

**Section 3. Effective Date.**

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

*Sponsors: Chagnon, Nazzaro*

Emailed: Not emailed: Brought up as an Emergency Local Law during Special Meeting 10/13/20  
Letter of Necessity Activated  
Adopted by Legislature: 10/13/2020 R/C Vote: 15 Yes; 4 Absent  
Public Hearing by County Executive: 10/26/2020 Date State Filed: 10/28/2020  
Adopted As Local Law 3-20

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Chairman Chagnon: Okay, we need a vote to bring this local law proposal to the floor for discussion. We have a motion by Legislator Starks on a second by Legislator Whitford. Any discussion on the motion to bring local law introductory 2-20 to the floor? Hearing none and seeing none, will the Clerk please call the role?

*R/C Vote: 15 Yes; 4 Absent – UNANIMOUSLY CARRIED to bring Local Law Intro. 2-20 to the Floor.*

Clerk Tampio: We have sufficient votes to bring it to the floor.

Chairman Chagnon, Okay, then is there any discussion, debate, questions or comments on this local law intro 2-20?

Legislator Nazzaro: Yes, thank you Mr. Chairman. First of all, I am supportive of this, it is necessary that we do this and this will be the first time that we've had to vote on a local law to override the tax cap levy and there's a couple of factors happening this year that is unique to 2021 besides the pandemic in which we've all been living through. There's a lot of uncertainties happening, of course, in the economy as we go forward, but also the first time in three years the tax cap levy is below the 2% we always hear the 2%. This year the cap is (*inaudible*) inflation is 1.56%.

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Another factor that we needed to bring this forward is in the past the tax cap override is a complicated calculation, we had to carry forward from 2019 to 2020 of approximately \$855,000. This year, we have no carry forward. So, besides the pandemic, the uncertainties, the tax cap

being below the 2% and not having a carry forward is necessary that we override the tax cap levy, and I just want to point out in any of the scenarios that we've discussed- We had budget hearings last week, whether it be the County Executives budget or the budget that was recommended by the Audit & Control Committee to move to the next step – In any of those scenarios even with the tax rate decrease, it is necessary to override the tax cap. So, thank you for that and I just wanted to let everyone be aware that is here tonight. Thank you.

Chairman Chagnon: Thank you, Chuck that was a very thorough explanation. Thank you. Any other questions, comments or discussion on the proposed local law. I see Kathleen has a hand up in the back. Please come to a microphone.

Mrs. Dennison: Mr. Chairman, I just want to make one minor note we have been saying throughout the budget hearings that there's no carry forward and I gave information to Legislator Nazzaro before the meeting, but there is actually a very small carry forward from prior year of \$9,190.

Legislator Niebel: Thank you for that Kathleen.

Legislator Nazzaro: I appreciate you being accurate as always.

Mrs. Dennison: I apologize for not bringing that to our attention earlier, but I just wanted it on the record that, as I said there is in fact a very small carry forward in the calculation. Thank you.

Chairman Chagnon: Thank you. Other questions or comments on the local law?

Legislator Niebel: Yes, I just want to thank Chuck for his explanation. It was very good. Overriding the tax levy limit is not something I've been looking forward to, but I'm not sure that we have a choice, so I will be voting in favor of it this evening. Thank you.

Chairman Chagnon: Anyone else have any questions or comments? Hearing none and seeing none, would the Clerk please call the roll?

Local Law Introductor 2-20 – R/C Vote: 15 Yes; 4 Absent

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RES. NO. 201-20

Authorize Center for Tech & Civic Life Grant Award from the Center for Tech Civic Life  
By Chairman Pierre Chagnon:  
At the Request of County Executive Paul M. Wendel, Jr.:

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WHEREAS, the Chautauqua County Board of Elections received notice that The Center for Tech & Civic Life approved the Center for Tech & Civic Life Grant; and

WHEREAS, the Center for Tech & Civic Life will provide funding for a grant in the amount of \$72,016.00 for the performance period of June 15, 2020 through December 31, 2020; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections to provide a safe, secure, and inclusive process for voters, due to Coronavirus, for the 2020 Election; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$72,016.00 from the Center for Tech & Civic Life Grant; and be it further

RESOLVED, That the County Executive is hereby authorized to execute a contract with Center for Tech & Civic Life to obtain these funds; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual—Board of Elections	\$72,016
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INCREASE REVENUE ACCOUNT:

A.1450.----.R308.9007	NYS Aid—Other St Aid: Elections Grt	\$72,016
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Signed: Chagnon

Unanimously Adopted – R/C Vote: 15 Yes; 4 Absent – October 13, 2020

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PRIVILEGE OF THE FLOOR

Chairman Chagnon: Where there any communications received for the second privilege of the floor?

Clerk Tampio: No communications were received.

Chairman Chagnon: Then I would like to thank all of you for taking time out of your busy days and prying yourselves away from your Buffalo Bills celebrations and being with us tonight to conduct this important business that we needed to squeeze into the schedule before our next legislature meeting. Thank you all for coming

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MOVED by Legislator Starks, SECONDED by Legislator Gould and duly carried the meeting was adjourned. (6:43 p.m.)

Respectfully submitted and transcribed,

Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Ames, Deputy Clerk/Secretary to the Legislature

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held in Person and Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, October 28, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampo called the roll and announced a quorum present.

Clerk Tampo: Prior to this meeting, prefiled Resolution 204-20 was withdrawn from the agenda by Legislators Scudder, Muldowney, Starks, Davis and Vanstrom. Since the resolution has been withdrawn any related comments must be made at the second privilege of the floor.

Legislator Starks delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (09/23/20 & 10/13/20)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Is there anyone here in the audience that would like to address the first privilege of the floor this evening?

Mr. Green: I would like to address the confirmation of Election Commissioner of Luz Torres.

Chairman Chagnon: That is no longer on the agenda. You're welcome to address that at the second privilege of the floor.

Mr. Green: It was on the original agenda. The County Attorney ruled that we can't speak to that?

Mr. Abdella: As stated by the Clerk, the resolution has been withdrawn, so it is no longer on the agenda. Per the Legislature's rules, the first privilege is only for items on the agenda. The second privilege is for any topic. That would be the appropriate time.

Mr. Green: Mr. Chairman, would you please advise us as to how exactly it got removed from the agenda?

Chairman Chagnon: The way it got removed from the agenda was that the resolution was reviewed by the Administrative Services Committee and signed forward at their meeting last week. They have since changed their view and opinion and they have removed their approvals to bring that resolution to the floor this evening.



Mr. Green: So, our lone democrat on the Administrative Services Committee is?

Chairman Chagnon: Legislator Starks.

Mr. Green: So Legislator Starks, a democrat, withdrew this resolution to come to the floor of the legislature of the approval of the first woman of color, Puerto Rican in Chautauqua County. Is that correct?

Chairman Chagnon: Mr. Green you are welcome to discuss this at the second privilege of the floor.

Mr. Green: With all due respect, I asked a question. Yes or no?

Chairman Chagnon: With all due respect you are welcome to discuss this at the second privilege of the floor sir.

Mr. Green: This is directly to do with the resolution. The question is how it got removed from the agenda.

Chairman Chagnon: I have explained that.

Legislator Scudder: I'd like to call for point of order.

*(Cross-talk)*

Chairman Chagnon: OK.

Mr. Green: Can I ask what we stated earlier? It's now part of the record-

Legislator Nazzaro: Mr. Chairman, if this continues I would ask that Mr. Green be removed from these chambers. He may address this issue at the second privilege of the floor.

Mr. Green: It would be the greatest privilege of my life-

Legislator Nazzaro: Mr. Chairman, you have made the procedure very clear.

Mr. Green: It would be the greatest privilege of my life to be removed from this legislature chamber. You have a highly qualified woman who has been the deputy Election Commissioner and if you just put out-

Chairman Chagnon: Sir-

Mr. Green: If you put out a help wanted notice you would get that woman and you would say we are glad to have her. Thank you very much.

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Chairman Chagnon: OK, is there anyone else wishing to address the first privilege of the floor in the chambers this evening? Seeing no one, Madam Clerk, are there any written correspondence addressing the first privilege of the floor.

Clerk Tampio: I do have one emailed comment that comes from Emily Reynolds, who is the executive director of the Cornell Cooperative Extension for Chautauqua and she says, *“Cornell Cooperative Extension of Chautauqua County would like to thank the Legislature for all you are doing to keep Chautauqua County a great place to live, work and call home, and for your special consideration of support to the youth of our county through the CCE 4-H Youth Development program. Our 2021, 4-H fundraising goal is now reduced to \$45,000. We look forward to sharing the highlights of successful 2021 programs. If you are interested in attending our Annual Meeting this November please visit our website for details. Thank you for your continuing support. Sincerely, Emily Reynolds”*

And this is appropriate for first privilege of the floor because it is pertinent to the last resolution tonight to approve the 2021 tentative budget.

Chairman Chagnon: Thank you. Let’s move forward.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 09/23/20 & 10/13/20

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COMMENDATIONS:

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Lance Spicer  
By  
Chairman Pierre E. Chagnon

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Ainsley Smith  
By  
Legislator John Hemmer

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CERTIFICATE OF RECOGNITION:

PINE JUNCTION  
by  
LEGISLATOR WARD

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6:46 p.m.

PUBLIC HEARING:

2021 TENTATIVE BUDGET & SEWER  
DISTRICT ASSESSMENT ROLLS

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Chairman Chagnon: (6:46 p.m.) I will now open the public hearing. Is there anyone to speak to the public hearing this evening? Anyone wishing to comment at this public hearing? Hearing none, and seeing none, I will close the public hearing. (6:48 p.m.)

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Clerk Tampio: The legislature office is in receipt of the ten communications as listed on the agenda this evening. Since publication of the agenda we have received three more communications. The next one, number eleven, would be Proof of Publication – The Observer & The Post Journal – Re: Public Hearing – Tentative 2021 Budget and Sewer District Assessment Rolls. Number twelve is Proof of Publication – The Post Journal – Re: Public Hearing Notice for Local Law Intro. 2-20. Number 13 is letter received from Joni Riggle Regarding the proposed South Ripley and Westfield Utility Scale Solar Project. Are there any items that you wish to read aloud? Hearing none, if you'd like to see a copy of these please let our office know.

COMMUNICATIONS:

1. Resignation - Ainsley M. Smith – Chautauqua County Parks Commission
  2. Resignation – Frank J. Gould III – Southern Tier West Regional Planning Board
  3. Appointment – Southern Tier West Board of Directors – County Executive Wendel
  4. Certification – Election Commissioner Certification – Norman P. Green
  5. Letter - Chautauqua County Ethics Board – Re: Financial Disclosures
  6. Letter – NYS Office of Real Property Tax Services – Re: County Equalization Rates 2020
  7. Reports (2) – Fn. Director Crow – Investment Report – July & August 2020
  8. Letter – County Executive Wendel – Re: Amendment to Chautauqua County Administrative Code
  9. Letter – New York State Associations of Counties – Acknowledgment of Motion 8-20
  10. Letter – Request to Submit Grant Application Form – County Executive Wendel
  11. *Proof of Publication – The Observer & The Post Journal – Re: Public Hearing – Tentative 2021 Budget and Sewer District Assessment Rolls*
  12. *Proof of Publication – The Post Journal – Re: Public Hearing Notice for Local Law Intro. 2-20*
  13. *Letter – Joni Riggle – Re: Proposed South Ripley and Westfield Utility Scale Solar Project*
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RES. NO. 202-20

Confirm Appointments – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, pursuant to Resolution 227-19, the County Legislature confirmed the appointment of Will Ortman to serve on the administrative board of the South & Center Chautauqua Lake Sewer Districts (SCCLSD), but did not specify the term of his appointment; and

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WHEREAS, the Board of Directors of SCCLSD has recommended the appointment of Town of North Harmony Supervisor Robert E. Yates to serve on the administrative board of SCCLSD; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following:

Set Term

Will Ortman  
3660 Watson Road  
PO Box 126  
Stow, NY 14785  
Term: 10/1/19 to 9/30/25  
Replaces Sally Carlson

Appointment

Robert E. Yates  
5148 Stoneledge Road  
Ashville, NY 14710  
Term Expires: 12/31/22  
Fills remaining term of Neil  
Robinson

Signed: Hemmer, Davis, Scudder (Gould and Nazzaro voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 203-20

Confirm Appointment– Southern Tier West Regional Planning & Development 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 appointments and re-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 Southern Tier West Regional Planning Board.

Chairman Pierre Chagnon  
3714 Westman Road  
Bemus Point, NY 14712  
Term Expires: 12/31/20  
Replacing Legislator Frank J. Gould

Signed: Odell (Starks, Muldowney, Harmon, Ward voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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*RES. NO. 204-20*  
*Confirm Appointment - Luz Torres (D) Commissioner of Elections*

*By Administrative Services Committee:*  
*At the Request of Legislator Starks:*

*WHEREAS, the present term of the Democratic Commissioner of Elections will expire December 31, 2020; and*

*WHEREAS, a Certificate of Appointment signed by the County Democratic Chairman, Norman Green, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Luz Torres for the ensuing four (4) year term beginning January 1, 2021; therefore be it*

*RESOLVED, That Luz Torres be and hereby is appointed Democratic Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2021, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan*  
*Signed: Scudder, Muldowney, Davis (Starks and Vanstrom voted "yes" by video conference)*

*WITHDRAWN by Sponsors – October 28, 2020*

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**RES. NO. 205-20**  
**Accept Donation for Parks Westside Overland Trail Improvements**

**By Public Facilities and Audit & Control Committees:**  
**At the Request of County Executive Paul M. Wendel, Jr.:**

**WHEREAS, the Department of Public Facilities Parks Division is responsible for maintaining and improving parks, overland and water trails; and**

**WHEREAS, Robert Van Every wishes to donate \$500.00 to the Parks Department for improvements to the overland trails; now therefore be it**

**RESOLVED, That the \$500.00 donation be accepted and dedicated to the Parks Capital Budget for bridge and railing improvements to the Westside Overland trail; and be it further**

**RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changed to the 2020 Adopted budget:**

**INCREASE CAPITAL APPROPRIATION ACCOUNT:**

<b>H.7110.25002.4 Contractual—Parks, Parks Capital Improvements (2018)</b>	<b>\$500</b>
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.7110.25002.R270.5000	Miscellaneous--Gifts and Donations	\$500
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Signed: Hemmer, Davis, Scudder, Nazzaro, Odell, Harmon (Gould and Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 206-20

Adjust 2020 Adopted Budget for Public Facilities Energy Generation Accounts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County owns a Power Plant at the Ellery Landfill; and

WHEREAS, a fire took place in December 2019 at the Power Plant at the Ellery Landfill that resulted in damage to two out of the six engines in the power plant; and

WHEREAS, Chautauqua County has received an advanced insurance payment in the amount of \$150,000 from NY Municipal Insurance Reciprocal for expenses to repair the damaged engines and associated infrastructure that was caused by the 2019 fire; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted budget:

INCREASE APPROPRIATION ACCOUNT

EE.8410.----.4	Contractual-Energy Generation	\$150,000
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INCREASE REVENUE ACCOUNT:

EE.8410.----.R268.0000	Sale of Property/Compensa-Insurance Recoveries	\$150,000
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Signed: Hemmer, Davis, Scudder, Nazzaro, Odell, Harmon (Gould and Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 207-20

Adjust 2020 Budget for Public Facilities Maintenance of Roads Accounts

By Public Facilities and Audit & Control Committees:

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

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WHEREAS, some expenses in Public Facilities Maintenance of Roads, Pavement Marking are anticipated to exceed initial budget estimates, as well as some appropriations in Public Facilities Maintenance of Roads have a surplus; and

WHEREAS, the Public Facilities Maintenance of Roads has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changed to the 2020 Adopted budget:

INCREASE APPROPRIATION ACCOUNT:

D.5110.3310.4	Contractual-Maintenance of Roads, Pavement Marking	\$10,000
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DECREASE APPROPRIATION ACCOUNT:

D.5110.----.4	Contractual-Maintenance of Roads	\$ 3,970
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INCREASE REVENUE ACCOUNT:

D.5110.----.R268.0000	Sale of Property/Compensa--Insurance Recoveries	\$ 6,030
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Signed: Hemmer, Davis, Scudder, Nazzaro, Odell, Harmon (Gould and Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 208-20

Amend 2020 Budget Appropriations and Revenues--County Executive's Office

By Administrative Services and Audit & Control Committees:

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

WHEREAS, per Resolution 58-20, the County accepted New York State funding for 2020 Census outreach efforts; and

WHEREAS, the amount allocated to Chautauqua County from New York State was reduced from \$220,778.00 to only \$110,389.00, with no local share; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

DECREASE APPROPRIATION ACCOUNT:

A.1230.----.4	Contractual--County Executive	\$110,389
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DECREASE REVENUE ACCOUNT:

A.1230.----.R308.9000	New York State Aid--Other State Aid	\$110,389
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Signed: Scudder, Muldowney, Davis, Nazzaro, Odell, Harmon (Starks, Vanstrom, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 209-20  
Amend 2020 Budget Appropriations–Real Property Tax

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

WHEREAS, some Real Property Tax departmental expenditures have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1330.----.4	Contractual - Real Property Tax	\$11,720
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DECREASE APPROPRIATION ACCOUNT:

A.1364.----.4	Contractual - Exp: Prop Acquired - Tax	\$11,720
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Signed: Scudder, Muldowney, Davis, Nazzaro, Odell, Harmon (Starks, Vanstrom, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 210-20  
Authorize Transfer of Tax Foreclosure Property to Chautauqua County Land Bank Corporation

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

WHEREAS, New York State's land bank legislation was enacted to address the negative impacts of distressed or at-risk structures and abandoned vacant property in New York’s communities; and

WHEREAS, pursuant to the “side lot” program promoted by the Chautauqua County Land Bank Corporation (CCLBC), vacant properties acquired through tax foreclosure are conveyed to neighboring property owners when possible; and



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WHEREAS, CCLBC has received a proposal for the vacant “side lot” property at 256 Willard Street Extension in the City of Jamestown from the neighboring property owner who shall merge said vacant property with its primary residence; therefore, be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer a vacant tax foreclosure “side lot” property at 256 Willard Street Extension in the City of Jamestown (387.12-5-3) to the Chautauqua County Land Bank Corporation, for no monetary consideration and upon such terms and conditions negotiated by the County Executive.

Signed: Scudder, Muldowney, Davis, Nazzaro, Odell, Harmon (Starks, Vanstrom, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 211-20

Denial of Level 3 Communications, LLC Applications for Refunds/Credits of Real Property  
Taxes Form RP 556 for the 2017–2018 School Tax Year

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr. and Legislator Bob Scudder:

WHEREAS, Level 3 Communications, LLC has filed applications for corrected tax rolls and refund/credit of real property taxes pursuant to Real Property Tax Law Section 556 for the 2017-2018 school tax year, and

WHEREAS, the applications seek retroactive tax refunds from multiple school districts throughout Chautauqua County, and

WHEREAS, the County guarantees the tax levies of all municipalities and school districts in the County, and

WHEREAS, the Acting Chautauqua County Real Property Tax Director has investigated the circumstances of all of the claims of Level 3 in the applications, and

WHEREAS, the Acting Chautauqua County Real Property Tax Director has transmitted written reports of such investigation and his recommendations for action thereon, and

WHEREAS, the Acting Chautauqua County Real Property Tax Director has determined that all of the applications are without merit and recommends that the applications be denied for multiple reasons, and

WHEREAS, the Acting Chautauqua County Real Property Tax Director has recommended that the applications be denied for the following specific reasons:

1. All of the applications are untimely, as none of them were filed within three years of the annexation of the warrant for the collection of such school taxes.
2. The fiber optic cables constitute taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:
  - A. Fiber optic cable has been interpreted and taxed as real property for more than thirty years, and should continue to be taxed as real property;
  - B. The New York Court of Appeals has ruled that the fiber optic cables meet the definition of real property and constitute lines and wires pursuant to Real Property Tax Law Section 102(12)(i) and are taxable under that section. *T-Mobile v. DeBellis and City of Mount Vernon*, 32 N.Y.3d 594 (2018);
  - C. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102 (12)(b) of the Real Property Tax Law;
  - D. The Appellate Division, Fourth Department has specifically upheld the taxability of Level 3's fiber optic installations located in Chautauqua County. *Level 3 Communications v. Chautauqua County*, 174 A.D.3d 1502 (4<sup>th</sup> Dep't 2019); *see also Level 3 Communications v. Erie County*, 174 A.D.3d 1497 (4<sup>th</sup> Dep't 2019).
3. The applications are procedurally improper, because the applications fail to establish a clerical error, unlawful entry, or an error in essential fact as those terms are defined by Section 550 of the Real Property Tax Law. Numerous City and Town tax assessors have also analyzed Level 3's claims and concluded that its allegations do not constitute an "unlawful entry" as that term is defined in Real Property Tax Law Section 550(7);
4. The applicant's proper remedy is to bring a tax certiorari proceeding under Article 7 of the Real Property Tax Law challenging the assessments prospectively. No tax grievances or Article 7 proceedings have been filed by *Level 3*. The applications improperly seek retroactive tax refunds under inapplicable sections of the Real Property Tax Law; and

WHEREAS, the Chautauqua County Legislature has carefully considered and fully agrees with the investigation and recommendations of the Acting Chautauqua County Tax Real Property Tax Director, it is hereby

RESOLVED, That all of the Applications for Refunds/Credits of Real Property Taxes Form 556 filed by Level 3 Communications, LLC with Chautauqua County, the Brocton Central School District, Fredonia Central School District, Ripley Central School District, and Westfield Central School District for the 2017-2018 school tax year are hereby denied in their entirety for the reasons set forth above.

Signed: Scudder, Muldowney, Davis, Nazzaro, Odell, Harmon (Starks, Vanstrom, Niebel voted "yes" by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 212-20  
Authorize Execution of New York State Office of Homeland Security Funding Grant—  
Operation Stonegarden FY20

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

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

WHEREAS, the State of New York will provide funding for a FY20 grant in the amount of \$97,244, with no local funds, for a contract period of September 1, 2020 through August 31, 2023; and

WHEREAS, an appropriate portion of the revenue from this grant is included in the 2021 Tentative Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.  
Signed: Pavlock, Whitford, Nazzaro, Odell, Harmon (Niebel, Bankoski, Hemmer voted "yes" by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 213-20  
Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction

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

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

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

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of August 1, 2020 through July 31, 2021, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$39,393; and

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WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2020 Adopted Budget and the 2021 Tentative Budget; now therefore be it

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

Signed: Pavlock, Whitford, Nazzaro, Odell, Harmon (Niebel, Bankoski, Hemmer voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 214-20  
Amend 2020 Adopted 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 are expected to exceed initial budgetary estimates; and

WHEREAS, the Office of the Sheriff expects to receive revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.4	Contractual - Sheriff - Sheriff Grants	\$16,927
A.3020.PSCN.4	Contractual - Publ Safety Communication - Pub Sfty Communications	\$68,276
A.3110.----.2	Equipment - Sheriff	\$30,000
	Total	\$115,203

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9000	Federal Aid-Other Public Safety Aid	\$16,927
A.3020.PSCN.R277.0000	Miscellaneous-Other Unclassified Rev	\$68,276
A.3110.----.R262.6000	Fines & Forfeitures-Restricted-Forfeiture	\$30,000
	Total	\$115,203

Signed: Pavlock, Whitford, Nazzaro, Odell, Harmon (Niebel, Bankoski, Hemmer voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 215-20

Authorize the Renewal of Lease Agreement with the Town of Chautauqua

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

WHEREAS, pursuant to County Resolution 154-10 and 91-06 the County has been leasing office space from the Town of Chautauqua for the County Office of Emergency Services; and

WHEREAS, with the expiration of the existing lease, the County would like to enter into a new lease agreement with the Town of Chautauqua so the County may continue using this space; and

WHEREAS, it is appropriate for the County to lease such space from the Town of Chautauqua in order to continue Emergency Services in Chautauqua County; and

WHEREAS, the Town of Chautauqua is willing to continue to lease to County the currently occupied space in its Municipal Building; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Town of Chautauqua, 2 Academy Street, Mayville, substantially in accordance with the following:

- |               |  |
|---------------|--|
| 1. Premises:  | Approximately 5,900 square feet (Suite A)<br>at 2 Academy Street, Mayville, New York.  |
| 2. Term:      | One five-year term, with the ability to terminate with at<br>ninety (90) days' notice. |
| 3. Rent:      | \$1,200.00 per month effective 1/1/21, \$1000.00 per<br>month for 7/1-12/31/20         |
| 4. Utilities: | \$100.00 per month effective 1/1/21  |

Signed: Pavlock, Whitford, Nazzaro, Odell, Harmon (Niebel, Bankoski, Hemmer voted "yes" by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 216-20

Amend Emergency Services Appropriation Accounts for 2020 Adopted Budget

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

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WHEREAS, Emergency Medical Services Continuing Medical Education sub-department expenses have exceeded initial budgetary estimates, and appropriations in the Emergency Medical Services department are expected to have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3989.CME.4	Contractual-Emergency Medical Service, Continuing Medical Education	\$5,300
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DECREASE APPROPRIATION ACCOUNT:

A.3989.----.4	Contractual-Emergency Medical Service	\$5,300
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Signed: Pavlock, Whitford, Nazzaro, Odell, Harmon (Niebel, Bankoski, Hemmer voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 217-20

Authorizing Agreement for the Children and Youth with Special Health Care Needs Program

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

WHEREAS, the New York State Department of Health (NYSDOH) has awarded funds to the Chautauqua County Department of Health and Human Services to support the Children and Youth with Special Health Care Needs Program (CYSHCN) for the period 10/1/20- 9/30/25 in the amount of \$136,915; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the New York State Department of Health for administrative funding for the CYSHCN programs on an annual basis for so long as the Department of Health continues to fund these programs, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the NYSDOH for program funding for so long as the County Department of Health and Human Services continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate the County’s receipt of such funds.

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Signed: Pavlock, Whitford, Whitney, Nazzaro, Odell, Harmon (Rankin, Lawton, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 218-20  
Authorize Lease Agreement for the Office for Aging Services at The Chautauqua Center in  
Jamestown, New York  
*(Later Renewed and Amended in December 2020)*

By Human Services and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Chautauqua County Office for Aging Services (“OFAS”) and Chautauqua County Veteran Services Agency (“VSA”) have shared office space for many years; and

WHEREAS, OFAS and VSA’s relocation to The Chautauqua Center in downtown Jamestown, a 2,500 square foot state of the art space located in the medical corridor, will provide better access and privacy to a growing senior population; and

WHEREAS, this location will also provide opportunities for OFAS to collaborate with healthcare, mental health, and other community services within the building to better serve older adults in Chautauqua County; and

WHEREAS, this location will also provide OFAS with more opportunities to host education, health, and wellness programs for seniors on the premises; and

WHEREAS, the County is desirous of entering into a 15-year lease agreement with The Chautauqua Center to finance the build-out cost for this brand new space; therefore be it

RESOLVED, That the Acting County Executive is hereby authorized to execute a lease agreement for office space with The Chautauqua Center on substantially the following terms and conditions:

1. Premises. 2,500 square feet of the second floor located at 107 Institute Street, Jamestown, New York.
2. Rent. \$13.40 per square foot at a monthly rate of \$2,791.67 per month for the first year, with an annual increase of not greater than 1%.
3. Build-Out. \$1.15 per square foot at a monthly rate of \$239.59 per month for fifteen (15) years.
4. Term. Fifteen (15) years commencing in early 2021 upon completion of build-out.

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5.           Utilities.   County's occupied space is individually metered and County shall pay for water, electrical, and gas services.
6.           Other.       As negotiated by the Acting County Executive.

Signed: Pavlock, Whitford, Whitney, Nazzaro, Odell, Harmon (Rankin, Lawton, Niebel voted "yes" by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 219-20

To Accept HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) Fiscal Year 2020–Lead Based Paint Hazard Control Grant

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

WHEREAS, Chautauqua County has been awarded U.S. Department of Housing and Urban Development (HUD) grant funding in the amount of \$3,000,000 for the Office of Lead Hazard Control and Healthy Homes (OLHCHH) Fiscal Year 2020–Lead Based Paint Hazard Control Grant for the three and a half year period anticipated to run from January 1, 2021 to June 30, 2024; and

WHEREAS, the purpose of the grant program is to identify and control lead-based paint hazards in eligible privately owned housing for rental or owner occupants; and

WHEREAS, the County has completed successful programs through Lead Safe I-V HUD grants, and desires to continue childhood lead poisoning prevention efforts and lead hazard control efforts to improve quality of life and housing stock in Chautauqua County; and

WHEREAS, this program serves as a resource to complete remediation in the high-risk homes identified through the existing Primary Prevention Project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary grant-related documents for, the above-named grant program, for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds.

Signed: Pavlock, Whitford, Whitney, Nazzaro, Odell, Harmon (Rankin, Lawton, Niebel voted "yes" by video conference)

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RES. NO. 220-20

To Accept New York State Department of Health Epidemiology And Laboratory Capacity for  
Infectious Diseases Funding

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

WHEREAS, Chautauqua County has been awarded New York State Department of Health (NYSDOH) funding in the amount of \$303,643 for Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) for the two year period from July 1, 2020 to June 30, 2022; and

WHEREAS, the purpose of the grant program is to increase staffing capacity to conduct rapid and complete case and contact investigations and report data utilizing the CDCMS (CommCare) system in response to the COVID-19 pandemic; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary grant-related documents for, the above-named grant program, for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.1	Personal Services—Public Health Admin	\$ 39,486
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INCREASE APPROPRIATION ACCOUNT:

A.4010.----.8	Employee Benefits—Public Health Admin	\$ 22,329
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INCREASE REVENUE ACCOUNT:

A.4010.R440.1001	Federal Aid – Public Health Grant	\$ 61,815
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Signed: Pavlock, Whitford, Whitney, Nazzaro, Odell, Harmon (Rankin, Lawton, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 221-20

To Authorize Emergency Use Facility Agreements with Chautauqua County School Districts

By Human Services Committee:

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

WHEREAS, General Municipal Law 119-o authorizes municipalities to cooperate in the performance of their activities; and

WHEREAS, pursuant to Article 2-B of the Executive Law, upon the threat or occurrence of a disaster, the chief executive of any political subdivision is authorized and empowered to provide or accept assistance and share the use of facilities upon such terms and conditions as may be mutually agreed by the chief executives of the requesting and assisting political subdivisions; and

WHEREAS, Article 2-B of the Executive Law defines a disaster as occurrence or imminent, impending or urgent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or manmade causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse; and

WHEREAS, it is in the best interest of the County to enter into emergency response agreements with municipalities and other governmental entities in advance so that in the event of the threat or occurrence of a disaster, Chautauqua County will be in a position to render and receive aid under prearranged terms and conditions; and

WHEREAS, it is in the best interest of the County to not only respond to disasters but to also participate in emergency practice drills and training activities to enhance the County's ability to respond to the threat or occurrence of a disaster; and

WHEREAS, each School District within Chautauqua County is willing to assist the County by providing appropriate space to respond to a disaster or participate in emergency practice drills and training activities; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into agreements with each School District within Chautauqua County, as an ongoing emergency preparation measure or response for rendering and receipt of emergency aid upon threat or occurrence of a disaster including, but not limited to, addressing an imminent public health threat as declared or approved by the Commissioner of the New York State Department of Health; and be it further

RESOLVED, That the County Executive be and hereby is authorized to enter into agreements with each School District within Chautauqua County for the response to a disaster or

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for the conduct of emergency training and practice activities as preparation for the response to a disaster, as the same may be warranted from time to time.

Signed: Pavlock, Whitford, Whitney (Rankin, Lawton voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 222-20  
Amend 2020 Budget Appropriations to Include Additional IGT Matching Funds

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

WHEREAS, for the calendar year 2019, free-standing mental health clinics operated by the Chautauqua County Department of Mental Hygiene (CCDMH) can qualify for a match of federal funds, expected to be no less than 50%, through the Intergovernmental Transfer (IGT) program; and

WHEREAS, the County must provide a local share contribution separate and apart from CCDMH operating revenues in order to qualify for the IGT match; and

WHEREAS, the County has been notified that the IGT for the calendar year 2019 is now being offered; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance, Unassigned Fund Balance	\$131,212
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6102.----.4	Contractual—Medical Assistance MMIS	\$131,213
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INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000	Federal Aid—Federal Aid-Ment Hlth	\$262,425
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Signed: Pavlock, Whitford, Whitney, Nazzaro, Odell, Harmon (Rankin, Lawton, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 223-20

Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Repair of the  
Chadakoin River Flow Gage

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

WHEREAS, Chautauqua County, the New York State Department of Environmental Conservation (NYSDEC), and the United States Geologic Survey (USGS) have cooperatively operated a lake level gage on Chautauqua Lake and a flow gage on the Chadakoin River since 1975; and

WHEREAS, the data provided by the lake and river gages are essential to Chautauqua County, the NYSDEC, and the USGS for water resource management and flood control; and

WHEREAS, the weir for the Chadakoin River flow gage requires repairs to ensure continued functionality at an estimated cost of \$30,000; and

WHEREAS, Chautauqua County, the NYSDEC, and the USGS intend to collaborate on the repairs; and

WHEREAS, the Chautauqua County Department of Public Facilities recommends a remedy whereby concrete and heavy stone riprap will be installed to restore the structural integrity of the weir; and

WHEREAS, the Chautauqua County Department of Public Facilities will obtain permits and deploy labor and equipment to provide an estimated “in-kind” contribution of \$20,000 to implement the remedy; and

WHEREAS, the Chautauqua County Department of Public Facilities has the capacity to acquire competitively priced concrete and heavy stone riprap to support the implementation of the remedy; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$264,705; and

WHEREAS, the Chautauqua County Division of Planning and Community Development requests to utilize up to \$10,000 from the 2% Occupancy Tax Reserve to assure adequate resources are available to complete the repairs; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates up to \$10,000 from the 2% Occupancy Tax Reserve to be dispersed to the Chautauqua County Department of Public Facilities for implementation of the remedy to restore the structural integrity of the weir; and be it further

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

RESOLVED, That the Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway      \$10,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4      Contractual—Planning, Watershed Administration      \$10,000

Signed: Odell, Nazzaro, Harmon (Starks, Muldowney, Ward, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 224-20

Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist with Developing a  
Chautauqua Lake Stakeholder Agreement

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

WHEREAS, Chautauqua County’s Lakes and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua Lake has been threatened by numerous factors including, but not limited to, proliferation of non-native aquatic plant species, nuisance levels of native vegetation and Hazardous Algal Blooms (“HABs”); and

WHEREAS, pursuant to Resolution 85-19, the Chautauqua County Legislature authorized the use of the 2% Occupancy Tax Reserve to contract for professional services to assist lake stakeholders with the development of a Memorandum of Agreement (“MOA”) that was generally successful in fostering increased stakeholder collaboration and resulted in increased usability of Chautauqua Lake through improved lake maintenance practices; and

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WHEREAS, Chautauqua Lake is currently the subject of scientific investigations and demonstration projects by nationally recognized institutions, New York State, and the Federal Government which benefit from the increased collaboration among Chautauqua Lake stakeholders; and

WHEREAS, the term of the current MOA expires April 30, 2021 and Chautauqua County strongly desires to develop a successor MOA that will continue to encourage stakeholder collaboration with the over-arching goal of further improving the health and usability of Chautauqua Lake; and

WHEREAS, Chautauqua County desires to again contract for professional services to assist with the development of a successor MOA at a cost not to exceed \$16,000; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$264,705; and

WHEREAS, the Chautauqua County Division of Planning and Community Development requests to utilize up to \$16,000 from the 2% Occupancy Tax Reserve to retain professional services for the preparation of a successor Chautauqua Lake Memorandum of Agreement among lake stakeholders; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates up to \$16,000 from the 2% Occupancy Tax Reserve for professional services in connection with the preparation of a successor Chautauqua Lake Memorandum of Agreement among lake stakeholders; and be it further

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

RESOLVED, That the Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway      \$16,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4      Contractual—Planning, Watershed Administration      \$16,000

Signed: Odell, Nazzaro, Harmon (Starks, Muldowney, Ward, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 225-20

Authorize Transfer of Equestrian Trail Equipment to the Chautauqua County Equestrian Trail System, Inc. (CCETS)

By Planning & 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 is home to over 4,300 horses and many active bridle clubs and corrals; and

WHEREAS, pursuant to Resolution 184-12, Chautauqua County officially accepted funding from the Appalachian Regional Commission (ARC) Area Development Program for the development of Phases I & II of the equestrian trail system; and

WHEREAS, pursuant to Resolution 120-13, Chautauqua County officially accepted funding from the ARC Area Development Program for the development of Phase III of the equestrian trail system; and

WHEREAS, the County purchased equestrian trail equipment needed to upgrade and maintain its equestrian trails pursuant to the terms and conditions of its Phases I & II grant agreement with the ARC; and

WHEREAS, the County may transfer its title to the equestrian trail equipment purchased with its ARC Phases I & II grant funds to a non-Federal entity with no further obligation to the ARC if the equipment's current per unit fair market value is \$5,000 or less and upon the ARC's approval; and

WHEREAS, the Chautauqua County Equestrian Trail System, Inc. (CCETS), a registered not-for-profit equestrian trail group, actively participated in the construction of the County's equestrian trail system and continues to use the equestrian trail equipment purchased by the County to maintain said trails; and

WHEREAS, the County desires to transfer its title to the equestrian trail equipment purchased with its ARC Phases I & II grant funds to CCETS for the aforementioned purposes; and

WHEREAS, the equipment transferred does not exceed the current per unit fair market value of \$5,000; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into any agreements with CCETS to transfer title of the equestrian trail equipment purchased with its ARC Phases I & II grant funds, with the equipment to be utilized by CCETS for continued maintenance of the trails.

Signed: Odell, Nazzaro, Harmon (Starks, Muldowney, Ward, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 226-20

Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism

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

WHEREAS, the New York State Legislature has authorized the New York State Department of Commerce to match funds expended by local and regional organizations promoting tourist travel, resorts, and vacation businesses in this State; and

WHEREAS, the New York State Legislature has made appropriations for such purposes; and

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation as the local tourist promotion agency for the Matching Fund Program sponsored by the New York State Division of Tourism; therefore, be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism, and authorizes the Chautauqua County Visitors Bureau to apply for matching tourism funds, to receive such matching funds, and to represent the County of Chautauqua in tourism promotion efforts; and be it further

RESOLVED, That in making the aforesaid designation, the Chautauqua County Legislature hereby certifies that Chautauqua County Visitors Bureau has been in operation for at least three (3) years immediately prior to making this year's application; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau comply with the following criteria for implementing the Matching Funds Program:

1. A dedicated bank account shall be maintained for the purposes of matching and disbursing Matching Funds provided by the New York State Division of Tourism and the corresponding local share in accordance with the Program guidelines;
2. All interest earned from the Matching Funds Program monies shall be expended for generic County advertising according to the New York State guidelines for the Program;
3. All discounts and refunds be maintained in the Matching Fund program account and be expended for generic County advertising according to the Program guidelines; and



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4. Account(s) shall be reconciled monthly and at the end of the Program, and the required quarterly and annual reports be provided to the New York State Division of Tourism in accordance with the Program guidelines; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the period from January 1, 2021 through December 31, 2021.

Signed: Odell, Nazzaro, Harmon (Starks, Muldowney, Ward, Niebel voted “yes” by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 227-20  
Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive’s preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolutions 64-05, 147-07, 144-14, 147-15, and 167-19; and

WHEREAS, it is appropriate to amend the current Financial Management Policy to clarify the allocation to the Capital Project Reserve of investment earnings associated with cash contributed from out-of-county waste at the County Landfill; therefore be it

RESOLVED, That the County’s Financial Management Policy is hereby amended to read as follows:

I. INTRODUCTION

Section 2.05(c) of the Chautauqua County Charter requires the County Legislature to adopt a comprehensive financial management policy for County government on at least an annual basis. The primary objective of this policy is to establish financial guidelines for the maintenance of County operating and capital funds, fund balances, operating and capital revenues, and the use of reserve funds. With a focus on long-term planning, these guidelines are intended to provide sound financial management in order to provide appropriate and responsible budgets for Chautauqua County taxpayers. These policies are for general use, and allow for exceptions as appropriate and necessary on a case-by-case basis.

## II. PURPOSE

The County of Chautauqua recognizes the importance of adherence to sound financial management practices. By enacting financial management policies, the County of Chautauqua intends to achieve the following goals and objectives:

### A. Credit Rating

The most global indicators of a county's overall financial health are the credit ratings issued by the various rating agencies in the financial community. These ratings assess a county's immediate and future financial needs and its means to fund them. It is the intent of this financial management policy to provide the financial community with the assurance that the County of Chautauqua follows structurally sound budgeting practices, maintains an appropriate level of funds in reserve, and embarks upon vigorous long-range planning for both operating and capital needs.

### B. Stable Tax Structure

Government spending relies heavily upon the current economic environment. With New York State counties required to pay 25% or more for most public assistance programs, a majority of county spending is obligated to these mandated programs. During robust economic times, the demand upon social services is lower and there is very little pressure on the tax structure. During periods of slow economic growth or recessions, the demand for government services increases greatly and taxes generally rise to meet these demands. In order to stabilize the peaks and valleys in the tax rate, financial management policies should be implemented to mitigate large changes in the taxation structure.

### C. Fund Balances

The New York State Comptroller recommends that each local government assess what is a "reasonable amount" for its particular situation and adopt a fund balance policy. The purpose of this policy is to establish a fund balance policy to address the needs of Chautauqua County ("County") and establish adequate reserves to ensure that unanticipated events will not adversely affect the financial condition of the County nor jeopardize the continuation of necessary public services. This policy will ensure the County maintains adequate fund balance and reserves in the County's Governmental Funds to provide the capacity to:

1. Provide sufficient cash flow for daily financial needs.
2. Secure and maintain investment grade bond ratings.
3. To provide adequate reserves to offset significant economic downturns or revenue shortfalls, and
4. Provide adequate reserves for unforeseen expenditures related to emergencies.

### D. Structurally Balanced Budgets

The County of Chautauqua's definition of a structurally balanced budget is a budget that finances recurring appropriations with recurring revenues. A key component to maintaining stable taxation and fund balances is to limit the use of one-time revenues in the funding of recurring operations. It is the intent of this policy to attain structurally balanced budgets.

E. Long Range Planning

The County of Chautauqua recognizes the importance of long range planning for both operations and capital expenditures to ensure fiscal stability by providing the capability to plan for future expenditures and to weather unforeseen circumstances.

III. POLICIES

A. General Unobligated Fund Balance

1. This policy shall apply to the County's General Fund, only.
2. Fund Balance for the County's Governmental Funds will be comprised of the following categories:
  - a) **Nonspendable**- amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.
  - b) **Restricted**- amounts externally imposed by creditors (debt covenants), grantors, contributors, laws, or regulations of other governments.
  - c) **Committed**- amounts used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.
    - 1) Amounts set aside based on self-imposed limitations established and set in place prior to year-end and can be calculated after year-end.
    - 2) Limitation imposed at highest level and requires same action to remove or modify.
    - 3) Resolutions that lapse at year end.
  - d) **Assigned**- amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed.
  - e) **Unassigned**- amounts that are not reported in any other classification.
3. When resources are available from multiple classifications, the County spends funds in the following order: restricted, committed, assigned, unassigned.
4. The Chautauqua County Legislature is the decision-making authority that can, by resolution, commit fund balance. The commitment may only be modified by a new resolution authorized by the Chautauqua County Legislature.
5. General Unobligated Fund Balance:
  - a) For the purpose of this policy, general unobligated fund balance shall consist of the Unassigned Fund Balance less any designations as footnoted in the Basic Financial Statements.
  - b) The County shall strive to maintain unobligated fund balance of not less than 5% and not more than 15% of General Fund gross revenues.

- c) The Director of Finance shall report the amount and percentage of general unobligated fund balance to the Audit and Control Committee upon completion of the annual audit each year.
- d) In the event that unobligated fund balance exceeds 15% of adopted budget gross revenues, the excess may be utilized for any lawful purpose approved by the County Legislature. In order to minimize the long term effect of such use, the excess should be appropriated to fund one-time expenditures which do not result in recurring operating costs, and/or be used to establish or increase reserves.
- e) In the event that general unobligated fund balance falls below 5% of adopted budgeted gross revenues, the Budget Officer shall make a recommendation to the Audit and Control Committee to restore the balance to the minimum level in the next budget year or other appropriate period of time.

**B. General Fund Five-Year Plan**

Beginning in the 2006 budget year, a five-year general fund budget projection shall be completed on an annual basis that projects both expenditures and revenues. A narrative shall be attached identifying all assumptions used in calculating the projection. Additionally, this narrative shall include measures to be taken to close any budget gap that may exist.

**C. Capital Projects Six-Year Plan**

- 1. Assessment - A comprehensive capital assessment of Chautauqua County's physical infrastructure shall be completed at least every five years. This assessment shall include an evaluation of the current state and future maintenance needs and or replacement expense of all buildings, roads, bridges, airports, parks, and dams.
- 2. Capital Requests - Pursuant to guidelines set forth in Article 7 of the Chautauqua County Administrative Code, department heads shall present all proposed capital projects as defined in the Administrative Code.
- 3. Funding – In order to provide a consistent source of funding for the County's infrastructure, investment earnings accrued from the County's general fund plus investment earnings associated with cash contributed from out-of-county waste at the Landfill<sup>1</sup> shall be dedicated to the Capital Project Reserve. ~~This shall provide an estimated \$500,000 to \$1,500,000 a year to fund capital projects.~~ Additionally, revenue from the Motor Vehicle Registration fee shall fund County road and bridge projects.

<sup>1</sup>Investment earnings associated with cash contributed from out-of-county waste at the Landfill shall be calculated as follows:

$$\frac{\text{Total Monthly Investment Earnings}}{\text{* (Month end cash balance, EL Fund / Month end cash balance, All funds)}} \times \frac{\text{* \% of out-of-county waste from the last fully audited year}}{=}$$

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Investment earnings associated with cash contributed from out-of-county waste at  
the Landfill

4. Account closeout – No later than February 28<sup>th</sup> of every year, all open capital project accounts shall be assessed and reviewed by the Audit and Control committee. Any projects that are complete and have excess funds shall be closed out and any balances transferred to the Capital Project Reserve.
5. Planning Process – As set forth in Article 7 of the Chautauqua County Administrative Code, a Capital Projects Six-Year Plan shall be recommended by the County Planning Board, Capital Projects Committee, and County Executive on an annual basis, and shall be confirmed by the County Legislature.

D. Tax Stabilization Fund

Tax stabilization fund balance may be utilized in the tentative budget process, pursuant to New York State General Municipal Law § 6-e, in an amount not to exceed 50% of the projected current year fund balance. When the balance reaches \$250,000 or less, the entire balance may be utilized.

E. Non-Property Taxes

Non-property taxes (sales, occupancy, mortgage, motor vehicle fee) are very elastic and are dependent upon variable economic trends. It is imperative to budget these revenues with a degree of conservatism to prevent shortages due to changing economic climates. As a general guideline, these revenues shall be budgeted as the actual receipts received two years prior – e.g., the 2005 tentative budget amounts will be the actual level of receipts received in 2003. Deviations from the "two years prior" policy shall only occur based upon known factors that may considerably impact the proposed budget such as a change in tax rates, change in taxable entities, or a rapidly changing economic environment. Any deviation from policy shall be appropriately documented. Occupancy tax shall have the following minimum reserves:

1. 3% Occupancy Tax -Tourism \$50,000
2. 2% Occupancy Tax - Lakes and Waterways \$50,000

F. Purposes and Use of Debt

1. Capital Financing: The County will rely on internally generated funds and/or grants and contributions from other governments (i.e. federal, state and local) to finance its capital needs whenever available. Debt will be issued for a capital project when it is an appropriate means to achieve a fair allocation of costs between current and future beneficiaries.
2. Asset Life: The County will consider long-term financing for the acquisition, maintenance, replacement, or expansion of physical assets (including land) only if they have a useful life of at least five years. As a general rule, debt will not be issued for the road and bridge program, because of the recurring nature of road and bridge construction and maintenance. Debt will be used only to finance capital projects and equipment, except in the case of an emergency. County debt will not be issued for periods exceeding the useful life or average useful lives of the project or projects to be financed, as prescribed in Local Finance Law.

3. Debt Authorization: No County debt issued for the purpose of funding capital projects shall be authorized by the Legislature unless it has been included in the Six-Year Capital Projects Plan or until the Legislature has modified the Plan.

G. Financial Tracking System

To provide a quantitative analysis of the fiscal condition of county finances, the New York State Comptroller's Office has developed a series of fiscal indicators. The following indicators shall be computed and tracked on an annual basis upon completion of the audit of the County's basic financial statements. The final results shall be reported to the Audit and Control committee no later than September 30th.

Indicator 1: Year-End Fund Balance

1. Assigned and Unassigned Fund Balance – To identify the amount of fund balance that is available in the general, special revenue, and/or enterprise funds to provide a cushion for revenue shortfalls or expenditure overruns.
2. Total Fund Balance – To identify the amount of fund balance that is available to be used to fund operations, provide a cushion for revenue shortfalls or expenditure overruns, and/or is reserved for specific future purposes.

Indicator 2: Operating deficits

3. Operating Deficit – To identify local governments that are incurring operating deficits

Indicator 3: Cash Position

4. Cash Ratio – To identify the ability of the local government to liquidate current liabilities.
5. Cash % of Monthly Expenditures – To identify the ability of the local government to fund the ensuing fiscal year's operations from available cash.

Indicator 4: Use of Short-Term Debt

6. Short-Term Debt Issuance – To identify the amount of short-term debt that is issued to meet obligations (cash flow).
7. Short –Term Debt Issuance Trend – To identify the trend in the issuance of short-term debt.

Indicator 5: Fixed Costs

8. Personal Services and Employee Benefits % Revenues – To identify the amount that revenues are restricted to be used for salaries and benefits.
9. Debt service % Revenues – To identify the amount that revenues are restricted to be used for debt service expenditures.

IV. MISCELLANEOUS

A. Adoption

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The County of Chautauqua Financial Management Policy shall be presented to and adopted by the Chautauqua County Legislature as official County policy by formal legislative resolution.

B. Modification and Review

These policies, along with the Chautauqua County Investment policy, shall be reviewed annually by the Finance Department, Budget Department, Legislative Financial Analyst and Legal Counsel, and the Audit and Control Committee for formal approval in June of every year.

Signed: Nazzaro, Odell, Harmon (Niebel voted "yes" by video conference)

Unanimously Adopted – October 28, 2020

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RES. NO. 228-20

Consider 2021 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 Legislators Nazzaro, Gould, Niebel, Odell, Harmon:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2021 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; therefore be it

RESOLVED, that the 2021 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

**INCREASE APPROPRIATION ACCOUNTS:**

A.1162.1120.4	Contractual - Unified Court Costs, Conflict Administration	\$122,132
A.1310.----.4	Contractual - Department of Finance	\$75,000
A.3010.----.4	Contractual - Emergency Services	\$1,200
A.4090.----.1	Personal Services - Environmental Health	\$49,974
A.4090.----.8	Employee Benefits - Environmental Health	\$25,437
A.4189.LEAD.4	Contractual - Other Public Health Progs, Lead Testing	\$860,858
A.4322.----.4	Contractual - Mental Hygiene Law	\$100,000
	Contractual - Promotion of Industry, Community	
A.6420.COMC.4	Contracts	\$8,750
A.6510.----.4	Contractual - Veterans Service Agency	\$3,639
A.6772.----.4	Contractual - Office for Aging Services	\$9,267
M.1930.----.4	Contractual - Judgments & Claims	\$5,811
M.9089.8000.4	Contractual - Undistributed Benefits, Benefit Surcharge	\$134
MS.1710.----.4	Contractual - Insurance Administration	\$11,403
A.1990.----.4	Contractual - Contingent Account	<u>\$500,000</u>
	Total	\$1,773,605

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**DECREASE APPROPRIATION ACCOUNTS:**

A.1162.1120.1	Personal Services - Unified Court Costs, Conflict Administration	\$90,350
A.1162.1120.8	Employee Benefits - Unified Court Costs, Conflict Administration	\$31,782
A.1620.6050.4	Contractual - Buildings & Grounds, DMV-Dunkirk	\$2,160
A.1620.6080.4	Contractual - Buildings & Grounds, North Co Office Building	\$10,707
A.1620.----.1	Personal Services - Buildings & Grounds	\$46,730
A.1620.----.8	Employee Benefits - Buildings & Grounds	\$4,453
A.2490.----.4	Contractual - Community College Tuition	\$130,895
A.3110.----.1	Personal Services – Sheriff	\$107,504
A.3110.----.8	Employee Benefits – Sheriff	\$33,295
A.3150.----.1	Personal Services – Jail	\$33,814
A.3150.----.8	Employee Benefits – Jail	\$19,122
A.6010.----.1	Personal Services - Social Services Admin	\$98,915
A.6010.----.8	Employee Benefits - Social Services Admin	\$55,936
A.6129.----.4	Contractual - State Training School	\$237,250
A.6140.----.4	Contractual - Safety Net	\$106,213
A.6772.----.1	Personal Services - Office for Aging Services	\$10,426
A.6772.----.8	Employee Benefits - Office for Aging Services	\$6,393
A.9901.9000.9	Interfund Transfers - Transfer to Other Funds, Trans Co Road Suppl (A-D)	\$100,000
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$50,000
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	<u>\$100,000</u>
	Total	\$1,275,945

**INCREASE REVENUE ACCOUNTS:**

A.1310.9999.R105.1000	Oth R/Property Tax Items-Sales: Tax Acquired Prop	-\$300,326
A.1330.----.R123.00RP	Departmental Income-Fees: Treas-Real Property	\$35,000
A.3110.GRNT.R338.9000	New York State Aid-Other Public Safety	\$750
A.4189.LEAD.R448.9HUD	Federal Aid-Oth Publ Hlth: HUD Lead	\$860,858
CS.1710.R270.9000.0000	Miscellaneous-Participant Assessments	\$258
M.9060.9999.R270.9HSA	Departmental Income-Employer H.S.A. Contributions	<u>\$5,811</u>
	Total	\$602,351

**DECREASE REVENUE ACCOUNTS:**

A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$319,149
A.1310.9999.R111.0CTY	Non Property Tax Items-Sales Tax-County Share	\$180,851
A.1620.6050.R430.5006	Federal Aid-FEMA - Disaster Reimbursement	\$2,160
A.1620.6080.R430.5006	Federal Aid-FEMA - Disaster Reimbursement	\$10,865
A.1620.----.R430.5006	Federal Aid-FEMA - Disaster Reimbursement	\$51,025
A.3110.----.R226.0000	Shared Services-Chrgs: Oth Gov-Pub Safety	\$79,109
A.6140.----.R364.0000	New York State Aid-Safety Net	\$29,740
A.6140.----.R464.0000	Federal Aid-Safety Net	\$1,062
D.5010.----.R240.1000	Use of Money & Property-Interest & Earnings	\$50,000
D.9901.9000.R503.1000	Interfund Transfers-Interfund Transfer	\$100,000
M.9060.9999.R270.9001	Departmental Income-Employer PD Prem-County	\$52,540
M.9089.8000.R270.9002	Departmental Income-Employer PD Prem-Retiree	\$4,219



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M.9089.8000.R270.9004	Departmental Income-Retiree Contributions		<u>\$476</u>
		Total	\$881,196
<b><u>INCREASE THE USE OF FUND BALANCE:</u></b>			
M.----.----.924.0000	Unassigned Fund Balance--Nets Assets-Unrestricted (Deficit)		\$57,369
MS.----.----.917.0000	Unassigned Fund Balance--Unassigned Fund Balance		<u>\$11,403</u>
		Total	\$68,772
<b><u>DECREASE THE USE OF FUND BALANCE:</u></b>			
A.----.----.878.0000	Reserved Fund Balance--Reserve for Capital		\$50,000
CS.----.----.863.0000	Reserved Fund Balance--Insurance Reserve		<u>\$258</u>
		Total	\$50,258

;and be it further

RESOLVED, that exhibits and schedules presented in the 2021 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, That the 2021 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$67,183,543 and an estimated Full Value Rate of \$8.51.

Signed: Nazzaro, Odell, Harmon

Chairman Chagnon: Are there any questions or comments on the resolution?

Legislator Nazzaro: Thank you Mr. Chairman. Obviously 2020 was a year like we have not ever seen before. It has proposed many, many challenges and many of those challenges will continue into 2021- a lot of uncertainty. I must say, I have to thank everyone that worked very hard to put together a 2021 budget including the managers, the department heads, the employees and especially our budget team and finance team. I just want to recognize a few individuals; Kathleen Dennison and Jenelle Hanson from our budget department, Kitty Crow and Todd Button from our finance department, all the legislators, all the standing committees, and also near and dear to me is the Audit & Control Committee, which I chair with Jay Gould, Mark Odell, Terry Niebel and Tom Harmon, who spent the entire week up here working on the budget. A lot of good information was shared by all the managers and committees and I feel good about the product that we put together. Yes, there is uncertainty and I know we've discussed that, but at this time I feel this is the best picture we can paint and although we have a small tax rate increase, of about five cents per thousand I encourage everyone to vote on this. Again, I want to thank everyone for all their hard work.

Chairman Chagnon: Thank you. Are there any other questions or comments on the resolution?

Legislator Niebel: First of all, I would like to thank Chairman Nazzaro for all of his hard work as chairman of the Audit & Control Committee. I would like to say that while I'm in agreement with a decrease in the projected sales tax revenues- look, I'm also in agreement with

re-establishing contingency fund. I just don't think the contingency fund at the level that we funded it. I would like to see that reduced from the \$500,000 that we have before us to \$133,109, which would put us back at a tax rate increase of \$8.46 per thousand- the same tax increase that we had last year. With all due respect Chuck, I'd like to move to amend this resolution to reduce the tax rate from \$8.51 per thousand to \$8.46 per thousand – the same as 2020.

Chairman Chagnon: OK, there is a motion to amend. Is there a second? Is there a second to the motion to amend this resolution?

Legislator Rankin: I will second.

Chairman Chagnon: It's been pointed out to clarify the motion to change the resolution specifically- the account that you want to change.

Legislator Niebel: The contingency fund. To reduce that contingency fund from \$500,000 to \$133,109 and I believe that takes us back to the \$8.46 per thousand that we had last year.

Chairman Chagnon: Thank you for clarifying that. Legislator Rankin are you OK with that clarification with your second?

Legislator Rankin: Yes, I am.

Chairman Chagnon: OK- discussion on the motion to amend the resolution?

Legislator Nazzaro: Terry, you probably figured I would speak on this. I appreciate Terry's comments, however (*inaudible*) with what I just stated in my previous comments, 2021 has a lot of uncertainties. The pandemic- a 100 year pandemic- the numbers are growing not only in our county, but nationwide. The economic impact on our businesses is going to continue to be severe. We have sort of dodged a bullet this year in 2020 with sales tax because internet sales have been high. We are now able to collect sales tax. I think people were spending more because in the summer months they got the stimulus payments and the \$600 federal unemployment, but 2021 we only reduce the sales tax projections by half a million dollars. That's not a lot. We have \$3.8 million in property taxes that (*inaudible*) increase our reserve that may become uncollectable in 2021. We are not sure what our federal and state aid will be for additional costs incurred to keep people safe. I just encourage everyone not to support this amendment because when we get into 2021 that half a million dollars may seem like a significant number, but that could be used up very, very quickly. I appreciate all the hard work by Mr. Niebel, but at this time I cannot support that amendment. Thank you.

Chairman Chagnon: Other comments or questions on the motion to amend the resolution?

Legislator Niebel: Mr. Chairman, I would just like to respond to my colleague Mr. Nazzaro.

Chairman Chagnon: Sure.

Legislator Niebel: It's true. Our expenditures might increase next year, but possibly so could our revenues. Our sales tax could come in in excess of what we're projecting here tonight. Maybe, just maybe we would receive money from our tribal compact agreements, which we have not been receiving for the last several years. So, while I agree with Mr. Nazzaro that there is a lot of uncertainty- there is a lot of uncertainty with our expenditure, but also with our revenues. So, I am in favor of the motion of retaining a rate of \$8.46 per thousand increase. I'll just toss this out as an observation, but look, our unemployment rate in Chautauqua County is 6.2%. We have a lot of people that are hurting in this county- a lot of businesses- a lot of people that are unemployed. I just don't want to take any more money from those tax payers than we absolutely have to run the county government. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the motion to amend?

Legislator Nazzaro: I just want to point out that I too understand not wanting to raise the property tax rate, but again, we're talking about 5 cents per thousand. Which is a tax rate of \$5 on a \$100,000 home. Five dollars. On a \$50,000 home that is \$2.50. So, what we have to be cautious about is in 2021 when taxes aren't paid and things don't come to fruition, we're going to have to go into our fund balance which is only hovering around 5% of our revenues right now. So, part of our plan is looking beyond 2021. It's looking at 2022 and beyond. Nobody has a crystal ball, but we're just trying to do the best with what we know now. Thank you.

Chairman Chagnon: Thank you.

Legislator Niebel: With all due respect to Mr. Nazzaro, look, I understand it's only \$5 per thousand, but that's this year. A few years from now if we keep increasing we'll be looking at \$25 per thousand and after that maybe \$50 per thousand. The problem is that we're only talking about increases- these increases keep increasing and again I would like the taxpayers to keep as much money as they possibly can. Again, we do need a certain amount of money to run county government but let's not take more money from the tax payers than we absolutely have to. I think this year keeping the tax rate at \$8.46 per thousand, the same as the 2020 rate is reasonable. That's what I would like to see this body do this evening.

Chairman Chagnon: OK, are there any other comments or questions on the motion to amend?

Legislator Odell: Thank you Mr. Chairman. Terry, I appreciate your sentiments on trying to hold the tax rates flat against last year and this body has demonstrated in the past that when we can we have reduced and this is not the year to do it. (*Inaudible*) July and August, which were the months that people received their stimulus checks and couldn't shop out of town, couldn't go to retail, and had to shop online we brought those revenues right (*inaudible*.) with Andrew Nixon providing us with some sound data of our tourism numbers are going to be off in excess of 40% in 2020 as an indicator of our occupancy tax revenues, which will go hand in hand with our sales tax revenues. Putting the \$500,000 of our contingency budget in place is the prudent thing to do. Thank you.

Chairman Chagnon: Thank you. I saw Legislator Vanstrom's hand go up- do you have a comment on the motion to amend?

Legislator Vanstrom: (*Inaudible*) extremely hard to take one more penny out of the pocket of our hard working tax payers. So many people have been suffering, going through extreme conditions and having major family challenges during this time. And to echo my good colleague Elisabeth Rankin, we have probably dealt with hundreds and hundreds and hundreds of people locally that are enduring very hard times right now. Maybe some people are doing alright, but many are not and their unemployment benefits were not coming in fast enough. We were doing everything we could to assist that, but the strife is real and it's big. Some people cannot afford groceries and it's not a joke, it's real. The food pantries are strained, and other resources are at the limit as well. Some people aren't qualified to anything due to their past employment. So, I do have to say that Mr. Niebel does have a good idea and it might be something we need to exercise this evening. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the motion to amend the resolution?

Legislator Rankin: Thank you Lisa. Lisa and I have been dealing with that a lot. The five dollars per thousand may not seem like much, but to some people it's going to feel like it's pushing them over the edge. As someone else said, five dollars now, ten dollars next year and then after that (*inaudible*.) We can't send out stimulus checks but we can avoid additional increases in their taxes as a way of showing support for the residents of our county. Thank you Mr. Niebel for the amendment. At least we had the chance to talk about it.

Chairman Chagnon: OK, thank you. Any other questions or comments on the motion to amend the resolution? Any other comments or questions?

Legislator Odell: Could I ask for a roll call vote?

Chairman Chagnon: Will the Clerk please call the roll?

Motion to Amend RES. NO 228-20 – R/C Vote 5 Yes; 14 No – Motion to Amend is Defeated

Chairman Chagnon: OK, that brings us back to the resolution as presented. Other discussion or question on the resolution as presented?

Legislator Pavlock: I just want to say I'm in support of the budget this year and we do have some unknowns regarding our COVID-19 situation. (*Inaudible*) I feel the contingencies are proper. I would hate to be working backwards and come up with some extra money. I think it's just smart. I'm never for raising taxes, but for this I have to be and for this hopefully not be used, but probably will be. Thank you.

Chairman Chagnon: OK, other questions or comments on the resolution?

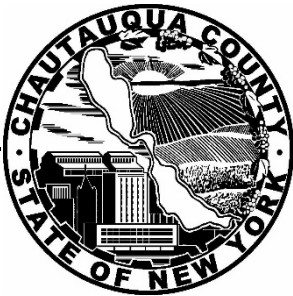
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Legislator Ward: I would like to thank Legislator Niebel for the token- I mean it's kind of becoming a token because we didn't approve it, but it certainly is more than a token. It's a demonstration, and it's on record, that this body does care and is very concerned going forward that there are folks- all of us who are struggling right now and I really appreciate what you have done Mr. Chairman, and what everyone who has worked on this has done and for all of us that are trying to be watchdogs of everyone's purse strings. Thanks.

Chairman Chagnon: Thank you. Other questions or comments on the resolution as presented? Hearing none and seeing none, will the clerk please call the roll?

R/C Vote – 18 Yes; 1 No - Adopted – October 28, 2020 (Legislator Niebel Voting “No”)



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**CHAUTAUQUA COUNTY DEPARTMENT OF FINANCE**

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**PAUL M. WENDEL, JR.**

*County Executive*

**KITTY L. CROW**

*Director of Finance*

**MEMORANDUM**

**TO:** Paul M. Wendel, Jr., County Executive  
Pierre Chagnon, Chairman of the County Legislature  
Charles Nazzaro, Chairman, Audit & Control Committee  
Kitty Crow, Director of Finance

**CC:** All County Legislators

**FROM:** Kathleen Dennison, Budget Director

**DATE:** November 10, 2020

**RE:** Corrections to the Conditional Adoption of the 2021 Budget

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Section 4 of Local Law 6-01, as amended by Local Laws 2-04, 3-04, and 12-18 (“the Local Law”), provides in part as follows:

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*On the day of conditional adoption of the budget, it shall be submitted to the Budget Director who shall make any corrections as may be required due to any typographical, mathematical or technical errors. If said corrections cause a change of less than \$25,000.00 in the Real Property Tax Levy after application of County and Town shares of the County Sales Tax, the budget, as corrected pursuant to this paragraph, shall be the adopted budget for the ensuing fiscal year.*

Pursuant to the Local Law, I have reviewed the conditionally adopted 2021 budget, and found that certain amendments to the 2021 Tentative Budget set forth in Resolution 228-20, had typographical, mathematical, or technical errors that cause a change of less than \$25,000 in the Real Property Tax Levy after application of County and Town shares of the County Sales Tax.

Listed below, and denoted with an asterisk (\*), are the corrections I have made to the amendments to the 2021 Tentative Budget set forth in Resolution 228-20, due to said typographical, mathematical, or technical errors. The corrections cause a reduction of \$148 in the real property tax levy. Pursuant to the Local Law, the 2021 budget, as conditionally adopted by Resolution 228-20 and corrected below, shall be the adopted budget for 2021:

**INCREASE APPROPRIATION ACCOUNTS:**

A.1162.1120.4	Contractual - Unified Court Costs, Conflict Administration	\$122,132
A.1310.----.4	Contractual - Department of Finance	\$75,000
A.3010.----.4	Contractual - Emergency Services	\$1,200
A.4090.----.1	Personal Services - Environmental Health	\$49,974
		<del>\$25,437</del>
A.4090.----.8	Employee Benefits - Environmental Health	\$25,289*
A.4189.LEAD.4	Contractual - Other Public Health Progs, Lead Testing	\$860,858
A.4322.----.4	Contractual - Mental Hygiene Law	\$100,000
	Contractual - Promotion of Industry, Community	
A.6420.COMC.4	Contracts	\$8,750
A.6510.----.4	Contractual - Veterans Service Agency	\$3,639
A.6772.----.4	Contractual - Office for Aging Services	\$9,267
M.1930.----.4	Contractual - Judgments & Claims	\$5,811
M.9089.8000.4	Contractual - Undistributed Benefits, Benefit Surcharge	\$134
MS.1710.----.4	Contractual - Insurance Administration	\$11,403
A.1990.----.4	Contractual - Contingent Account	<u>\$500,000</u>
		<del>\$1,773,605</del>
	Total	\$1,773,457*

**DECREASE APPROPRIATION ACCOUNTS:**

A.1162.1120.1	Personal Services - Unified Court Costs, Conflict Administration	\$90,350
A.1162.1120.8	Employee Benefits - Unified Court Costs, Conflict Administration	\$31,782
A.1620.6050.4	Contractual - Buildings & Grounds, DMV-Dunkirk	\$2,160

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	Contractual - Buildings & Grounds, North Co Office	
A.1620.6080.4	Building	\$10,707
A.1620.----.1	Personal Services - Buildings & Grounds	\$46,730
A.1620.----.8	Employee Benefits - Buildings & Grounds	\$4,453
A.2490.----.4	Contractual - Community College Tuition	\$130,895
A.3110.----.1	Personal Services – Sheriff	\$107,504
A.3110.----.8	Employee Benefits – Sheriff	\$33,295
A.3150.----.1	Personal Services – Jail	\$33,814
A.3150.----.8	Employee Benefits – Jail	\$19,122
A.6010.----.1	Personal Services - Social Services Admin	\$98,915
A.6010.----.8	Employee Benefits - Social Services Admin	\$55,936
A.6129.----.4	Contractual - State Training School	\$237,250
A.6140.----.4	Contractual - Safety Net	\$106,213
A.6772.----.1	Personal Services - Office for Aging Services	\$10,426
A.6772.----.8	Employee Benefits - Office for Aging Services	\$6,393
	Interfund Transfers - Transfer to Other Funds, Trans Co	<del>\$100,000</del>
A.9901.9000.9	Road Suppl (A-D)	\$50,000*
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$50,000
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	<u>\$100,000</u>
		<del>\$1,275,945</del>
	Total	\$1,225,945*

**INCREASE REVENUE ACCOUNTS:**

A.1310.9999.R105.1000	Oth R/Property Tax Items-Sales: Tax Acquired Prop	-\$300,326
A.1330.----.R123.00RP	Departmental Income-Fees: Treas-Real Property	\$35,000
A.3110.GRNT.R338.9000	New York State Aid-Other Public Safety	\$750
A.4189.LEAD.R448.9HUD	Federal Aid-Oth Publ Hlth: HUD Lead	\$860,858
CS.1710.R270.9000.0000	Miscellaneous-Participant Assessments	\$258
M.9060.9999.R270.9HSA	Departmental Income-Employer H.S.A. Contributions	<u>\$5,811</u>
	Total	\$602,351

**DECREASE REVENUE ACCOUNTS:**

A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$319,149
A.1310.9999.R111.0CTY	Non Property Tax Items-Sales Tax-County Share	\$180,851
A.1620.6050.R430.5006	Federal Aid-FEMA - Disaster Reimbursement	\$2,160
A.1620.6080.R430.5006	Federal Aid-FEMA - Disaster Reimbursement	\$10,865
A.1620.----.R430.5006	Federal Aid-FEMA - Disaster Reimbursement	\$51,025
A.3110.----.R226.0000	Shared Services-Chrgs: Oth Gov-Pub Safety	\$79,109
A.6140.----.R364.0000	New York State Aid-Safety Net	\$29,740
A.6140.----.R464.0000	Federal Aid-Safety Net	\$1,062
D.5010.----.R240.1000	Use of Money & Property-Interest & Earnings	\$50,000
		<del>\$100,000</del>
D.9901.9000.R503.1000	Interfund Transfers-Interfund Transfer	\$50,000*
M.9060.9999.R270.9001	Departmental Income-Employer PD Prem-County	\$52,540
M.9089.8000.R270.9002	Departmental Income-Employer PD Prem-Retiree	\$4,219
M.9089.8000.R270.9004	Departmental Income-Retiree Contributions	<u>\$476</u>
		<del>\$881,196</del>
	Total	\$831,196*

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**INCREASE THE USE OF FUND BALANCE:**

M.-----924.0000	Unassigned Fund Balance--Nets Assets-Unrestricted (Deficit)	\$57,369
MS.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	<u>\$11,403</u>
	Total	\$68,772

**DECREASE THE USE OF FUND BALANCE:**

A.-----878.0000	Reserved Fund Balance--Reserve for Capital	\$50,000
CS.-----863.0000	Reserved Fund Balance--Insurance Reserve	<u>\$258</u>
	Total	\$50,258

; and be it further

RESOLVED, that exhibits and schedules presented in the 2021 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, That the 2021 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at ~~\$67,183,543~~ \$67,183,395 and an estimated Full Value Rate of \$8.51.

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Chairman Chagnon: We have an emergency resolution which has been laid on the desks.

Clerk Tampio: If brought to the floor it would be RES. NO 229-20 Approve enrollment in the New York State COVID-19 vaccination program.

Chairman Chagnon: I believe Legislator Pavlock would like to make a motion?

Legislator Pavlock: Yes Mr. Chairman. I would like to make a motion that we bring this resolution to the floor.

Chairman Chagnon: OK, we have a motion to the floor for discussion. Do I have a second? I have a second by Legislator Whitford. Discussion on the motion to bring this emergency resolution to the floor? Are there any questions or comments? All those in favor please say aye? Opposed?

*Unanimously Carried to bring RES. NO. 229-20 to the floor*

Chairman Chagnon: OK, are there any questions or comments on the emergency resolution? I'm hoping that Christine Schuyler is still available for comments?

Mrs. Schuyler: I'm here. This resolution is for us, as the local health department, to enter into an agreement with the CDC. The prior agreement is *(inaudible)* but the local health department enrolls and submits for vaccines to the State Health Department. Private entities also enroll through this program. Part of our emergency public health response—it's imperative in local governments to enroll in this program. *(Inaudible)* similar to the vaccination for children



program and it really is our only way to become a COVID-19 vaccine provider. The State has reached out to local health departments to enroll before any other providers enroll. As soon as they get done with local health departments it will move on to other private providers-pharmacies, hospitals, etc. Enrolling in this is necessary to receive publically supplied COVID-19 and ancillary supplies such as needles, gloves, band aids, PPE and anything else that we need in order to provide a COVID-19 vaccination. In this pandemic, the State is relying very heavily on local health departments to assist with (*inaudible*) similar to what we did with H1N1 pandemic. Depending on the availability of the vaccine, local health departments may need to implement mass vaccinations (*inaudible*) or what we call point of dispensing sites. We're in partnership with other providers but that is also (*inaudible*.) During the H1N1 pandemic vaccines were provided free of charge to local health departments in the same manner that it's laid out right now for the COVID-19 vaccine when it becomes available. We were also provided with a (*inaudible*) emergency preparedness grant money to cover the cost of those immunization pods. I don't guarantee, but I don't foresee any local share costs that will be related to immunization pods and there are no costs whatsoever related to enrolling in the program itself.

Chairman Chagnon: Thank you. The reason that this is an emergency resolution is because of the immediacy that the State required. We couldn't bring this to the committees for discussion and review next month because they required an immediate response.

Mrs. Schuyler: That's correct. We received this notice from the State health department October 21<sup>st</sup> and they wanted our response by the close of business on the 23<sup>rd</sup>. They wanted the agreement signed and back. They just had this assumption that the local health departments and public health directors could just sign off on it and just send it back, but as we know it doesn't work that way. It doesn't work that way for a lot of counties. We were hoping we could get this through at this month's meetings because I do not know if the state is going to give us another month to try to get this through.

Chairman Chagnon: Thank you. Any other questions or comments on the resolution?

Legislator Rankin: Christine, I know that you said there's probably no local share for us, but are there other requirements for the county as far as how we manage it? How to distribute? How many people have to get it? Anything along those lines?

Mrs. Schuyler: No, there's nothing along those lines. They do ask you for a guess of how many people you think you could vaccinate but it's nothing more than what is in our pandemic plan already.

Legislator Rankin: (*Inaudible*) availability and not to distribution or anything?

Mrs. Schuyler: No, no. There is no minimum distribution or no minimum that we, as a health department, would have to vaccinate. The state really relies on us more for a coordination roll and to be able to go in and vaccinate where other providers aren't available or can't, such as our safety net populations or in our county it could be Amish, it could be going into the schools directly such as we did with H1N1 one time. I'm hoping with enough lead time and enough

outside providers that enroll in this program we're going to see an ample amount of people to actually do the immunizations. Our roll could be a bigger role when it comes to storing vaccines, and distributing it to providers to actually give the immunizations. (*Inaudible*) and that's where I think they see the role of the local health department is more of an oversight and distribution. If we have to vaccinate, we'll vaccinate, but we have to sign onto this program or it really doesn't (*inaudible*.)

Chairman Chagnon: OK, other questions or comments?

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EMERGENCY RES. NO. 229-20

Approve Enrollment in the New York State COVID-19 Vaccination Program

County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County has been invited by the New York State Department of Health (NYSDOH) to enroll in the New York State COVID-19 Vaccination Program; and

WHEREAS, the purpose of enrollment in the New York State COVID-19 Vaccination Program is to allow Chautauqua County to order and receive publicly supplied COVID-19 vaccine and ancillary supplies in response to the COVID-19 pandemic; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into and execute any and all agreements, amendments, addenda, and all other necessary documents for the above-named program to effectuate the County's receipt of COVID-19 vaccine and ancillary supplies, including, but not limited to, agreements with NYSDOH and the Centers for Disease Control and Prevention (CDC).

Unanimously Adopted – October 28, 2020

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ANNOUNCEMENTS

Chairman Chagnon: Are there any announcements to come before the Legislature? I have one announcement that I would like to read. The Chautauqua County Legislature Committee meetings and the Chautauqua County Legislature meetings will be resuming to a Zoom only format next month. This is being done with an abundance of caution and concern for the health and welfare of county staff, the public, and legislators. Now that the 2021 budget is done, now that the indoors season is upon us, and with an eye to the increased incidents of COVID-19 cases the County Legislature will lead by example by reducing the risk associated with our group meetings. Thank you. Are there any other announcements for the good of the order?

Legislator Odell: Thank you, this is just a (*inaudible*) announcement. At the request of many constituents out there across the county, but also to my legislative colleagues who have approached me, it looks like we'll be developing a resolution to further address renewable

energy PILOT agreements within Chautauqua County. In April of 2018 a resolution was put forward requesting that the IDA issue no more PILOT agreements for wind projects in excess of 5 megawatts. It's been requested by several of my colleagues as well as several constituents throughout the county that we implement the same for solar projects. So, that will be going through investigation and development going forward. Thank you.

Chairman Chagnon: Thank you Mark. Are there any other announcements? Hearing none and seeing none, we'll move to the second privilege of the floor.

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#### PRIVILEGE OF THE FLOOR

My name is Mark Twitchell from Fredonia. Mr. Chairman and Legislators, I would like to express my concern of large electric storage battery systems in the towns in our county. The proposed (*inaudible*) solar project will contain a 20 megawatt battery. These batteries have a history of fires and fires with injury to first responders. There is only one other storage battery of this size in New York State and it's only been in service for a year (*inaudible*.) I believe that granting of a PILOT for this South Ripley solar project is premature because the company has not yet filed an application for the Article 10 process. There is time for consideration. Although the company has filed a (*inaudible*) statement under Article 10, they have not stated or disclosed the location for storage of this 20 megawatt battery. Most importantly, the Town of Ripley has adopted a moratorium on battery placement by drafting a local law to regulate. The PILOT at this time will interfere with the town's due process and (*inaudible*) law. Members of the legislature, please consider a resolution adopting an immediate moratorium on the Chautauqua County Industrial Development Agency granting of PILOT agreements for solar and battery projects in towns with incomplete (*inaudible*) battery solar project regulations. Thank you.

Chairman Chagnon: Thank you. Is there anyone else wishing to address?

Mayor Rosas: Good evening. My name is Wilfred Rosas and I'm the mayor in the City of Dunkirk. I reside at 786 Central Avenue in the City of Dunkirk. I'm here this evening as the newly elected vice chair of the Chautauqua County Democratic Committee. I'm here to speak on resolution 204-20 that was pulled earlier this evening. I am here to inform this body and all the voting members that the process that took place throughout this whole year was a long and gruesome process that brought us to a recommendation for you to consider. That process tore apart our committee. It has divided us. We followed due process per our bylaws and we had an election. While there are some members of our committee that did not vote for Ms. Torres, the majority of us did and that resulted in our recommendation of Ms. Torres for the soon to be vacant position of Board of Elections Commissioner. That process also brought forth the qualifications and there is no doubt in our minds that she is more than qualified. In fact, there are many members that believe she is the best qualified democrat to take on that position. Will there be a learning curve? Absolutely. There always is. There was when I became mayor. I can tell you that I have known Ms. Torres for pretty much all of my adult life and I know her to be a person of good moral character, I know her to be a trustworthy person, and I know that she is more than qualified. Personally, she has helped me in both of my last elections. So, I can tell you that

during my campaign, as well as those of other democrats, she was very helpful. I know that she is very knowledgeable. I urge this committee- the voting members here this evening to please reconsider your position. This person here has earned this right and our committee, which I'm here representing today, went through a long process to make this recommendation. She has earned that right. It would help us all to move forward. Chautauqua County has a large amount of minority communities and we are feeling like they are disengaged. I am the mayor in the city where the most accurate and updated numbers as far as the census goes are those of the public school district and those numbers indicate that the student body in the Dunkirk Central School District consists of almost 60% Hispanic students. If you add another 10% for African Americans to that number you have close to 70% of the student body as minorities. Today, while I'm here I looked around at the leadership in our county and I don't see the representation of the minority community. This is very disappointing to leave this meeting today to know that we had an opportunity to bring on a good qualified candidate for this position and we are losing it. I urge you again to reconsider on behalf of the Chautauqua County Democratic Committee. You don't realize how important this is for our community as a whole. She will become, and make history by becoming the first person of color in this position. She will become a role model to the minority community that we are trying to reach county wide and she will become a role model state wide. So, I urge you to please reconsider. I respectfully request that you approve our recommendation of Luz Torres for board of commissioners. Thank you.

Chairman Chagnon: Thank you. Is there anyone else wishing to address the second privilege of the floor?

Hi, my name is Ned Divine and my address is 618 Main Street in Dunkirk. I'm also the (*inaudible*) of the County Democratic Committee. When I was coming here tonight I was full of excitement. I know Luz Torres. As the mayor had appropriately stated, our county democratic committee- fighting lot of the constraints of holding a meeting based on the COVID, we were able to come to an agreement. Our agreement was and our recommendation to this body is that Luz Torres become the next Democratic Elections Commissioner. I've known Luz Torres for many, many years. She is a very honest person, she is trustworthy, she is dependable, she has the experience in the Board of Elections as the Deputy Commissioner and it baffles me that she has to overcome an additional barrier that is unknown to us. So many people of color and so many women have had to endure extra barriers when she should be considered by this body. I urge you to reconsider. Thank you very much.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

I'm Lillian Rodriguez- Divine of 618 Main Street. I am a former county worker- part time at the County home, four years with the Office for the Aging, 5 years full time with the Board of Elections and for the last 8-9 years I've been working part time or seasonally for the Board of elections because they continue to value my work. I came here tonight to support Luz Torres as the next Board of elections Commissioner, but unfortunately that resolution was removed from the agenda and unfortunately I was in the overflow room, so I didn't get to hear or see how that happened because at that time it wasn't coming in clearly in there, but I'm still here

to support her as the next Board of Elections Commissioner and I'm here to ask you to consider approving her the next time that comes back to the agenda because at this time she is still our current deputy commissioner, she knows how the office is run, she knows election law, she knows all the work involved since the state has implemented the new voting machines and the new electronic books, the new early voting process. She has the qualities that it would take to supervise employees successfully so we had successful elections. I worked there, I saw her, and I worked alongside her and I still do seasonally. She is the name that the County Democratic Committee put forth to consider for the next Democratic Commissioner. This choice makes sense on multiple levels and I still hope that when it comes back to the agenda you will also decide that she is the right choice. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Good evening County Executive, Chairman, and Legislators. My name is Robert Galbraith. I'm a member of the Ripley Fire Department and I'm also a concerned citizen here to talk to you about my concerns and my colleagues here about the South Ripley Solar Project. A little bit about the project- a very brief overview- it is 270 megawatts, it's going to encompass the facility size for this is 4,500 acres. Of that 4,500 acres, 2,000 of those acres are wooded. The rest is agricultural and wetlands - to give you some perspective on the magnitude of this project - it's extremely big. ConnectGen, LLC of Texas has (*inaudible*) 2,000 of those acres will be developed through excavation, blasting and a number of different things to prepare South Ripley for 2,000 acres of solar panels. Again, the design size of this is 270 megawatts. Along with that, is a 20 megawatt battery solar energy storage system. It's one of the largest in the country. These are lithium ion batteries. It is my thought that energy storing battery systems and using ion batteries - I'm afraid that the politics has gotten ahead of the science. Right now, New York State does not have guidance or policy or training for first responders on how to fight a fire in a battery energy storage system. These are extremely volatile systems and the magnitude of these given that 20 megawatts of batteries- 600 volt system- it's substantial. That gives you a little bit of an overview. You should have a point paper that was provided to you earlier today and if you haven't read it, I would like encourage you to read it. This is a very serious issue for South Ripley. The citizens of Ripley and South Ripley are here to speak to you as well as first responders about their concerns. I am urging you, the Legislature, to adopt a no PILOT resolution to send to the IDA (*inaudible*.) My biggest concern with this besides what I've just spoken to is that Chautauqua County and our neighboring counties could become a green energy wasteland. These places can (*inaudible*) and we seem to be the (*inaudible*) out here. Again, I urge you to educate yourself, be informed and make an informed decision. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

My name is Edwin Ramos 214 South Roberts road, Dunkirk, New York. I'm also the city clerk for the City of Dunkirk. On my way over I had numerous texts- people wondering what was happening with Luz- had she been confirmed. The community is very much behind Luz. I had to text that Luz's resolution was pulled off the agenda and my phone has not stopped

buzzing with people wondering why. I was also in the other room, so I have no answer for them. It has created a buzz with our community and I did want to read a letter to you that was sent by one of my employees that has worked with Luz. *"Raymond Rosas - 129 Maple Avenue, Dunkirk, New York 14048"*

*Dear Chautauqua County Legislature*

*I'm writing to recommend Luz Torres for the position of Election Commissioner. I have known Luz for many years as a friend and Co-worker at Chautauqua Opportunities and The Department of Health and Human Services. Luz is bright, articulate, and hard working. She has a positive attitude that makes her a pleasure to work with.*

*In my years of experience, some people stand out for their great qualities and Luz is one of those people. She is well known for her work ethic, teamwork mentality, and being a leader. Since accepting the position at the Board of Elections in 2013 she has displayed excellent levels of commitment, respect, and dedication towards her job duties. As Deputy Commissioner she has attended many New York State training sessions on current Election Law alongside of the Commissioner's. She understands Election Law.*

*If approved Luz Torres will be the first Hispanic Appointed Department Head in Chautauqua County and it has created such a positive impact on our minority community not only in the City of Dunkirk but all of Chautauqua County.*

*Luz would be a tremendous asset for Chautauqua County and she is highly qualified for the position of Election Commissioner. Sincerely, Raymond Rosas"*

Chairman Chagnon: Thank you. Anyone else here to address the privilege of the floor?

Good evening, everyone. My name is William Booth from 46 East Lake Road, Ripley, New York. I am here representing Ripley's fire district. I'm on the board of commissioners and I'm speaking for them. First of all, I have to tell you every member of the fire department thoroughly enjoys clean air and clean water. When you come out of a fire you're wet, you're soaked, you're smelling of smoke and you like to breathe clean air and you love the clean water getting your shower. Secondly, we have no safety protocols in place for fighting fires in these solar panels. We have no access to get in between the panels. We are told that if we shut the panels off at one end we should be able to go through and fight the fire. I'm not an electrician but I know for a fact that as long as the sun is out, these panels are producing electricity putting my fellow firefighters in danger. *(Inaudible)* about the batteries- if these things explode and we have a catastrophic event you can count on a 7-10 mile cloud of chemical and cancer causing dust to cover that entire area. The safety of my fellow firefighters, the guys that have my back- all these people will be hurt and I don't want to see them hurt. This has the potential to really hurt the people that I love and work with. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to speak to the privilege of the floor?

Hi, I'm Terry Henry 4865 Miller Road, Ripley, New York. I'm also in opposition to this solar panel for the reasons that many of them have already brought forward. This is also going to increase the chemicals found in the ground because your solar panels are going to be pushing the sunlight back- the ground needs to absorb that sunlight and you get 2,400 acres of solar panels it's going to put a lot of bacteria growing in the ground. It's going to kill our livestock and our

animals that are in the wild. There's not going to room for the animals to come in and we have a big hunting area out there and everybody hunts and it's going to be that along with the safety of the firefighters and EMT's and we have no way of knowing – if someone gets sick from this what are we going to do? We don't know. We have to play it by ear, so with your help we can stop these solar panels. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

My name is David Brotz (?) 4873 Miller Road, Ripley. I am opposed to the South Ripley solar project for the reasons that have been mentioned but also for the effects on our environment. We are uphill of everything in our (*inaudible*) and everything goes downhill. The runoff from these solar panels will end up in Lake Erie, French Creek which is pristine fishing water. Also, I think it's a very bad use of land considering this project is using agricultural land. I think we need land to grow food on instead- (*inaudible*.) Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

My name is Julie Rice. I live in South Ripley on (*inaudible*) Sherman road and I live right in the middle of the proposed solar project. When I was waiting downstairs someone asked me why I am opposed to clean energy. I'm not. We have the hydroelectricity already. The solar project that has been proposed by (*inaudible*) is massive. It would go right through my road and into other towns and what we've been dealing with as residents lately- I was in my back yard a few weeks ago and the researchers for the project flew a drone over my head. It stopped and either took pictures or video and continued on to where the researchers were. There would be the loss of farm land and once it's converted you cannot convert it back to farm land, which means a permanent loss of food source for all of us. The worst part is the risk (*inaudible*) life- there's the possibility and nobody knows how to fix this, fire, explosion. There would have to be (*inaudible*) and evacuation plans. How do you do that? People would have trouble breathing, long term side effects and there are many residents that actually have medical issues, including me. Four years ago I was diagnosed with stage 4 pancreatic cancer with just days to live. My husband did the brave thing and told the surgeon to go find the origin. They did. I had a biopsy later and I chose the most aggressive treatment possible. I went through three years of intense chemo and when I thought there was no other option I did a national search and found Dr. Trudy (?) at the Mayo Clinic and asked if I could help him do his research because I wanted to help other people. He said, yes, please come and see me and I want to help you. I went last year to the Mayo Clinic. I'm in a study and I'm the first stage four pancreatic patient to go through the new protocol, which is going into clinical trials, which means it will be available for other people. So, here I am now and you can imagine what I have gone through and what my family has gone through and what other people deal with in their lives and here is this massive project being considered that would truly change our lives forever. I want to ask you to please not approve this project. Say no to the PILOT resolution and please also know that we have seven pages of signatures of opposition to this project.

Chairman Chagnon: Thank you. Is there anyone else to address the second privilege of the floor?

Good evening. My name is Sean Harper, I live at 106 *(inaudible)* in the City of Dunkirk. I came here in support of Luz Torres and I sat here and I listened and I heard what was said and *(inaudible)* just because it was a change in opinion. How was there a change in opinion on a resolution he amended and now voted it down? He felt that his opinion should have been heard and he argued about it and you guys should change it, right? Well, no, you took a vote and that vote carried. There was a vote for Luz Torres to be nominated as the Democratic Election Commissioner. It was voted upon and somebody didn't like it so they just take it off the agenda? No. It was voted upon. There are so many young kids- I'm 60 and I'm not talking about me being a young kid, I'm talking about so many youngsters that will not go out and vote because of what happened here today. You removed something because it's not what you want. It's not about you. It's about those of us out there. You work for us. Like I said, I came here in support of Luz Torres but I heard one of my brother's stand here and was a first responder. *(Inaudible)* at ground zero on September 12<sup>th</sup> of 2001. I walked through this much ash and body parts. I understand what he's talking about when it comes to first responders. We're asking you, and you have the power to tell these people no. That lady with pancreatic cancer telling you that if you change that land it can never be restored for farming or anything. It will be a wasteland. Like I said, I came for Luz Torres, but I felt their pain too, so I had to comment on that. My one question is when will the vote matter? When does it not count? When does it not resonate with everyone that sometimes you win and sometimes you lose. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

My name is Shirley Dunlap. I live at 17101 Northeast Sherman road in South Ripley. My husband and I have lived in South Ripley very close to where the proposed battery storage is and also where they want to put solar panels. From all the research and everything that we have heard and seen we are actually pretty scared for our way of life, our hunting, I have horses- my pasture will be decimated because the battery storage area, if it explodes, will definitely affect my life, my animal's life, all of my neighbors. My husband has been a firefighter. He's now retired but we certainly have close ties to all the other firemen. He's now a fire commissioner, so he's very much involved. We just are unhappy that it's come to this and I know that our way of life will definitely never return if the batteries are allowed to be. Thank you.

Chairman Chagnon: Thank you. Is there anyone else wishing to address the second privilege of the floor?

I'm Charles Dunlap. I'm the man she just talked about. My concern as a 43 year property owner and resident of South Ripley and 39 years in the fire department- please, I appeal to you, do not let solar panels take over our property and do not allow a battery storage area to become a potential bomb in our area. Thank you.

Chairman Chagnon: Thank you. Anyone else?



My name is Richard (?) and I'm from South Ripley and I don't believe the solar system should be implemented or even go in at all because the fire department would have no training at all if it was a catastrophe and the hospitals to have to care for all the people that get injured if we happened to have a catastrophe. Thank you.

Chairman Chagnon: Thank you.

Good evening. My name is Katie Smith and I reside at 4416 Lakeshore Drive in Bemus Point, New York. I'd like to bring us back to the Election Commissioner discussion. You all know there are rules to follow when appointing an Election Commissioner. Many of you know the rules better than I do, but I did a bit of research on this subject and several facts jumped out at me. The election law provides for party recommendations for Election Commissioner, but they shall be made by the county committee by a majority of the votes passed at a meeting of members when a quorum is present. The local committee may decimate (*inaudible*) but the committee must vote to create a sub-committee and I don't believe that ever happened here in Chautauqua County. On September 3<sup>rd</sup> the democratic executive committee held a zoom meeting and agreed upon a process to nominate candidates for their Election Commissioner. To my knowledge the full democratic committee never voted specifically to authorize this zoom meeting. What's more important is the fact that no nominations were ever made during any sort of meeting where there was a quorum of membership present. The very letter of the law was ignored at the very beginning of this process. Candidates magically appeared without a quorum of any group to nominate them, let alone members of the committee. Ballots were prepared and mailed to committee members and most of the ballots were returned as instructed. On October 5<sup>th</sup> those ballots were collected and canvassed, again without a quorum of any committee present. Eight people- very official – met in the office of Lewis & Lewis to count, but again the law was ignored. Democratic Committee members and very few private citizens were able to watch via a Facebook live stream. We were unable to take part in any way or comment. So, the process needs to be crystal clear. The process for recommending a candidate for Election Commissioner was deeply flawed. I commend you in pulling the resolution and urge you to go back and revisit the letter of the law and make sure all procedure and proper protocol are followed before you make your final recommendation. Thank you.

Chairman Chagnon: Thank you. Next, please.

I'm Kathleen Thompson. I live on North Road in South Ripley. My house is less than two miles from the proposed site for the battery storage. My husband and I are both firefighters. I have been at several meetings with (*inaudible*.)

Chairman Chagnon: Please speak into the microphone.

Ms. Thompson: And have asked them how we stop this and they cannot give us an answer, they just tell us that we have to leave. My thoughts are that if this is not safe, then why is getting put out where people are living? Most places that have the battery storage are deserts. We are not a desert. We are a wonderful farming community. We have the biggest aquifer in South

Ripley. It feeds not only our state, but the state of Pennsylvania. We are hoping that you will help us stop the solar project for South Ripley. Thank you.

Chairman Chagnon: Thank you.

Hi, my name is Judy Einach and I live at 8 Beckman Avenue in Westfield, New York. I too would like to address the recommendation for commissioner. I witnessed the consequences of a troubling intentional reworking of our county committee bylaws. Until 2018 our bylaws stated that members of the town or city committees must reside in the district they represent. That was changed to allow the county chair to appoint members from outside the district if it benefits the interests of the party. Such appointments are ex-officio and effective only until a town or city reorganizes. In other words, out of district appointments serve a limited purpose. At our last full committee meeting in February it was clear that the majority opposed the wishes of the chair and the chairs remaining supporters. When COVID hit we (*inaudible*) being removed from the committee and new people appointed to fill their seats and fill long standing vacant seats. Some of the appointments were astounding. The wife of the Mayor of Dunkirk was appointed to fill a vacant seat in the Town of Poland. Bottom line, people with the active majority, whose weighted votes totaled 48 were removed and people with no attachments to the committee, whose weighted votes totaled 50 were appointed. The purpose of these removals and appointments was to control the vote. We repeatedly heard the same story from newly appointed people that the pitch used to recruit them was this- this county committee is no big deal. You won't have to attend meetings or do any work. All you have to do is sign your proxy over to a particular individual who will vote for you. Typically the (*inaudible*) approves appointments. In this instance the chair requested approval by the officers. Of the four officers besides the chair, two were consistently (*inaudible*) the chair. The chair had no need to even bother to consult the other two for approval. It's our version of three men in a room. This process was not illegal, but it blatantly and systematically stacked the committee to receive an outcome that long standing, acting, principled people know was a brutal manipulation. None of this upheld the interests of the party. All it did was uphold the interests of a group who recognized they no longer had control of the full committee. These actions were taken for the singular purpose of subverting the will of the majority by controlling the outcome of the vote. With respect to the current recommendation for commissioner, that recommendation relies on needed votes that were not cast by people with knowledge of the candidates or the responsibilities of Election Commissioner. The extra votes needed to win were cast by people who were told how to fill in a mail in ballot. I've worked for the board of elections, helping people in nursing homes vote, I know how wrong it is to influence a vote. With your authority to appoint, please refuse to let this flawed process stand. We look to you to right this wrong. Thank you.

Chairman Chagnon: Thank you. Next.

Good evening. I am Phyllis (?) and I am the democratic committee chair person for the Town of Ripley and I reside at 7239 (*inaudible*) in Bemus Point. I just wanted to start by saying that what happened here in regards to the Election Commissioner has nothing to do with gender. It has nothing to do with race. It has to do with fair elections. I think people of our county want a fair election process and I think they depend on people like me and people like you to make sure

that that happens. Earlier this year we were out canvassing- getting signatures on our (*inaudible*) petitions and I, along with other committee members were getting signatures too so we could be reinstated, reappointed and then COVID hit and suddenly less signatures (*inaudible*) less time to do it. So, we hustled and got everything done and I thought that things were great and then it came to my attention that some of our members are immunocompromised. They were afraid that they would get sick or worse, die. They were told it was going to be OK- they would be reappointed, but instead what happened is they were purged. They never got a choice to voice their position that was stolen from them and the upshot of that was a razor thin vote- 8 weighted votes determined who Election Commissioner- 8 weighted votes was. It was a spirited contest, but it wasn't fair. The system is flawed. When long time members in good standing are told that they are going to be reappointed, that they have nothing to worry about, when it was known that these people were immunocompromised there is a major problem. These people were denied their right to a democratic election. Their rights were not protected and there were absolutely no provisions at all that protected their positions. Yes, we're fractured. We've been fractured since January. We were fractured as the voting continued, and we are fractured now. What I just described to you is one of the reasons that we are fractured. Ms. Einach said it. It was a manipulation and we knew it. These people deserve to have their voices heard. So when we look at the recommendation for the Election Commissioner- when we look at the vote, we're looking at a flawed and unfair process and of course the result of that was the result of those 8 weighted votes. Thankfully we have a resolution- we have a way to resolve this and ladies and gentleman that falls to you. You have the right to right this wrong- to right this flawed process. I thank you for removing the recommendation from the floor and I want to thank you all for listening to me. Thank you.

Chairman Chagnon: Thank you. Next? Please introduce yourself.

My name is Mike Rowe. I live at 9674 East Lake Road, Ripley, New York. I'm the chairman of the Democratic Party in Ripley and I'm the deputy town supervisor there. Talking about the flawed process- it never needed to reach this point. On January 16<sup>th</sup> we had a full democratic meeting scheduled and at that meeting the first thing on the agenda was to make a recommendation for democratic Election Commissioner for this body. That was the first thing on the agenda. That meeting was cancelled. I don't remember why. I do remember we had another full committee meeting on February 22<sup>nd</sup>. At that meeting the first thing they did was reject a proposal to establish (*inaudible*) election transition committee. That election transition committee would do a search for a new Election Commissioner. It was discussed and it was rejected by the full committee. It was pretty obvious at that point that they wanted to proceed with what (*inaudible*) to make a recommendation for Election Commissioner. At that meeting Bob Whitney made a motion and Bob Bankoski seconded it to open the floor for recommendations. After spirited discussion Bob Bankoski moved and Don Williams seconded to call the question of those nominations by paper ballot. This comes from the minutes of that meeting. In the midst of this discussion Jim Walton moved, without a call from the chair by the way, to adjourn the meeting. There was a second. I don't remember who did the second and it wasn't in the minutes and the next thing you know the meeting was adjourned- abruptly adjourned and everyone got very upset at that point. There was already a call to the question and that was left there and ignored. Then it was obvious that the committee was ready to vote at that

time and they were denied the ability to do it and that was the only full committee meeting we had this year and there should have been a recommendation to you guys way back in February and we wouldn't have had to go through a very difficult process during COVID. (*Inaudible*) and by that time we had a whole different committee as opposed to the committee that was present for the February 22<sup>nd</sup> full committee meeting. The legislature has the sole responsibility to determine who is going to be the democratic Election Commissioner and we turn it back to you guys.

Chairman Chagnon: Thank you. Next?

Mr. Chairman, my name is Loren Kent I reside at 413 Route 62 in the Town of Ellington with a Conewango address. For full disclosure I was also a candidate who sought the recommendation of the democratic committee for Election Commissioner this year. I'm a long term committee member of about 35 years. I've served as the committee secretary for 18 of the past 20 years. I've served as a state committee member for 18 years and I just ended that term this fall. Following some of colleagues, I would like to concur. I also would like to stress the importance of maintaining a fair process in local government at all levels. I also need to say that I know Luz Torres and I like Luz Torres. I have nothing against a Hispanic woman as a department head in this county. Many years ago I worked towards the (*inaudible*) of the first black legislator here. (*Inaudible*) I don't think they should be using the race card. From the very beginning of our process to recommend an Election Commissioner candidate to the legislature the process was flawed. From the unfair abrupt adjournment of our February meeting to the nomination of candidates and counting ballots without a quorum present, the process was unfair and flawed. From that abruptly adjourned meeting- a meeting that clearly ignored Roberts rules of Order or any other order- I think anyone that was in that room that day can attest that there was no order-until tonight, our entire process democratic committee members never had any opportunity to engage our candidates for Election Commissioner. Like Judy said, long standing members were removed, new members were appointed and shown how to fill in a ballot and we call that democracy? Eight weighted votes. (*Inaudible*) Instead, our committee was manipulated and stacked by certain members of our leadership in order to obtain a certain outcome. Some long standing members were disenfranchised during the petition process, perhaps because of COVID fears and other new members were selected and put into districts far from their home. Clearly our petition process was used very effectively. It's perfectly legal, I'm sure, but it was also muddled and absolutely, blatantly unfair. An abruptly adjourned meeting adjourned in the middle of a debate – that process is deeply flawed. A petition process that saw many long standing committee members disenfranchised and unable to vote- that process is flawed. A petition process that saw a person from Dunkirk placed in a position in the Town of Poland- that is flawed. The repeated lack of any quorum as re-nominated candidates and as we counted ballots, again, that process is flawed. No one in this chamber would struggle to come to grips if they were to lose a fair and honest election. If you lose a fair and honest election- we're all adults and we understand the nature of politics, but to be witness to a flawed process; that is not acceptable. It lacks both decency and order. I am not a mean, perpendicular (?) person. I have served my community in many ways since I was first elected as clerk of the Ellington Congregational Church in my home town. I was elected clerk when I was just 15 years old. So if I may, I will fall back on a bit of scripture tonight. 1 Corinthians 14:40 asks us to let all things be

done decently and in order. I think that it is only right that the resolution was removed from the floor tonight and I applaud that. Thank you.

Chairman Chagnon: Thank you. Next?

Hello, my name's Marcia Johnson. I live at 138 Cushing Street, Fredonia, New York. I'm also chair of the Fredonia-Pomfret Democrats and I just want to say that we've been hearing a lot lately elections have consequences. We've heard this at the national level and at the local level. We held an election for officers and to make a recommendation for Election Commissioner. Every candidate on the ballot, including Ms. Einach, including Mr. Kent, every democratic legislator in this room agreed to the process. Not one person said there was a problem with the process. When we had the meeting to decide the process they all agreed to it. The election was held, ballots were sent out in the mail due to COVID and they agreed to get together and do a Zoom meeting, which was open to anybody in the whole country to watch. So, even though they feel there was not a quorum in the room, there was definitely a quorum of people watching. Now, the process- we've heard a few accusations here for instance they are saying that there were new bylaws. There were no new bylaws in 2018. We have the same bylaws for years and I think Legislator Bankoski could say that. Do we have new bylaws? Mr. Rowe, who spoke up here against people living in one district and being a representative in another district- well, his wife who lives in Ripley is in my district. She asked to by in my district- or I asked her, I don't remember, but she agreed to it. This has been happening for years because we can't always get people who live in the district. This is not a new situation as much as they'll want you to believe that. Again, the process – when the vote was held- and Ms. Einach was in there, Mr. Kent was in there and many others were in there and they agreed to the process. Mr. Kent filed the resolution or the paperwork for the election, but he objected to the process? Or, is this something they thought up after they lost the election? Why? Why do they object to Ms. Torres being Election Commissioner? That is the big question since they agreed to the process. What is the problem? Why are 5 legislators not putting forth the will of the people of our district of all the committee people? This is a question for our legislators. She is eminently qualified. She has been in the job for many years and has acted as a supervisor and now this woman has been denied the position. There is a procedure to follow. If you feel there is a problem with the election, the procedure is not to deny it, but to file an Article 78 in State Supreme Court. Why has this not been done of there was a flaw with the procedure? They know that they won't win. That is why. There is no flaw. They didn't win, so they decided to come up with a reason to deny Ms. Torres the position that a majority of the committee (*inaudible*) voted for her. Again, elections have consequences. The people voted for Ms. Torres and our Legislators need to put her in the position and I respectfully ask you to reconsider. Thank you.

Chairman Chagnon: Thank you. Next?

My name is Gregory Rabb. I live at 518 Lakeview Avenue in Jamestown. I came here tonight to speak to you as a longstanding democratic committeeman, former vice chair of the county democratic committee, former chairman of the county democratic committee, delegate to the 2012 Democratic National Convention representing Chautauqua County and I served for 10 years as president and Councilman at Large of the Jamestown City Council and I'm now in my

35<sup>th</sup> year as a professor of political science at our local college and I thank you ladies and gentlemen for your support of the best community college in New York state. I've been watching this process as it unfolded and you all heard comments from various individuals tonight about how deeply flawed the process is. It pains me to watch my democratic committee not be small d democratic. This was wrong, it wasn't done properly and again, I want to emphasize that this is not about Luz Torres. This is not about the county committee discriminating against someone who is a woman and a member of a minority. As a gay man I'm very sensitive to how minorities are mistreated. I've gone through a lot of it myself. That's not what this is about. This is about a process that is not just flawed as some of my friends have pointed out, but it's grossly undemocratic. I too applaud the committee for pulling this resolution off the floor with the hopes that we can come to a democratic solution to a process that up to this point has been anything but democratic. Thank you.

Chairman Chagnon: Thank you. Next.

My name is Donna Carts(?), resident of the Town of Pomfret. I live at 5319 West Lake Road. I came here tonight to read a statement on behalf of Chautauqua-Cattaraugus Women's Action Group in support of Luz Torres as democratic Election Commissioner. In spite of everything that has happened here tonight, I still intend to read that. I still believe what we wrote when we drafted this letter and I will also backup the statements that Ms. Johnson stated earlier. Everything that she stated is 100% correct and I believe the naysayers are doing so solely because of sour grapes. With that being said, Luz is uniquely qualified for this position. She possesses a diverse resume, which highlights her experience and ability to handle the job. She has an educational background in business management. Luz attended both Jamestown Community College SUNY Fredonia. Her work experience includes positions that required strict attention to detail, exceptional organizational skills and the ability to work with many different types of people. These experiences include, but are not limited to, case management, social welfare, journalism, as well as a wealth of experiences within the Board of Elections. She's worked for the Board of Elections since 2013 in a bipartisan manner to register voters, manage absentee ballots and ensure compliance with election laws and procedures. Luz set up and rolled out the very first early voting site for northern Chautauqua County. She has also led the (*inaudible*) bilingual voting program. As the sole Spanish speaker at the Board of Elections, Luz translates all documents required by Federal law to be translated into Spanish for voters in Chautauqua County. Luz also has experience with cyber security (*inaudible*) with the department of homeland security. (*Crosstalk coming from Zoom Room Screen*) She is one of only three County employees certified to create ballots and related programing. Luz is one of just two county Board of Election employees authorized by New York State Department of Motor Vehicles to access its full (*inaudible*) database. Additionally, she serves as deputy office manager, co-supervises all office functions and up to 600 employees during election season, as well as taking on the role of acting Election Commissioner during all absences of the current commissioner. She's already doing the job. While we support Luz because of her qualifications for the position, the importance of representation and historical significance of her nomination cannot go unacknowledged, although it's been acknowledged multiple times tonight. I will also add Latinos and women are important segments of the (*inaudible*) story of both the nation as a whole, and Chautauqua County, with women making up 51% of our population and Hispanics

being the second largest ethnic group. Some could argue it's past time for a nomination like this to be made. I wanted to add that I hope you would join in our excitement over seeing such a nomination being made, but instead I will ask that you reconsider the appointment of Luz Torres to Democratic Elections Commissioner. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to speak to the second privilege of the floor? Anyone else wishing to speak to the second privilege of the floor? Madame Clerk, I believe we have some correspondence to address the second privilege of the floor?

Clerk Tampio: Yes. I have three communications to be read at the second privilege of the floor. The first one is to Chautauqua County Legislature *"regarding misdeeds of adverse actions by officials in the County/Town of Hanover"*.

*"Dear Chautauqua County Legislature: What does it take to be acceptable in a male dominated society? Shut up and put up is the usual female answer along with PUT UP being the rule of thumb for most women.*

*How about these experiences that has been outrageously hard to endure with the municipal government? Law, ordinances and general rules all discriminate against the female, such as ridicule, stealing of property/resources, bias/undermining action, threats/banned from public meetings, ignoring/misrepresenting the truth, disregarding trespassing, and of course, ethics (justice).*

*Is a female subject to political strangulation, abuse and no property rights? In Chautauqua County these labels certainly do!*

*Honor God with your best life "in Jesus name." Jeanne Polisoto 10/23/2020"*

Chairman Chagnon: Thank you.

Clerk Tampio: The next is from Christopher Burt of Jamestown, New York.  
*"To the County Legislators tasked with making this decision and to the Voters and Residents of Chautauqua County,*

*Tonight on the agenda, you will find a resolution to appoint Luz E. Torres as the Democratic Election Commissioner for Chautauqua County. I am personally asking each and every legislator for your support on this resolution.*

*From the moment when I first met Luz, and accidentally tried to type "Loose" in my phone, she has guided me through the learning curve that represents the CCBOE. She has become a mentor and has provided guidance. I am proud to support Luz E. Torres for Democratic Election Commissioner for Chautauqua County.*

*Luz has the knowledge of working for the CCBOE before she put her hat in the ring for Commissioner. She has the experience of processing and mailing Absentee Ballots, designing and printing all styles of ballots we use in an election and the daunting task of maintaining a database of voters for Chautauqua County. Luz is also part of our "Area Director" model of management on Election Day, we divide Chautauqua County into 6 different segments of our 49 poll sites. Each Area Director is responsible on Election Day for the oversight of between 7 and 10 poll sites in their segment. This model allows the CCBOE to rapidly respond to situations throughout Chautauqua County by having a set of people who are dedicated to serving a few*

*select sites. However, the work does not just happen on Election Day. Area Directors are responsible for the testing of machines deployed to their poll sites. Area Directors are responsible for the proofing of their ballots, of all types to make sure that on Election Day, when two thousand ballots are delivered to a poll site, every single one of them will scan in the machine without issue. Luz has more experience in these aspects than even the Election Commissioners who are currently serving the people of Chautauqua County. This is why it is imperative for Luz to be confirmed to the Election Commissioner role. Chautauqua County is often ranked highest across NYS and receives praise from all who work with the CCBOE. But just imagine what having someone who has done all the work can do for Chautauqua County. Someone who has experienced every situation first hand and understands how to quickly and efficiently overcome any barrier. This person is Luz Torres.*

*Please consider this my formal request for you to confirm the nomination of Luz E. Torres for Chautauqua County's next Democratic Election Commissioner. Signed, Christopher Burt, 1004 Prendergast Avenue Apartment 2, Jamestown, New York"*

I have one more. This is from the South Ripley/Ripley Neighbors for a Safe and Informed Community

*"To: County Executive and County Legislators, Chautauqua County New York  
Subject: Comments from public to Chautauqua County Legislature monthly meeting October 28, 2020*

*We, the concerns citizens of the Town of Ripley and other concerned citizens of the area, hereby request that the County Legislature pass and send a No PILOT Resolution to the Chautauqua County Industrial Development Agency (CCIDA) regarding the application of ConnectGen, LLC for Payment in Lieu of Taxes (PILOT) proposal for the South Ripley Solar Project. As information, it is believed that the CCIDA will be voting on the PILOT application from ConnectGen, LLC in their November meeting, therefore it is imperative that this be done before the meeting. Why are the Concerned Citizens requesting this?*

*1. The proposed project encompasses 4510 acres of land (facility); of this 1994 acres is forested and the remainder is high value agricultural land. This proposed project facility encompasses 14.5% of the land mass of the Town of Ripley. This project is anything but green will turn pastoral South Ripley into a wasteland.*

*2. Should this project PILOT be approved this will turn Chautauqua County over to the insidious, thinly capitalized, LLC green energy developers who will repeat the South Ripley process all over Chautauqua County. These LLC's use outside contractors across the board for design, installation, commissioning and operations of these facilities. Chautauqua County is under attack from Wind and Solar companies from all over the country who seek to profit from generous subsidies, and tax and carbon credits, all at our expense.*

*3. Science for Battery Energy Storage Systems (BESS) has not caught up with the politics of green energy. BESS are still very unproven and susceptible to overheating, thermal runaway, and fire. This puts all First Responders and the local population at great risk from explosions, toxic gases and liquids as the result of a fire at one of these facilities. New York State Fire science does not offer any type of training nor documentation on combating these types of fires.*

*4. Solar insolation (kw/m2/day) in Chautauqua County is the worst in the nation. The solar insolation in the Southwest US is 3 times better than our area, yet the opportunists are here.*



5. *This company is from Texas so very little of the revenue from Operations will be returned to the NY State taxpayer. This only provides more burden on our community, and local and New York State taxpayers.*

6. *Chautauqua County is a vacation mecca and a major source of income for our county. Allowing these green energy projects to proliferate all over the county will only discourage people from visiting the county for its lakes, scenic vistas, activities, and our bounty of unblemished green space.*

7. *Solar panels are made up of rare earths and other environmentally sensitive material of which if damaged can release toxic materials into the soil which could have a surface and ground water impact. Tributaries of Twenty Mile Creek, a creek designated by New York Natural Heritage program as creek of "High Quality Occurrence of Uncommon Community Type", which means that it is very special. These tributaries flow right through this proposed site. Also, when depleted there is no way to recycle these panels. Since they are classified as hazardous material they are disposed of by putting them in landfills. Not very green,*

8. *This company, much like Cassadaga Wind, will use out of state workers for the construction of this project thereby offering little economic opportunity for the local workforce.*

9. *To summarize: We urge the legislature to pass a No PILOT Resolution prior to any IDA Board meeting that will review the ConnectGen PILOT agreement. We ask that the legislature request the CCIDA delay the ConnectGen PILOT application decision in order for the legislature to deliberate and decide on such a resolution. The County Legislature's consideration of this request is greatly appreciated.*

*Attachment: Petition of Opposition signatures of citizens against the proposed ConnectGen South Ripley Solar Farm"*

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the meeting was adjourned. (8:50 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, November 18, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Vanstrom delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (10/28/2020)

1<sup>st</sup> Privilege of the Floor

Clerk Tampio: Mr. Chairman, I have received no comments from the public for the first privilege of the floor.

Chairman Chagnon: Thank you. Let's move forward.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 10/28/2020

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COMMENDATIONS:

Amanda Pacanowski  
By  
Legislators Starks and Scudder

PROCLAMATION:

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Caregiver Appreciation Month  
By  
County Executive Wendel

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COMMUNICATIONS:

6. Letter – NYS Office of State Comptroller – Acknowledgement of Local Law 3-20
7. Minutes – Conewango Watershed Commission – Meeting Minutes
8. Letter – I.B.E.W Local 106 – Re: Information on Ripley Solar Project
9. Reports – Fn. Director Crow – Investment Report – September 2020

10. Chautauqua County Department of Public Facilities – Re: Landfill Waste Pricing Schedule 2021

Clerk Tampio: The Legislature Office is in receipt of 5 communications this evening. Are there any that you wish to be read aloud?

Legislator Whitney: Would you please read the cover letter from communication number three from the IBEW please?

Clerk Tampio: Certainly. This is from the International Brotherhood of Electrical Workers Local Union 106.

*“Greetings Chautauqua County Legislature,*

*My name is David Wilkinson, I reside at 7499 Putnam Road, Cassadaga and am a lifelong resident of Chautauqua County. I am addressing the legislature as the representative and Business Manager of the International Brotherhood of Electrical Workers {I.B.E.W.} Local 106. I represent 186 wiremen, of which 116 reside in Chautauqua County.*

*The purpose of the following correspondence and provided information is to address concerns regarding Solar Generation in the county and specifically the Ripley Solar Project. Enclosed please find the following:*

- *Overview and fact listing of proposed project*
- *Wages and benefits to be generated locally*
- *ESAMTAC - overview of battery storage safety training*
- *Support of solar energy by Congressman Reed - green energy credits provided by solar fields and wind turbines are an asset to the local community.*

*The project in Ripley will generate 100+ construction jobs; providing wages and benefits that go right back into the local economy. For every dollar in wages there is a local economic impact of \$1.50. I have enclosed a wages and benefits package for the electrical workers for your review.*

*I.B.E.W. Local 106 workers are extensively trained in all aspects of green energy installation. Our apprentices receive 8,200 hours of on the job training along with associated classroom training. I have enclosed a specific ESAMTAC training overview that Local 106 would provide regarding battery storage installations. Any and all electrical work can be dangerous if installed incorrectly by untrained workers- this would not be a concern if our local labor is used.*

*When it comes to projects such as this, personal opinions should not matter. What is good for the County and its tax-payers has to be the primary consideration. Any tax revenue that can*

*be generated and taken off the backs of property owners must be considered. I am dismayed at the resistance of our elected leadership, driven by a few, to continuously oppose work opportunities for my members who are residents of Chautauqua County. The County Legislature has the authority to require local labor on projects that receive tax incentives but has dismissed this proposal in the past. This would certainly be one aspect to create jobs in this community that the County Legislature could accomplish. In closing, please note that I.B.E.W. Local Union 106 and its members fully support not only the Ripley Solar Project but green energy development in every aspect. We are hopeful that the legislature of Chautauqua County will stand with workers. If you need further information, I am available for contact at the following: Pand 716-720-1002. Please do not hesitate to call or email at any time. If you would like a hard copy of the provided information, please let us know and we would be happy to mail one*

*Thank you for your consideration.  
Sincerely,  
David Wilkinson ”*

Legislator Whitney: Thank you.

Clerk Tampio: If there is any of these items that you wish to have copies of please let our office know and we'd be happy to send them out.

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RES. NO. 230-20

Amend Resolution 148-20 Authorizing Landfill Renewable Natural Gas (RNG) Agreements  
with Chautauqua Green Energy LLC (CGE)

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

WHEREAS, pursuant to Resolution 148-20 the County Executive was authorized to enter into a lease agreement (Agreement) with Chautauqua Green Energy LLC (CGE) to enable the development of an RNG facility at the County Landfill, with specified Agreement terms and conditions; and

WHEREAS, one such term and condition was that the RNG plant be completed within twenty-four (24) months of execution of the lease agreement; and

WHEREAS, NY Green Bank (the Bank), a division of the New York State Energy Research and Development Authority (NYSERDA), is providing financing to CGE for the

project, including an advance of funds prior to receipt of all necessary project permits, which will enable CGE to make initial lease payments to the County and which will also enable CGE to make other RNG plant-related expenditures that have a long lead time; and

WHEREAS, although obtaining the final project permits is expected to be routine, the Bank is required to secure its advances to CGE with sufficient collateral available to repay the Bank even in the unlikely event that the RNG plant, for lack of permits or otherwise, is delayed or not able to be constructed; and

WHEREAS, the Agreement provides that CGE has the right during the full term of the Agreement to operate both the County's existing gas-to-energy plant and the RNG facility to be constructed, and seven (7) years of potential revenue from the existing gas-to-energy plant alone is a sufficient collateral source of revenue to enable the Bank to make its initial advances to CGE described above; now, therefore, be it

RESOLVED, That the first paragraph of Resolution 148-20 is hereby amended as follows to enable CGE to provide the Bank sufficient collateral for the Bank's advance of funds to CGE prior to the receipt of all necessary project permits for the RNG plant project:

1. RNG Plant and Infrastructure. CGE, at its sole expense, shall design, construct, operate, and maintain an RNG plant and infrastructure at the County Landfill, to be completed within the earlier of twenty-four (24) months from the receipt of all necessary permits for the project, or within eighty-four (84) months of execution of the lease agreement. Unless the County elects to purchase the RNG plant and infrastructure upon the termination of the lease agreement, CGE, at its sole expense, shall also be responsible for the decommissioning and removal of the RNG plant and infrastructure except for buried facilities, such as pipelines, which may be abandoned in place.

Signed: Hemmer, Scudder, Nazzaro, Gould, Niebel, Harmon, Odell (Voted "yes" by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 231-20  
Amend Capital Project Accounts due to Fleet Management Services (Chautauqua County  
Airport at Dunkirk)

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

WHEREAS, Chautauqua County approved an appropriation of \$39,000 for Capital Project H.5610.25168 (Ford F250 4X4 w/Plow-DNK (2020)) in the 2020 Capital Budget; and

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WHEREAS, the County entered into an agreement for fleet management services whereby it is financially advantageous to lease light duty vehicles and trucks instead of purchasing them; and

WHEREAS, lease expense is an operating expense instead of a capital expense; now therefore be it

RESOLVED, That the Reserve for Capital be adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----878.0000	Reserved Fund Balance--Reserve for Capital	\$39,000
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

DECREASE APPROPRIATION ACCOUNTS:

A.9950.-----9	Interfund Transfers - Transfer to Capital	\$39,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5610.25168.R503.1000	Interfund Transfers-Interfund Transfer	\$39,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25168.4	Contractual - Chautauqua County Airport, Ford F250 4X4 w/ Plow-DNK (2020)	\$39,000
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; and be it further

RESOLVED, That in 2021 the A Fund Balance be adjusted as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$6,554
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.4	Contractual - Chautauqua County Airport, Dunkirk Airport	\$6,554
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Signed: Hemmer, Scudder, Nazzaro, Gould, Niebel, Harmon, Odell (Voted "yes" by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 232-20

Amend Capital Project Accounts due to Fleet Management Services (DPF Large Equipment)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County approved an appropriation of \$2.1 million for Capital Project H.5130.626 (DPF Large Equipment (Annual)) in the 2020 Capital Budget; and

WHEREAS, a portion of this appropriation was intended for the purchase of light duty vehicles and/or trucks; and

WHEREAS, the County entered into an agreement for fleet management services whereby it is financially advantageous to lease light duty vehicles and trucks instead of purchasing them; and

WHEREAS, lease expense is an operating expense instead of a capital expense; and

WHEREAS, a portion of the 2020 Capital Budget is available to finance leases that will not begin until 2021; now therefore be it

RESOLVED, That the Reserve for Capital be adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance – Reserve for Capital	\$142,000
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

DECREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$142,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000	Interfund Transfers – Interfund Transfer	\$142,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual—Road Machinery, DPF Large Equipment (Annual)	\$142,000
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; and be it further

RESOLVED, That in 2021 the A Fund Balance be adjusted as follows:

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INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$29,583
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.9901.9100.9	Interfund Transfers - Transfer to Other Funds, Transfer (A-DM)	\$29,583
DM.5130.----.4	Contractual - Road Machinery	<u>\$29,583</u>
	Total	\$59,166

INCREASE REVENUE ACCOUNT:

DM.9901.9100.R503.1000	Interfund Transfers-Interfund Transfer	\$29,583
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Signed: Hemmer, Scudder, Nazzaro, Gould, Niebel, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 233-20  
Amend 2020 Budget Appropriations–Office Services

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

WHEREAS, some Office Services expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1610.----.1	Personal Services – Office Services	\$30,900
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DECREASE APPROPRIATION ACCOUNT:

A.1610.----.4	Contractual— Office Services	\$30,900
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Signed: Scudder, Muldowney, Starks, Vanstrom, Nazzaro, Niebel, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020



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RES. NO. 234-20

Authorize Agreement Between Chautauqua County and City of Jamestown for ALS-BLS Billing

By Public Safety and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 14-19, the County Legislature authorized the County Executive to enter into an agreement with the City of Dunkirk to bill and share the billing proceeds for emergency medical services (EMS) rendered when the County provides Advanced Life Support (ALS) services and the City provides Basic Life Support (BLS) services; and

WHEREAS, the County and the City of Jamestown desire to enter into an agreement to bill and share the billing proceeds for EMS services in the manner implemented by the County and the City of Dunkirk; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the City of Jamestown, and any other local governments, as applicable, to bill and share in the billing proceeds for EMS services provided by the County.

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 235-20

Amend Emergency Services 2020 Budget for Vehicle Accident Claim

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Emergency Medical Services (EMS) Fly Car known as Medic 74 was involved in an accident; and

WHEREAS, the Chautauqua County Insurance Department, on behalf of the Office of Emergency Services, submitted a claim to New York Mutual Insurance Reciprocal; and

WHEREAS, Chautauqua County has an invoice due for the vehicle repair, and has been reimbursed in the amount of \$3,285.73 for expenses incurred less the deductible of \$2,500; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2020 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNT:

A.3989.EMS.4	Contractual – Emergency Medical Service, Fly Car & Ambulance Services	\$3,286
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INCREASE REVENUE ACCOUNT:

A.3989.EMS.R268.0000	Sale of Property/Compensa—Insurance Recoveries	\$3,286
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Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 236-20

Authorize Agreement with Town of Ripley for Enhanced Police Protection Services FY21

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Town of Ripley has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2021 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2021 through December 31, 2021 for an estimated cost not to exceed \$35,000.00, based on an hourly rate of at least \$43.08 and a holiday hourly rate of at least \$54.52; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

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

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 237-20

Authorize Agreement with Town of Ellery for Court Security Detail FY21

By Public Safety and Audit & Control Committees:

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

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WHEREAS, the Town of Ellery has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$32.80; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Ellery for court security as set forth above, with revenue to be credited to revenue account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 238-20  
Authorize Agreement with Town of Harmony for Court Security Detail FY21

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

WHEREAS, the Town of Harmony has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Harmony for the period of January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$4,000.00, based on an hourly rate of at least \$32.80; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Harmony for court security as set forth above, with revenue to be credited to revenue account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 239-20

Authorize Agreement with Town of North Harmony for Court Security Detail FY21

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Town of North Harmony has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$8,000.00, based on an hourly rate of at least \$32.80; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of North Harmony for court security as set forth above, with revenue to be credited to revenue account A.1162.1110.R226.000

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 240-20

Authorize Agreement with Town of Kiantone for Court Security Detail FY21

Public Safety and Audit & Control Committees:

County Executive Paul M. Wendel, Jr.:

WHEREAS, the Town of Kiantone has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$7,000.00, based on an hourly rate of at least \$32.80; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

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RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Kiantone for court security as set forth above, with revenue to be credited to revenue account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 241-20  
Authorize Agreement with Town of Mina for Court Security Detail FY21

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

WHEREAS, the Town of Mina has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Mina for the period of January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$32.80; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Mina for court security as set forth above, with revenue to be credited to revenue account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 242-20  
Authorize Agreement with Town of Stockton for Court Security Detail FY21

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

WHEREAS, the Town of Stockton has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

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WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Stockton for the period of January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$32.80; and

WHEREAS, this revenue is included in the 2021 Tentative Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Stockton for court security as set forth above, with revenue to be credited to revenue account A.1162.1110.R226.000.

Signed: Niebel, Bankoski, Pavlock, Nazzaro, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 243-20  
Accept Health Research, Inc. COVID-19 Response Funding

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

WHEREAS, Chautauqua County has been awarded Health Research, Inc. (HRI) COVID-19 Response Funding in the amount of \$64,092 for the period from March 5, 2020 to March 15, 2021; and

WHEREAS, the purpose of this funding is to reimburse the Department of Health and Human Services for the cost of allowable COVID-19 response activities to include incident management for early crisis response, jurisdictional recovery, information management, countermeasures and mitigation, surge management, and biosurveillance; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into and execute any and all agreements, amendments, addenda and all other necessary documentation to effectuate the County’s receipt of such funds and to implement the above-named program for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4	Contractual—Public Health Admin	\$ 64,092
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INCREASE REVENUE ACCOUNT:

A.4010.----.R440.1001	Federal Aid – Public Health Grant	\$ 64,092
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Signed: Pavlock, Lawton, Whitney, Nazzaro, Niebel, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 244-20  
Amend Chautauqua County Health & Human Services 2020 Adopted Budget for Personal Services and Employee Benefits Costs

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

WHEREAS, 2020 personal services and employee benefits expenditures for Public Health Administration and Home Energy Assistance Program are now projected to be in excess of their budgeted amounts; and

WHEREAS, 2020 personal services and employee benefits expenditures for Other Public Health Programs-Lead Testing and Clinics: Jail are now projected to be lower than their budgeted amounts; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services—Public Health Admin	\$ 80,000
A.4010.----.8	Employee Benefits—Public Health Admin	\$ 32,000
A.6141.----.1	Personal Services—Home Energy Assistance Prog	\$ 35,000
A.6141.----.8	Employee Benefits—Home Energy Assistance Prog	<u>\$ 6,000</u>
	Total	\$153,000

DECREASE APPROPRIATION ACCOUNTS:

A.4017.JAIL.1	Personal Services—Clinics-Jail	\$ 80,000
A.4017.JAIL.8	Employee Benefits—Clinics-Jail	\$ 25,000
A.4189.LEAD.1	Personal Services—Other Public Health Progs- Lead Testing	\$ 35,000
A.4189.LEAD.8	Employee Benefits—Other Public Health Pros- Lead Testing	<u>\$ 13,000</u>
	Total	\$153,000

Signed: Pavlock, Lawton, Whitney, Nazzaro, Niebel, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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JOURNAL OF PROCEEDINGS

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RES. NO. 245-20  
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Paul J 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, 2020 through September 30, 2020**

<b>TOWNS</b>		<b>CITIES</b>	
Arkwright	8,405.07	Dunkirk	124,138.12
Busti	66,482.82	Jamestown	72,163.10
Carroll	32,060.95		
Charlotte	6,399.46	<b>TOTAL</b>	<b>\$196,301.22</b>
Chautauqua	73,132.73		
Cherry Creek	6,038.48		
Clymer	8,627.11		
Dunkirk	16,522.00		
Ellery	62,880.02		
Ellicott	38,943.77		
Ellington	2,053.18		
French Creek	12,303.84		
Gerry	12,845.31		
Hanover	43,210.99		
Harmony	6,042.18		
Kiantone	15,391.97		
Mina	19,013.10		
North Harmony	32,984.87		
Poland	6,922.96		
Pomfret	61,520.59		
Portland	27,718.63		
Ripley	9,099.30		
Sheridan	20,774.99		
Sherman	7,458.21		
Stockton	15,791.56		
Villanova	1,957.71		
Westfield	24,934.90		
		<b>TOTAL</b>	<b>\$91,007.53</b>

<b>VILLAGES</b>	
Bemus Point	4,261.02
Brocton	2,524.07
Cassadaga	2,840.94
Celoron	2,984.57
Falconer	4,318.69
Fredonia	31,029.77
Lakewood	19,911.03
Mayville	5,680.41
Panama	721.22
Sherman	1,277.66
Silver Creek	5,023.00
Sinclairville	1,277.71
Westfield	9,157.44



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**TOTAL**                      \$639,516.70

**GRAND TOTAL**                                      \$926,825.45

Signed: Scudder, Muldowney, Starks, Vanstrom, Nazzaro, Niebel, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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RES. NO. 246-20  
Applications for Credit of Real Property Taxes for 2020

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

WHEREAS, the Director of Real Property Tax Services has received a RP-554 Application for Corrected 2020 Tax Roll from Murl E. Homesteaders Corp (PID 065200-341.00-1-7.1) placing a tax liability on the parcel for \$3,133.16, and

WHEREAS, the Director of Real Property Tax Services has determined a school tax was generated and the parcel should have been deleted and recommends approval of the RP-554 Application for Correction based upon investigation of same, now therefore be it

WHEREAS, in accordance with Res. 4-17 the amount of the correction exceeds \$2,500, be it further

RESOLVED, That the Director of Real Property Tax Services is hereby authorized to correct the 2020 Tax Roll.

Signed: Scudder, Muldowney, Starks, Vanstrom, Nazzaro, Niebel, Gould, Harmon, Odell (Voted “yes” by video conference)

Unanimously Adopted – November 18, 2020

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Chairman Chagnon: Now I understand there is an emergency resolution.

Clerk Tampio: Yes, Mr. Chairman. We received an emergency resolution at the Legislature Office today and if it comes to the floor it will be Resolution 247-20 Reallocate Capital Funds – Department of Emergency Management and it’s at the request of County Executive Paul M. Wendel, Jr.

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Legislator Nazzaro: I would like to make a motion that we move this resolution off our virtual desks to the virtual floor.

Legislator Bankoski: Second.

Chairman Chagnon: Thank you. Any discussion on the motion to bring this emergency resolution to the floor for discussion? Hearing none and seeing none, all those in favor please say aye.

*Unanimously Carried to Bring Res. No. 247-20 to the Floor.*

EMERGENCY RES. NO. 247-20  
Reallocate Capital Funds—Department of Emergency Management

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

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects; and

WHEREAS, capital project H.3410.14003 Training Props (2019) cannot be undertaken at this time because the COVID-19 pandemic has precipitated restrictions on in-person training events; and

WHEREAS, capital funds are needed for an emergency repair to the roof of the Department of Emergency Management's Station 7; and

WHEREAS, this reallocation of capital funds was approved by the Chautauqua County Planning Board; now therefore be it

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

ESTABLISH AND INCREASE CAPITAL APPROPRIATION:

H.3010.14007.4	Contractual – Roof Repair Station 7 (2020)	\$15,000
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DECREASE CAPITAL APPROPRIATIONS:

H.3410.14003.4	Contractual – Training Props (2019)	\$15,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3010.14007.R503.1000	Interfund Transfers – Interfund Transfer	\$15,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.3410.14003.R503.1000	Interfund Transfers – Interfund Transfer	\$15,000
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Unanimously Adopted – November 18, 2020

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PRIVILEGE OF THE FLOOR

Clerk Tampio: The first communication comes by email from Brady Kleckner, a landowner in South Ripley.

*“Chautauqua County Executive PJ Wendel  
Chautauqua County Legislature  
RE: Support for the South Ripley Solar Project*

*To whom it may concern,*

*I recently became aware the South Ripley Solar project could be in jeopardy in light of a resolution being considered that would prevent the project from executing a PILOT agreement. We were really surprised to hear about this as it seemed to be sort of a no brainer, given the tremendous economic impact this project will bring to the Town of Ripley, an area that could sure use some help. I am not sure when you last spent time in Ripley, but the last time I was there it seemed like the community was on the decline. My family lives in South Ripley and we are proud to be part of the solar project because of the lease payments and tax contribution to the community, not to mention the benefit that renewables are bringing to the world. The annual lease payments will help me improve my property and passive income on fallow land is something that doesn't come around often. The project will also help lower the tax burden on all property owners in the area – something I am sure is welcomed by all! We hope there is still a chance for you to get behind this solar power project, as it can really help our community, which is slowly dying on the vine.*

*Sincerely,  
Brady Kleckner  
Landowner, South Ripley”*

Clerk Tampio: The second communication comes from Isaac Phillips.

*“Chautauqua County Legislature,*

*Recently, the Chautauqua County Legislature discussed the consideration of a resolution that would recommend the Chautauqua County Industrial Development Agency refrain from signing PILOT agreements with any solar energy projects over 5 MW, including the South Ripley Solar Project.. ConnectGen would like to formally state that it does not support such an action. Such an action, especially when based on uncited, incorrect information, would deprive the Town of Ripley and Chautauqua County from realizing decades of much needed benefits that will be derived from the project.*

***The Facts: Economic Benefit***

*The South Ripley Solar Project represents an approximately \$350 million capital investment which will bring significant revenue, construction jobs, and economic development into the Town of Ripley and Chautauqua County.*

*During its approximately year-long construction, the project is expected to create up to 220 family-wage jobs, many of which will be sourced from the local labor pool. ConnectGen signed an MOU with Laborers Local 621 and is working to sign an MOU with IBEW Local 106 that will aim to hire local laborers to work on constructing the project. The project will increase business activity among local hotels and motels, grocery stores, gas stations, restaurants, equipment rentals, materials suppliers, and similar businesses. During operation, the project is anticipated to create 2-4 local full-time family wage operations and maintenance jobs earning more than \$40,000/year.*

*For local host landowners, the project represents a significant, stable long-term income source that will provide economic security and diversified revenue to protect family farms. ConnectGen has already paid local host landowners over \$600,000 for site control agreements, and annual payments to these landowners are expected to average over \$1,000,000/year, resulting in over \$30 million in payments to local landowners over the life of the project. These landowners, in turn, will likely use this money to reinvest in new farm equipment or home improvements, which will generate additional income for the County in assessed property taxes and sales tax.*

*The project will also result in a significant, dependable revenue to the Town of Ripley, Sherman and Ripley School Districts, and Chautauqua County without burdening existing resources. It is estimated that through the PILOT and Host Community Agreement (“HCA”), the project will provide additional tax revenues totaling at least \$16 million to the Town of Ripley and Chautauqua County over the life of the project. The project will be one of the top 5 taxpayers in the County. It is expected that the Town of Ripley’s share of the increased revenue would comprise at least 40% of the Town’s annual property tax levy. In addition, the project will result in additional tax revenues for the Sherman and Ripley School Districts, which could total more than \$4.7 million over the life of the project. These PILOT and HCA payments represent 30 years of guaranteed, stable revenue that will enable the town, county, and school districts to make long-term financial plans, providing each with a great amount of flexibility in utilizing these funds to enhance the community.*

### ***The Facts: Land Use and Environmental Considerations***

*Contrary to information shared at a previous meeting, only 1,250 to 1,500 acres are expected to host project infrastructure. Construction of solar projects is largely low impact and does not typically require significant site work or soil disturbance. ConnectGen aims to further minimize potential environmental impacts by avoiding wetlands, limiting tree clearing to commercial timber areas, and working with participating farmers to utilize less productive agricultural fields.*

*During the solar project’s 30 year or more lifespan, the land hosting the project gets a recovery period, allowing the soil to restore fertility and rebuild, improving soil health over time. Stormwater discharge and water runoff will be studied under the state permitting process and potential impacts will be mitigated during construction and operation. The South Ripley Solar Project will have minimal impacts on local wildlife and will be reviewed as part of the state siting process. In fact, studies show that solar facilities can provide*

*shelter for species, promote land stability, preserve habitat, and support biodiversity. Studies have also shown that crystalline silicon PV panels, the type of panel that will be used for the project and which represent approximately 90% of the solar panels in use today, do not pose a material risk of toxicity to public health and safety.*

*As part of the New York State siting process, the South Ripley Solar Project is consulting with state and federal agencies and stakeholders, including the NYS Department of Public Service, NYS Department of Environmental Conservation, NYS Department of Agriculture and Markets, and the U.S. Fish and Wildlife Service to ensure that potential environmental impacts are fully considered in conjunction with the environmental benefits of the project.*

### ***The Facts: Public Safety***

*All solar and storage facilities are designed to strict electrical safety standards to ensure safe operation. Product safety standards, installation requirements, and building codes for solar facilities are addressed by the National Fire Protection Agency's National Electrical Code, the International Code Council's International Fire Code, the International Association of Firefighters, and several other national, state and local safety and product standards groups.*

*All energy storage facilities are also designed to strict electrical safety standards to ensure safe operation, including; NFPA 855 standards, all applicable system and component UL standards, International Fire Code 2018 standards (and 2021 when released), and the 2019 New York Energy Storage System Supplement to the New York State Uniform Fire Prevention and Building Codes. At the end of 2019, 1,300 MW of battery energy storage had been installed on the U.S. electric grid. Energy storage has a safety record that is similar to or better than other electricity generation, distribution, or management methods.*

*Further, in October 2019, the New York City Fire Department issued guidance on the design, installation, and emergency management response procedures for outdoor stationary storage battery systems. Lithium ion battery fires in the US are exceedingly rare, and current testing data does not support the notion that lithium ion battery fires are any more toxic than a typical structure fire. ESRG, recognized experts in energy storage safety, typically marks safe zones just outside the fence line for first responders, with consideration given to wind direction up to an additional 100 feet. During large-scale abuse and fire testing conducted at ESRG's facility, safe zones for test observers are typically not more than 100 feet from the facility.*

*The site will be remotely monitored 24/7 by trained personnel to ensure no abnormalities are occurring on the system. Internal fire suppression and ventilation systems are designed as backstop protection should any abnormality occur. Moreover, the remote control center has the ability to emergency stop the system in addition to the on-site safety design measures. In addition, our Emergency Response Plan will provide details regarding how to address any such occurrence, and local emergency responders will be provided routine training on these measures.*

*Please find enclosed a fact sheet and comprehensive memorandum addressing misinformation that has been shared with the County Legislature in previous meetings and correspondence. Additionally, this enclosure contains 75 letters from area residents expressing their support for the project and the economic benefits that it will bring to the community. We anticipate that several more support letters will be submitted by landowners, unions, local businesses, and other stakeholders on behalf of the project, which illustrates the broad base of support that the South Ripley Solar Project has within the Town of Ripley as well as Chautauqua County.*

*Sincerely,  
Isaac Phillips  
Project Developer  
Connectgen LLC”*

Clerk Tampio: We are in receipt of a letter from Nick Warner, Principal and Co-Founder of the Energy Storage Response Group, from Delaware, Ohio. The letter is addressed to the Chautauqua County Legislature, the Ripley City Council, the Ripley Fire Department, and the people of Ripley and of Chautauqua County. The letter is far too long for me to read in the 5 minutes allotted to comments representing a group. I have forwarded a copy of the letter to all Legislators, and I will now read a portion of the letter that gives the essence of the letter:

*“I wish to address several of the concerns that have been brought to our attention here just as we have addressed them in other communities throughout Western New York. To begin, it would be disingenuous on our parts to pretend that energy storage systems have not had safety incidents in the past. Though they have been rare in the US, looking around the globe, incidents in these types of systems have occurred several times in the previous four years throughout the world. However, these incidents, based on the number of systems deployed, have not occurred more regularly than many other similar safety incidents we have come to accept as part of our lives, and a large number of these incidents are centered in a part of the world with a very different regulatory environment than our own. Electric vehicles may make the news when a battery failure results in fire, but how many passenger vehicles, equipment, and other gas-powered devices have caught fire in a similar period of time without the same fanfare? As a matter of science, it is worth pointing out that the thermal energy contained in the fuel tank of the average passenger vehicle is actually far greater than that contained in a similar electric vehicle. It’s not hard then to imagine reservations about gas powered cars when they first came about. Though easy to imagine the concerns of fire fighters when gas stations started popping up around the US, with proper safety regulations and codes, an incident at a gas station has become a rather benign event in many cases, and a rather attention drawing event when it does occur because of how rare it is. Energy storage systems following the codes in place today are the same, and while the fire service needs proper training for how to deal with such an event safely, this is an activity Energy Storage Response Group performs on a regular basis.”*

Clerk Tampio: This is a letter from Jim Boria in South Ripley.

*“Dear Executive Wendel and County Legislators,  
I own land and live in the South Ripley Solar Project footprint, and I have signed up my property*

*to ConnectGen for use in the project. I very strongly believe in private landowner property rights, which consist of three basic elements: the exclusive right to choose how your property will be used, the exclusive right to any benefits derived from the property, and the right to exchange your property with someone else on terms that are mutually agreeable to the two parties.*

*By signing up my land with ConnectGen, I have exercised all three of those elements. In addition, this project and my and other landowner's participation in the project support the noble goal of NY State becoming less fossil fuel dependent, reducing the threat of global warming. The increase in tax revenue for the County and Town of Ripley are critical given the negative impact that Covid 19 has had, and continues to have, on the Town/County tax roles as more business go bankrupt and job losses continue.*

*I do not take kindly to governmental entities meddling in my basic rights as a property owner, and I am opposed to the resolution under consideration, which would potentially kill the project and deprive myself, other landowners, and the community at large of lease payments and increases in annual tax revenues. Such an action would not only be a threat to the private property rights and economic future of Ripley, it would also extend the authority of the county far beyond the accepted role of protecting public and social welfare.*

*Regards, Jim Boria – South Ripley*

Clerk Tampio: There is another communication from Kim Kleckner.

*"To whom it may concern,  
My husband and I are participating landowners in the South Ripley Solar Project. In fact, our land is smack in the middle of the project area. While our farm is not large, we were able to lease one of our fields and are planning to use the income we receive to support the farming activities we perform on the rest of our property.*

*South Ripley is our home and has been for four generations. We have watched our community dwindle down over the years from thriving to barely surviving. The South Ripley Solar Project can help our decreasing tax base by providing extra income to Ripley. We desperately need to capitalize on this economic opportunity, which will benefit local residents by providing a steady stream of income the town and school districts can plan around for years to come.*

*There are some people who have loudly voiced their opposition, but the messages they are pushing are unreasonable and untrue, and some of the loudest folks don't even live in the Town of Ripley. It seems as though these opponents merely don't want to embrace positive change or progress. While their collective voice is loud, it is not representative of the community at large. I ask that you please consider my perspective, and the perspective of so many other supporters, as you make decisions involving the South Ripley Solar Project."*

Clerk Tampio: This is from a group called Stop Solar Save South Ripley and it was forwarded to me by Rob Gallbraith.

*To: County Executive and County Legislators, Chautauqua County New York*

*Subject: Comments from public to Chautauqua County Legislature monthly meeting  
November*

*18, 2020*

*As addressed in the County Legislature's October meeting, we, the concerned citizens of the Town of Ripley and other concerned citizens in the area, want to again urge that the County Legislature pass and send a No Pilot Resolution to the Chautauqua County Industrial Development Agency (CCIDA) regarding the application of ConnectGen, LLC for Payment in Lieu of Taxes (PILOT) proposal for the South Ripley Solar Project. This letter provides additional information that was not covered in the October letter from South Ripley/Ripley Neighbors for a Safe and Informed Community.*

*Why SSSSR requesting this?*

- 1. Size of project: 4510 acres of land (facility area); of this*
  - a. 1994 acres is forested; remainder is high value agricultural land:*
  - b. 14.5% of the land mass of the Town of Ripley*
  - c. Facility Site - installation of panels is 2000 acres*
  - d. This is one of the largest projects of this kind east of the Mississippi*
  - e. This means that ConnectGen can easily expand this project once the 2000-acre initial site is in operation.*
- 2. Science for large scale Battery Energy Storage Systems (BESS) still very unproven. This puts all First Responders and the local population at great risk from explosions, toxic gases and hazardous liquids as the result of a fire at one of these facilities. New York State Fire science does not offer any type of training nor documentation on combating these types of fires.*
- 3. To date, depleted solar panels cannot be recycled and will be broken up and buried in landfills. This is classified as a hazardous material, so precautions must be taken in the dismantlement and disposal of the panels. The Ripley project alone will result in tons of solar panels that will have to be disposed. Estimated cost for decommissioning in today's dollars is \$24 million dollars and is provided in Attachment 1. There is no data on the decommissioning of BESS. This is going to be very expensive to remediate at project maturity or will end up as a Superfund site.*
- 4. Solar insolation (kw/m2/day) in Chautauqua County is the worst in the nation. The solar insolation in the Southwest US is 3 times better than our area. A diagram is provided in Attachment 2. This makes no sense.*
- 5. Villages such as Westfield, Brocton, Springville, and others are already 100% green. Please see*

*Attachment 3 as reference. 90% hydroelectric, 10% nuclear = no emissions*

- 6. Clear cutting hundreds if not thousands of acres of forest to make room for this project is absurd. Trees are CO2 absorbers, absorbing between 1.5 to 2.5 tons of CO2 per acre per year for a mature mixed forest. If anything this is anti-green.*



7. *The majority of the farmland in the project area is farmland of statewide importance and prime. Please see Attachment 4 as a reference.*
8. *We believe that it is important for the CCIDA to hear both sides of the story on projects about which they are making decisions.*
9. *ConnectGen estimates that they will provide \$16M to the county tax base and \$4.7M to the local school district. As this is a 30-year project, if this is valid, this equates to \$533k/year to the county and \$153K/year to the school district(s). Is this really worth it to destroy 2000 acres of forest and farmland and potentially endanger the lives of our citizens and first responders?*
10. *Please carefully consider the impact of all these “Green” energy projects on our county. Do not let our beautiful county be turned into a “green wasteland”.*
11. *To summarize: We urge the legislature to pass a No PILOT Resolution prior to any IDA Board meeting that will review the ConnectGen PILOT agreement. We ask that the legislature request the CCIDA delay the ConnectGen PILOT application decision in order for the legislature to deliberate and decide on such a resolution.*

*The County Legislature’s consideration of this request is greatly appreciated. Thank you,*

*Stop Solar Save South Ripley (SSSSR)  
Attachments:*

1. *Solar Farm Decommissioning Costs; Dr. Herbert M. Eckerlin, Emeritus Professor, Mechanical & Aerospace Engineering North Carolina State University*
2. *National Renewable Energy Laboratory (NREL) Irradiance Chart*
3. *NY State Department of Public Service Fuel Sources and Air Emission chart January 1, 2018 – December 31, 2018*
4. *USDA Natural Resources Conservation Service, Web Soil Survey, 4/19/20*

Clerk Tampio: This is another letter from the same group Stop Solar Save South Ripley forwarded again from Rob Gallbraith.

*“Dear Legislators,*

*Please help Ripley, New York! We are requesting your help to stop the proposed South Ripley Solar Project. We are very concerned residents of Ripley, NY and surrounding communities.*

*MAIN ISSUE:*

*A large portion of our community is facing a permanent transformation into a utility size solar panel farm with two lithium ion battery storage facilities on NE Sherman Road, Ripley, NY. The proposed plan, South Ripley Solar Project, is to create a 2,000-6,000 acre solar farm through private land agreements. ConnectGen LLC, based in Houston, TX, have been soliciting landowners on their properties by stopping by and calling since late summer 2018;*

*to lease or sell their property. The proposed plan includes a lithium ion battery storage facility on NE Sherman Road, on the NY-PA state line. A second company, Seven Creek Energy, which is not applying through Article 10 application to NYDPS, is also planning for a second lithium ion battery storage facility. The two facilities combined, would create the largest battery storage facility area in the country.*

**CONCERNS:**

- *Many residents did not know the magnitude of the project until June of this year.*
- *Residents' urgent questions and concerns have been ignored regarding health risks, reduction in property values, loss of homes, the long-term effects.*
- *The planned conversion of actively farmed Prime Farmland, to solar, thus creating a loss of food source.*
- *Blasting Plans: Residents' and Firefighters' questions about the blasting plans have been left unanswered.*
- *Conversion of wetlands and compensatory mitigation are mentioned in the Preliminary Scoping Statement. Why?*
- *Many residents in surrounding areas such as North East, PA, are not even aware of the project; or what this would mean for their area.*
- *The Environmental Justice data used in the PSS, was for Westfield, NY; not South Ripley, NY.*
- *There are more active bald eagles nests in South Ripley than were listed in ConnectGen LLC's documents.*
- *The proposed solar project has been paraded in front of the residents of South Ripley, NY almost daily- be it through researchers, drones, or paid local consultants promoting the project.*
- *Not only does Chautauqua County already have green energy in the form of hydro-electricity, but the panels will not generate electricity when it is dark. We will still need some form of consistent backup to generate electricity at night, and when it is cloudy and snowy, during most of winter.*
- *The Town of Ripley water supply is gravity-fed. The project area is directly above it. Chemicals from the panels would leach into our water wells, contaminating the well water. It would also flow downhill into streams, into the Town of Ripley water supply, and into Lake Erie as well.*

**SUMMARY:**

*The current rolling blackout issues from "renewable energy" in California are a hint at what we would face in New York, and should be a lesson to us all. However, in California, the heat is of concern. In New York:*

*In New York if there is a loss of power during the cold winter months, it is possible residents could use heat for extended periods of time.*

*If we are aware of the potential dangers of this project, why is this project even being considered?*

*Has the county considered a potential loss of tax revenue from devaluation of properties, or loss of number of residents?*

*We respectfully request your aid in protecting our amazing citizens, in protecting residents from the loss of their homes, their source of income, their food source, and way of life.  
-Stop Solar Save South Ripley”*

Clerk Tampio: I only have two more to go. This is addressed to Chautauqua County Executive PJ Wendel and Chautauqua County Legislature.

*“To whom it may concern:*

*I am writing today about the South Ripley Solar Project. This is an important energy project that should be supported by your organization simply in light of the financial boost it will bring to Chautauqua County. While we don't live in town, we own land in South Ripley and the revenues provided by the solar project will help us keep our land in the family and allow future generations the opportunity to be landowners. The project will also bring much needed tax revenue to the area, hopefully offsetting the high property taxes that local landowners have to pay.*

*We welcomed the solar project from day one because we thought it would be good for our family, and good for the community at large. In addition, it is critical to our environmental future that we move forward with renewable energy projects such as this one! Please help this project stay on course by allowing the IDA to negotiate a PILOT  
Sincerely, James & Denise Warren – Landowners, South Ripley”*

Clerk Tampio: This is addressed to myself, Clerk of the Chautauqua County Legislature.

*“Re: PRIVILEGE OF THE FLOOR – Appointment of Luz Torres Chautauqua County Election Commissioner*

*Dear County Legislators,*

*We together ask you to stand and lead on an important matter for our Chautauqua County community generally and women and Blacks and People of Color particularly.*

*We understand that you together are responsible for the possible appointment of Luz Torres as the Democratic Election Commissioner. We also understand that her appointment is being held up because of issues wholly unrelated to Ms. Torres's qualifications and competence.*

*We are asking you to forego whatever other unrelated issues you might have for withholding Ms. Torres's appointment.*

*For too long we have not promoted and encouraged and fully supported qualified women such*

*as Ms. Torres.*

*While many might view this as a partisan matter, we view this as a very public matter. As you are aware more so than many, our Election Commissioners play a significant role in our democratic society (please note the small “d”). Our election commissioners ensure that residents who wish to vote are protected in that right and provided the opportunity to exercise that right.*

*Ms. Torres is well-qualified for this position and has served as the First Deputy for years.*

*We implore you to stand for us and our larger community and support Ms. Torres as one of our two Election Commissioners.*

*Sincerely and Together,  
Susan Parker  
82 Newton Street  
Fredonia, NY 14063”*

Clerk Tampio: And for the following there are 39 other individuals listed in support of this communication. That concludes the communications I’ve received.

Chairman Chagnon: Thank you Kathy. Is there anything else to come before the Legislature this evening?

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:36 p.m.)

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Regular Meeting  
Chautauqua County Legislature  
Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media  
Wednesday, December 16, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:31 p.m.

Clerk Tampio called the roll and announced a quorum present. At this time I would like to mention that the motion that appears at the end of this agenda (Prefiled title: *Supporting Chautauqua County Sheriff James Quattrone's Position that Governor Cuomo's Executive Order Limiting Non-Essential Private Residential Gatherings is Unenforceable*) this evening has been withdrawn from the agenda by Legislator Niebel.

Chairman Chagnon: O.K. We will now move on to the prayer and pledge of allegiance.

Legislator Ward delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (11/18/2020)

1<sup>st</sup> Privilege of the Floor

Chairman Chagnon: Has there been any correspondence received for the first privilege of the floor?

Clerk Tampio: Mr. Chairman, we have not received any correspondence relative to the first privilege of the floor.

Chairman Chagnon: Thank you.

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VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 11/18/2020

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COMMENDATION:

District Attorney Patrick Swanson  
By  
Legislator Charles Nazzaro

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CERTIFICATE OF RECOGNITION:

Webb's Captain's Table  
By  
Legislator William Ward

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AWARDS:

New York State Association of Conservation Districts, Inc.

APPRECIATION AWARD  
Chairman Pierre Chagnon

SPECIAL SERVICE AWARD  
Legislator Lisa Vanstrom

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COMMUNICATIONS:

1. Report – Small Business Development Center 7/1/2020-9/30/2020
  2. Report – Small Business Development Center Business Permit Center 7/1/2020-9/30/2020
  3. Letter – County Executive Wendel – CC Board of Health Reappointments
  4. Letter – County Executive Wendel – Chautauqua Opportunities Inc. Appointments
  5. Letter – R. Chris Cochran and Daniel L. Zandi – Re: Support for South Ripley Solar Project
  6. Letter – County Executive Wendel – CC Ethics Board Appointment
  7. Report – Finance Director Crow – October 2020 Investment Report
  8. Chautauqua County 2021 Adopted Budget
- 

LOCAL LAW  
INTRODUCTORY NO. 3-20  
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES

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

Section 1. 2021 Adjustment of Salary Ranges.

Effective January 1, 2021, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be further adjusted to reflect an increase of 1.5%, except for

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positions with designated flat salaries. The maximum level of the salary range shall be a cap on the amount which may be paid for a full year of service.

Section 2. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Emailed: 12/03/21

Adopted by Legislature: 12/16/2020

Public Hearing by County Executive: 01/04/2021

Adopted As Local Law 1-21

R/C Vote: 11 Yes; 8 No

Date State Filed: 1/11/2021

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LOCAL LAW  
INTRODUCTORY NO. 4-20  
CHAUTAUQUA COUNTY

AUTHORIZING LEASE OF REAL PROPERTY FOR AN EXTENDED TERM FOR OFFICE  
FOR AGING SERVICES

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

Section 1. Purpose. The purpose of this local law is to modify and supersede the lease term limitations contained in County Law Section 215 and Local Law 8-1975 for a lease agreement for the County's Office for Aging Services.

Section 2. Authorization. The County of Chautauqua is hereby authorized to enter into a lease for the County's Office for Aging Services pursuant to Resolution 218-20 of the Chautauqua County Legislature, as amended, for a term not exceeding fifteen (15) years.

Section 3. Effective Date. This local law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Pavlock

Emailed: 12/03/21

Adopted by Legislature: 12/16/2020

Public Hearing by County Executive: 01/04/2021

Adopted As Local Law 2-21

R/C Vote: 19 Yes

Date State Filed: 1/11/2021

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RENEW & AMEND RES. NO. 218-20  
Authorize Lease Agreement for the Office for Aging Services at The Chautauqua Center in  
Jamestown, New York

*(Original Resolution is found in October, 2020)*

By Human Services and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

~~WHEREAS, the Chautauqua County Office for Aging Services (“OFAS”) and Chautauqua County Veteran Services Agency (“VSA”) have shared office space for many years; and~~

WHEREAS, OFAS ~~and VSA’s~~ relocation to The Chautauqua Center in downtown Jamestown, a 2,500 square foot state of the art space located in the medical corridor, will provide better access and privacy to a growing senior population; and

WHEREAS, this location will also provide opportunities for OFAS to collaborate with healthcare, mental health, and other community services within the building to better serve older adults in Chautauqua County; and

WHEREAS, this location will also provide OFAS with more opportunities to host education, health, and wellness programs for seniors on the premises; and

WHEREAS, the County is desirous of entering into a 15-year lease agreement with The Chautauqua Center to finance the build-out cost for this brand new space; therefore be it

RESOLVED, That the Acting County Executive is hereby authorized to execute a lease agreement for office space with The Chautauqua Center on substantially the following terms and conditions:

1. Premises. 2,500 square feet of the second floor located at 107 Institute Street, Jamestown, New York.
  2. Rent. \$13.40 per square foot at a monthly rate of \$2,791.67 per month for the first year, with an annual increase of not greater than 1%.
  3. Build-Out. \$1.15 per square foot at a monthly rate of \$239.59 per month for fifteen (15) years.
  4. Term. Fifteen (15) years commencing in early 2021 upon completion of build-out.
  5. Utilities. County’s occupied space is individually metered and County shall pay for water, electrical, and gas services.
  6. Other. As negotiated by the Acting County Executive.
- and be it further



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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted budget:

INCREASE APPROPRIATION ACCOUNT:

<u>A.6772.----.4</u>	<u>Contractual - Office for Aging Services</u>	<u>\$3,639</u>
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DECREASE APPROPRIATION ACCOUNTS:

<u>A.6510.----.4</u>	<u>Contractual - Veterans Service Agency</u>	<u>\$3,639</u>
<u>A.6772.----.1</u>	<u>Personal Services - Office for Aging Services</u>	<u>\$96,750</u>
<u>A.6772.----.8</u>	<u>Employee Benefits - Office for Aging Services</u>	<u>\$7,545</u>
	<u>Total</u>	<u>\$107,934</u>

DECREASE REVENUE ACCOUNT:

<u>A.6772.----.R477.2000</u>	<u>Federal Aid-OFA Programs</u>	<u>\$104,295</u>
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Chairman Chagnon: Is there any discussion or questions on the resolution to be renewed and amended? Any discussion or questions?

Legislator Lawton: Thank you. Just a quick comment- I believe this location will allow the Office of Aging to better serve our seniors. I wanted to thank the staff and the legislature for their thorough review of this issue.

Chairman Chagnon: Thank you.

Legislator Rankin: Thank you. Mr. Lawton, I appreciate your comments and I would echo them. I know how hard the Office for the Aging works for this vulnerable and important group of people that we serve and I believe that this move will help continue and improve the services that we provide for them. Thank you.

Chairman Chagnon: Thank you. Steve Abdella's hand is up.

Mr. Abdella: Yes Mr. Chairman, procedurally- I apologize for not mentioning this at the leadership meeting, but we would have you entertain a motion first to renew this resolution and get a second to bring it back up on the floor as renewed and then we would ask for a motion to amend as shown in the prefiles and then the third step would be if amended to then vote on it as amended.

Chairman Chagnon: O.K.

Legislator Gould: I would make that motion.

Chairman Chagnon: O.K., we have a motion by Legislator Gould to renew. Do I have a second?

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Legislator Whitford: I'll second that.

Chairman Chagnon: Any discussion? All those in favor please say aye. Opposed?

*Unanimously Carried to Renew RES. NO. 218-20*

Chairman Chagnon: Next, I'll be looking for a motion to amend.

Legislator Gould: I'll make that motion.

Legislator Nazzaro: Second.

Chairman Chagnon: Motion was made by Legislator Gould and seconded by Legislator Nazzaro. Discussion on the motion to amend? All those in favor please say aye. Opposed? Carried.

*Unanimously Carried to Amend RES. NO. 218-20*

Chairman Chagnon: Steve, am I now looking for a motion to bring the renewed and amended resolution to the floor. Is that correct?

Mr. Abdella: It is now on the floor and it has been amended, so at this point it is open for discussion and then a vote when that is over.

Chairman Chagnon: O.K. Thank you. Discussion on resolution 218-20 as renewed and amended? Any discussion? Hearing none, all those in favor please say aye. Opposed

Renew & Amend Res. No. 218-20 – UNANIMOUSLY ADOPTED

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RES. NO. 248-20  
Re-Appointments – Chautauqua Opportunities Board of Directors

By Human Services Committee:  
At the Request of County Executive Paul M. Wendel Jr.:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua Opportunities Governing Board.

Re - Appointments:

Rebecca Brumagin  
10606 Route 430

Findley Lake, NY 14736  
Term Expires: 6/30/21

Marie Carrubba

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19 Widrig Ave.		Irving, NY 14081
Jamestown, NY 14701	George Borrello	Term Expires: 6/30/21
Term Expires: 6/30/21	1014 South Shore Dr.	
Signed: Pavlock, Whitney, Lawton, Rankin, Whitford (Voted "yes" by video conference)		

Unanimously Adopted – December 16, 2020

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RES. NO. 249-20  
Confirm Re-Appointments - Chautauqua County Health Board

By Human Services Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

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

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

Andrew O'Brien	Dr. Lillian Vitanza Ney
96 Center Street	88 Gordon Street
Fredonia, N.Y. 14063	Jamestown, NY 14701
Term Expires: 12/31/2026	Term Expires: 12/31/2026

Signed: Pavlock, Whitney, Lawton, Rankin, Whitford (Voted "yes" by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 250-20  
Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services 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 Ethics Board.

John Marengo	
156 Whitehill Ave.	
Jamestown, N.Y. 14701	
Term Expires: 01/31/2023	Filling Term of Rose Sebouhian

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Signed: Scudder, Davis, Starks, Vanstrom (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 251-20  
Confirm Appointment – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:  
At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established as a county sewer district of the County of Chautauqua by Legislative Resolution 272-77; and

WHEREAS, a County Sewer Board consisting of seven (7) members was established as the administrative body of the District by Resolution 345-77; and

WHEREAS, a Board member whose term expires on December 31, 2020 prefers to retire from the Board; and

WHEREAS, County Sewer Board members have requested that the below named individual be considered by the Legislature for appointment to the Board; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints the following individual to the Board of the Portland-Pomfret-Dunkirk Sewer District effective January 1, 2021.

Kristian Lovern  
10460 Bayshore Dr.  
Dunkirk, NY 14048  
Term to Expire: December 31, 2026

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 252-20  
Confirm Re-Appointment – Portland-Pomfret-Dunkirk Sewer District Board

By Public Facilities Committee:  
At the Request of County Legislator Pierre Chagnon:

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WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established by County Resolution 272-77; and

WHEREAS, pursuant to County Law § 261 and County Resolution 345-77 the District is administered by a seven member County Sewer Board, with Board members serving staggered six year terms; and

WHEREAS, the County Sewer Board of the Portland-Pomfret-Dunkirk Sewer District has recommended the following re-appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following re-appointment to the Portland-Pomfret-Dunkirk Sewer District Board:

Marlene Webster  
70 Lemming St.  
Dunkirk, New York 14048  
Term Expires: 12/31/2026

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 253-20

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:  
At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following appointment to the South & Center Chautauqua Lake Sewer Districts Board:

Andrea McLean  
2836 Chautauqua Ave  
Ashville, N.Y. 14710  
Term Expires: 12/31/22

Filling Term of Jake Kane

and be it further

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RESOLVED, That effective January 1, 2021, the size of the South and Center Chautauqua Lake Sewer Districts Board is hereby fixed at seven (7) members.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

RES. NO. 254-20

Amend 2020 Budget Appropriations–South & Center Chautauqua Lake Sewer Districts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some South & Center Chautauqua Lake Sewer District expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

ESS.8110.----.8 EMPLOYEE BENEFITS - ADMINISTRATION	\$30,000
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DECREASE APPROPRIATION ACCOUNT:

ESS.8130.----.4 CONTRACTUAL – SEWAGE TREATMENT	\$30,000
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Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 255-20

Amend 2020 Budget Appropriations – North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some North Chautauqua Lake Sewer Districts expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

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ESN.8110.8112.8	EMPLOYEE BENEFITS - ADMINISTRATION,	
ADMINISTRATION		\$7,600

DECREASE APPROPRIATION ACCOUNT:

ESN.8130.8132.4	CONTRACTUAL – SEWAGE TREATMENT,	
SEWAGE TREATMENT		\$7,600

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 256-20

Amend Resolution 120-20 Authorizing Hangar A Lease Agreement with Luscombe Aircraft Corporation at the Chautauqua County Jamestown Airport to Enable Accelerated Recovery of Capital Improvement Expenses

By Public Facilities and Audit & Control Committees:  
At the County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Resolution 120-20, the County authorized a lease agreement with Luscombe Aircraft Corporation (“Luscombe”) to operate an aircraft manufacturing and refurbishment enterprise at the Jamestown Airport Hangar A; and

WHEREAS, under the terms of the lease agreement, Luscombe is obligated to pay County a monthly fixed rental fee of \$1,850; subject to a monthly rent credit of up to \$500 per month for capital improvements, with the maximum cumulative credit amount not to exceed \$48,000; and

WHEREAS, Luscombe seeks to construct site utility infrastructure that will provide public water, sewer, and natural gas utilities to a point of presence in Hangar A with said improvements having an estimated cost of \$25,000; and

WHEREAS, it is in the County’s best interests as the real property owner to incentivize Luscombe to make said capital improvements to the property; and

WHEREAS, Luscombe received CARES Act loans through the Chautauqua County Industrial Development Agency (CCIDA) to partially fund site utility infrastructure costs as well as other capital improvements necessary to make the hangar fit for the intended purpose of an occupied aircraft assembly workspace; and

WHEREAS, loan guarantees secured by Luscombe through the CCIDA or other sources are insufficient to fully capitalize site utility and building improvements needed to configure the

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leased facility for its intended purpose; therefore, Luscombe is seeking accelerated recovery of capital costs through rent credits from the County; and

WHEREAS, the Airport Commission has considered and recommends amending Luscombe's lease of Hangar A to provide for accelerated reimbursement of approved capital improvements; therefore be it

RESOLVED, That the County Executive is authorized and empowered to amend the current Hangar A lease agreement with Luscombe Aircraft Corporation for the purpose of allowing Luscombe Aircraft Corporation to receive rent reduction credits of up to \$1,000 per month for capital improvements, subject to the maximum cumulative credit amount not to exceed \$48,000.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell Voted "yes" by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 257-20  
Acceptance of CARTS 5311 2019-2020 Consolidated Grant

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

WHEREAS, The County of Chautauqua has been awarded grant funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code for the following projects:

- |   |              |
|---|--------------|
| 1. Mobility Management                        | \$189,678.00 |
| 2. Purchase 10 Replacement (Lot G) Buses      | \$826,900.00 |
| 3. Scheduling Software additions and upgrades | \$400,998.00 |
| 4. Replacement tablets and hardware           | \$15,000.00  |

; and

WHEREAS, funding for the Mobility Manager is shared at a rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this program were included in the 2020 and 2021 Adopted Budgets; and

WHEREAS, funding for 10 replacement (LOT G) Buses is shared at the rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this project were included in the 2020 Capital Budget; and



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WHEREAS, funding for the purchase of additional scheduling software and upgrades to our current system is shared at the rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this program were included in the 2021 Adopted Budget; and

WHEREAS, funding for the replacement tablets and hardware is shared at the rate of 80% Federal, 10% State and 10% local dollars, and revenues and expenditures for this program were included in the 2021 Adopted Budget; therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 258-20

Approving SEQRA Determination for Purchase of Land and Building for CARTS Hub in the City of Jamestown

By Public Facilities Committee:

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

WHEREAS, it has been proposed, through the use of NYSDOT grant funds, that the County purchase the land and building located at 215 East Third Street in the City of Jamestown upon which CARTS has operated a centralized public transportation hub since 2018; and

WHEREAS, the County Department of Public Facilities and the County Law Department have reviewed the proposed project and determined the project’s status as an “Unlisted” action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form (“SEAF”) has been prepared for the project;

WHEREAS, this Legislature has reviewed the SEAF, a copy of which is on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 3) the requirements of 6 NYCRR Part 617 have been met; and
- 4) implementation of the proposed actions will not result in any significant adverse environmental impacts; and be it further

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RESOLVED, That the County Executive and Director of Public Facilities are each hereby authorized as may be required to execute a “Negative Declaration” for the proposed action.

Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 259-20  
Approve Purchase of Land and Building for CARTS Hub in the City of Jamestown

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

WHEREAS, the Chautauqua Area Regional Transit System (CARTS) has fixed and rural public transportation routes that originate from a centralized location in the City of Jamestown located at 215 East Third Street across from the Jamestown Municipal Building; and

WHEREAS, this Jamestown hub location for CARTS has been operating under an existing license agreement since 2018 that allows CARTS to utilize a portion of the property for public transportation use; and

WHEREAS, an opportunity is available for CARTS to purchase the existing Jamestown hub location for the long-term benefit of the customers of CARTS, and to allow further development of the site to include off-street bus parking, a permanent enclosed waiting area, and potential revenue-producing concession space; and

WHEREAS, CARTS has obtained approval from the New York State Department of Transportation (NYSDOT) to use 100% New York State grant funding for the purchase and associated acquisition costs for this property; and

WHEREAS, the County has negotiated a proposed agreement with the Jamestown Urban Renewal Agency (JURA) whereby JURA will be responsible for any environmental remediation costs associated with the CARTS hub project; and

WHEREAS, the County has agreed to partner with the City of Jamestown and JURA to rehabilitate the existing building structure and façade utilizing additional 100% NYS DOT grant funding; such that incubator startup businesses can be permitted on the property that will provide revenues for CARTS while providing related services for CARTS customers; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all documents necessary to acquire 215 East Third Street (SBL # 387.41-1-31) from GPatti Third LLC for the purchase price of \$152,000; and be it further

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RESOLVED, That the County Executive is authorized and empowered to accept the NYSDOT grant offer of \$160,000 and execute all documents necessary to reimburse the County for the property sales price and associated property acquisition costs; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements with JURA and the City of Jamestown to accomplish any necessary environmental mediation and rehabilitation of the building and surrounding property; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.5630.5625.2	Equipment—Bus Operations, CARTS	\$160,000
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INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.9000	New York State Aid—Transportation	\$160,000
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Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 260-20

Amend 2021 Budget Appropriations for Capital Project for Landfill Vehicle and Equipment Purchases

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

WHEREAS, replacement of heavy equipment requires ongoing effort by the Chautauqua County Landfill, and this effort has been endorsed by the Chautauqua County Planning Board; and

WHEREAS, this effort is established as Capital Project EL.8160.022 and requires an annual investment of approximately \$1,000,000; and

WHEREAS, capital funds for this project were not included in the 2021 Adopted Budget; and

WHEREAS, these purchases are financed by user fees collected by the Chautauqua County Landfill; now therefore be it

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.022.4	Contractual—Vehicle & Equip Purch (Annual)	\$1,000,000
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Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

RES. NO. 261-20

Accept Donation from Schrader Family for Luensman Park Bench

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr. and Legislator John Hemmer:

WHEREAS, the Department of Public Facilities Parks Division is responsible for maintaining and improving parks, overland trails and water trails; and

WHEREAS, the Schrader Family wishes to donate up to \$700.00 to the Parks Division for the purchase and installation of a bench at Luensman Park in the honor of Nancy Schrader; and

WHEREAS, the Chautauqua County Parks Commission has considered and recommends accepting the donation and placement of the bench in the Gazebo of Luensman Park; therefore be it

RESOLVED, That up to \$700.00 be dedicated to the Parks 2021 Operating Budget for the Purchase of a bench and installation; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted budget:

INCREASE APPROPRIATION ACCOUNT:

A.7110. ----.4	Contractual-Parks	\$700
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INCREASE REVENUE ACCOUNT:

A.7110.----.R270.5000	Miscellaneous--Gifts and Donations	\$700
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Signed: Hemmer, Davis, Nazzaro, Scudder, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 262-20  
Amend 2020 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 in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.1	Personal Services – Sheriff – Sheriff Grants	\$19,400
A.3110.GRNT.4	Contractual - Sheriff - Sheriff Grants	\$28,520
A.3110.GRNT.8	Employee Benefits – Sheriff – Sheriff Grants	\$4,696
	Total	\$52,616

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R338.9000	New York State Aid – Other Public Safety	\$11,000
A.3110.GRNT.R438.9000	Federal Aid – Other Public Safety Aid	\$19,663
A.3110.GRNT.R438.90SG	Federal Aid – Operation Stone Garden	\$19,953
A.3110.GRNT.R432.0000	Federal Aid – Crime Control	\$2,000
	Total	\$52,616

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 263-20  
Authorize Contracts and Agreements with Local Police Departments for 2021-2022 STOP-DWI Enforcement Efforts

By Public Safety Committee:  
At the Request of County Executive Paul M. Wendel, Jr.

WHEREAS, it is necessary for the effective implementation of the STOP-DWI Plan for Chautauqua County to enter into contracts and agreements with various municipalities

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throughout the County, and to enter into memoranda of understanding with various County Departments including Office of the Sheriff and Probation Department; and

WHEREAS, funding for such contracts and agreements will be derived from STOP-DWI funds pursuant to the 2021-2022 STOP-DWI Plans and from New York State STOP-DWI Foundation through a grant from the Governor's Traffic Safety Committee via the National Highway Traffic Safety Administration; and

WHEREAS, these expense are included in the 2021 Adopted Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute contracts and agreements with various participating municipal corporations in Chautauqua County and County Departments for the purposes of implementing the current STOP-DWI Plan.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford (Voted "yes" by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 264-20

Authorize Agreement with Town of Charlotte for Enhanced Police Protection Services FY21

Public Safety and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the Town of Charlotte has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the remainder of the 2020 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Charlotte for the period of January 1, 2021 through December 31, 2021 for an estimated cost not to exceed \$9,000.00 based on an hourly rate of at least \$43.08 and a holiday hourly rate of at least \$54.52; and

WHEREAS, this revenue is included in the 2021 Budget so no budget amendments are needed; now therefore be it

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

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted "yes" by video conference)

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Unanimously Adopted – December 16, 2020

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RES. NO. 265-20

Authorize Agreement with Chautauqua Lake Central School District for Enhanced Police  
Protection Services FY21

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake Central School District has requested that the Chautauqua County Office of the Sheriff provide Deputy Sheriffs at sporting and social events at its schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2021 through December 31, 2021, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$43.08; and

WHEREAS, this revenue is included in the 2021 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police protection services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 266-20

Amend Emergency Services Appropriation Accounts for 2020 Budget

By Public Safety and Audit & Control Committees:

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

WHEREAS, Emergency Medical Services Fly Car & Ambulance sub-department expenses have exceeded initial budgetary estimates for employee benefits, and appropriations in the contractual accounts are expected to have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3989.EMS.8      Employee Benefits-Emergency Medical Service,

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Fly Car & Ambulance Services	\$34,000
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DECREASE APPROPRIATION ACCOUNT:

A.3989.EMS.4	Contractual- Emergency Medical Service, Fly Car & Ambulance Services	\$34,000
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Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

RES. NO. 267-20

Amend Emergency Services Budget for Vehicle Purchase Allocations and Sale of Surplus Vehicles

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

WHEREAS, The Office of Emergency Management Services (EMS) uses motor vehicles to provide fly car and other services; and

WHEREAS, such vehicles have remaining value after they are no longer useful for EMS purposes; and

WHEREAS, The Office of Emergency Management Services has complied with the surplus property policy regarding the sale of vehicles no longer needed for County purposes; and

WHEREAS, the 2020 Adopted Budget for EMS does not include vehicle purchase allocation expenditures because the department planned to sell its surplus property in 2019 and accelerate the vehicle purchase allocations into 2019; and

WHEREAS, the sale of surplus property was executed in 2020 and provided revenue to offset the unanticipated vehicle purchase allocation expenditures; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3989.EMS.4	Contractual-Emergency Medical Service, Fly Car & Ambulance Services	\$ 65,700
A.3010.----.4	Contractual-Emergency Services	\$ <u>34,300</u>
	Total	\$100,000

INCREASE REVENUE ACCOUNTS:

A.3989.EMS.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$ 65,700
A.3010.----.R266.5000	Sale of Property/Compensa--Sale of Equipment	\$ <u>34,300</u>



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Total	\$100,000
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Signed: Niebel, Bankoski, Pavlock, Hemmer, Whitford, Nazzaro, Gould, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 268-20

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

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

WHEREAS, the Chautauqua County Industrial Development Agency has the expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information and establish, enhance, and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2021 Adopted Budget; 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 to provide funding for the

Business Assistance Program in the amount of \$48,803 for the period from January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 269-20

Authorize Agreement with Small Business Development Center at Jamestown Community College

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

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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 Chautauqua County Legislature has appropriated funds for such services in its 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$28,589.00 for the term commencing as of January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 270-20

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

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

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

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

WHEREAS, CCDPD seeks to consolidate its office space and eliminate its Westfield office to facilitate enhanced collaboration and efficiency among CCDPD and CCIDA staff; and

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for this lease in its 2021 Adopted Budget; now therefore be it

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

1. Premises: 1,900 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$12,500.00 to be paid monthly at a rate of \$1,041.66 per month beginning in January 2021.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve (12) months commencing on January 1, 2021 and terminating on December 31, 2021, subject to termination by prior notice.
5. Other: As negotiated by County Executive.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 271-20  
Authorize Agreement with the County of Chautauqua Industrial Development Agency for  
Industrial Development and Promotion

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

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its 2021 Adopted Budget; 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 and promotion in the amount of \$84,110.00 for the period from January 1, 2021 through December 31, 2021.

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Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 272-20

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

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

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

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

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

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

WHEREAS, the Chautauqua County Legislature has appropriated funds for such services in its 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency to provide services which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County, in the amount of \$56,000.00, for the period from January 1, 2021 through December 31, 2021.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 273-20  
Confirm Updated By-Laws for the Lake Erie Management Commission

By Planning & Economic Development Committee:  
At the Request of Legislators Odell, Muldowney, Hemmer, Bankoski, Niebel, Harmon,  
Scudder, and County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Resolution 178-11, the County Legislature established the Lake Erie Management Commission (LEMC), and the LEMC's by-laws and membership were subsequently confirmed by the County Legislature in Resolution 38-12; and

WHEREAS, over the last eight years, the LEMC has effectively identified, prioritized, and recommended and delivered 2% Occupancy Tax Funding to stakeholders and municipalities in the Lake Erie Watershed; and

WHEREAS, the LEMC desires to amend its by-laws to increase its membership from 10 to 12 voting members, to decrease its meeting schedule from monthly to every other month, and to have the authority to appoint three (3) alternate representatives to the Lake Erie Watershed Protection Alliance (LEWPA); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following by-laws of the Lake Erie Management Commission:

Sec. 1 Establishment and Purpose The Lake Erie Management Commission (Commission) was created August 24, 2011, by Resolution No.178-11 of the Legislature. The Commission is to: (1) Prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan (International Document); (2) seek additional funding for Lake Erie watershed projects; (3) undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed.

Sec. 2 Members The Lake Erie Management Commission shall be composed of twelve (12) members who reside in the Lake Erie watershed, or those with local government or agency positions that involve the Lake Erie watershed, which number may be changed by the Legislature from time to time. The Lake Erie Management Commission shall include five (5) at-large members and seven (7) other members appointed from and by the following organizations:

1. Water Quality Task Force
2. Chautauqua County Soil & Water Conservation District
3. Chautauqua County Health Department
4. Chautauqua County Farm Bureau
5. Mayor and Supervisors
6. Sportsman Federation
7. Chautauqua County Fish Advisory Board

The Chairman and each member shall be confirmed by the Legislature and serve at the pleasure of the Legislature. Members shall not receive any compensation from the Lake Erie Management Commission for their services. The Chautauqua County Watershed Coordinator shall serve as an ex-officio member of the Commission without voting powers.

A member may resign at any time by giving his or her resignation to the Chairman. Vacancies shall be filled as soon as possible by the appointing organization and/or Legislature, and confirmed by the Legislature. In the case of the officers, the Commission shall elect the replacement as soon as possible.

**Sec. 3 Officers and Duties** The Commission shall elect annually a Chairman, Vice-Chairman and Secretary. The Secretary position may be held by persons with ex-officio status. The Chairman shall be the Chief Executive Officer of the Commission and shall have the general powers and duties of supervision and management of the Commission. The Vice-Chairman shall act in the absence of the Chairman and perform all duties of the Chairman during such absence. In addition, the Vice-Chairman and Secretary shall perform such other duties as the Chairman may request.

The mission of the Lake Erie Management Commission shall be to identify, prioritize, and recommend projects for the protection and enhancement of water related resources that promote a safe and healthy environment for all within the Chautauqua County Lake Erie Watershed. The Lake Erie Management Commission will seek to acquire and recommend funding for such projects.

The Commission will identify, prioritize, and recommend how the 2% Occupancy Tax Funding dedicated for watershed related projects within the Lake Erie watershed will be allocated.

The Commission shall have three (3) primary voting members (Soil and Water Conservation official, a local, and a County representative) who will represent Chautauqua County on the Lake Erie Watershed Protection Alliance (LEWPA) board as members of the LEMC.

The Commission shall have three (3) alternate voting members to represent Chautauqua County on the LEWPA board to assure Chautauqua County is properly represented at all meetings.

**Sec. 4 Committees** The Chairman may appoint an Executive Committee and such other committees as may be needed.

The Executive Committee shall be composed of the Chairman, Vice Chairman, and the secretary. The Executive Committee shall have and exercise the powers of the Commission between meetings of the full Commission. The Executive Committee shall not have the power to amend these By-laws.

Other Committees appointed by the Chairman shall have such powers as may be granted by the Chairman.

**Sec. 5 Administration** The Watershed Coordinator shall provide professional and administrative help to the Commission within his/her capabilities.

The Commission shall be funded by the County and such other sources as available.

**Sec. 6 Meetings** Regular meetings shall be every other month (bi-monthly) on the third Monday of the month. Time and meeting locations will be announced at least two weeks in advance. The Chairman may call special meetings as needed upon at least seven (7) days notice. A majority of the members of the Commission shall constitute a quorum for the transaction of business. All business of the Commission shall be by a majority vote of the whole number of members.

**Sec. 7 By-laws and Amendments** A majority of the whole number of members of the Commission shall be required to recommend amendment(s) to the By-laws for approval by the Legislature. These By-laws or any amendments thereto shall be approved by the Legislature prior to becoming effective.

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Signed: Odell, Starks, Muldowney, Ward (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 274-20

Approval of SEQRA Determination for Dutch Hollow Phase II Streambank Stabilization Project

By Planning & Economic Development Committee:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Resolution 146-15, the Chautauqua County Department of Planning and Development (CCDPD) submitted a grant application to the New York State Department of Environmental Conservation’s (NYSDEC) Water Quality Improvement Program – Round 12 (WQIP) for an environmental restoration project intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of six problematic tributary streams within the Chautauqua Lake watershed; and

WHEREAS, pursuant to Resolution 75-16, the Chautauqua County Legislature accepted \$1,073,170 in funding from the NYSDEC WQIP grant and pledged up to \$143,749 from the 2% Occupancy Tax Reserve and \$143,749 from reallocated Chautauqua Lake Management Commission capital program funds for the streambank stabilization projects; and

WHEREAS, pursuant to Resolution 75-16, the County determined that the streambank stabilization projects would not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, accordingly, issued negative declarations; and

WHEREAS, all of the NYSDEC WQIP streambank stabilization projects have been successfully implemented; however, the Dutch Hollow Mainstem and West Dutch Hollow Streambank Stabilization projects were completed under budget with \$246,663.83 remaining; and

WHEREAS, the NYSDEC has agreed to consolidate the remaining funding from the Dutch Hollow Mainstem and West Dutch Hollow Streambank Stabilization projects for the implementation of additional streambank stabilization measures on Dutch Hollow Creek (herein called “the Dutch Hollow Phase II Streambank Stabilization Project”); and

WHEREAS, CCDPD, after thorough consideration of the Dutch Hollow Phase II Streambank Stabilization Project and the desire to fully utilize the remaining NYSDEC WQIP grant funds in Chautauqua County, has hereby determined that additional streambank stabilization on Dutch Hollow Creek is desirable and is in the public interest; and

WHEREAS, CCDPD has prepared the Short Environmental Assessment Form (SEAF) for the Dutch Hollow Phase II Streambank Stabilization Project (the Action) and has analyzed and considered any relevant areas of environmental concern and the probable environmental

impacts of the Action to determine if the Action may have any significant adverse environmental effects; and

WHEREAS, CCDPD recommends that the Action to be classified as an Unlisted Action under 6 N.Y.C.R.R. 617.2 of the Environmental Conservation Law and does not require additional environmental review; now therefore be it

RESOLVED, That the County hereby finds and determines that the Dutch Hollow Phase II Streambank Stabilization Project will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York

Environmental Conservation Law and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617 and, accordingly, does issue a negative declaration.

Signed: Odell, Starks, Muldowney, Ward (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 275-20

Authorize Collection of Fines, Civil Penalties, Rent, Rates, Taxes, Fees, Charges and Other Amounts via the Internet

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

WHEREAS, Chautauqua County Resolution 179-17 authorized the acceptance of payment via credit card for amounts owed to the County, in accordance with New York State General Municipal Law Section 5; and

WHEREAS, New York State General Municipal Law Section 5-b authorizes the collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts via the internet; and

WHEREAS, use of the internet for such payments provides a convenience for both the County and for those who owe money to the County; now therefore be it

RESOLVED, That the Legislature determines that it is in the public interest for the County to accept such payments via the internet; and be it further

RESOLVED, That the acceptance by the Director of Finance of penalties, rents, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments or interest via a municipal internet website or the website of a third-party vendor that has contracted with the County to receive such payments on its behalf, is hereby authorized; and be it further



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RESOLVED, That such transactions be conducted in a manner consistent with General Municipal Law Section 5-b and State Technology Law Article 3; and be it further

RESOLVED, That under the oversight of the Director of Finance, department heads and their designees may require a service fee to be paid by the internet payer not exceeding the costs incurred by the County in connection with the internet transaction, including any fee owed by the County to a third-party vendor that has contracted with the County to receive such payments on its behalf; and be it further

RESOLVED, That submission via the internet may not be required as the sole method for the collection of fines, civil penalties, rent, rates, taxes, fees, charges and other amounts.

Signed: Scudder, Davis, Starks, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – December 16, 2020

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RES. NO. 276-20  
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 County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; 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 offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; 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.

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Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owng
PA-76-2018	City of Jamestown	060800-371.13-4-13	Jeffrey Sutton	James E. Ristau Sr.	\$500.00	\$5,126.36
PA-177-2018	Busti/Village of Lakewood	062201-368.19-2-22	Gerald N. Paddock	Jerry & Diane Horner	\$600.00	\$19,115.67
				<b>Total</b>	\$1,100.00	\$24,242.03

Signed: Scudder, Davis, Starks, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted “yes” by video conference)

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 277-20  
Making Appropriations for the Conduct of County Government For Fiscal Year 2021

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2021 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 228-20 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 228-20 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, 2021; 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

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 278-20  
Authorize Tax Levy

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there has been adopted a budget for the fiscal year of 2021 and

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WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2021 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 164-20, adopted July 22, 2020.
5. Upon the property on which school taxes are uncollected as of November 30, 2021, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2021, the amount of such uncollected village taxes;

Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2021 pursuant to law or resolution of this Legislature.

Signed: Chagnon

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 279-20  
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

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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

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 280-20  
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. 281-20  
Authorize Levy of Omitted Taxes

At the Request of Chairman Pierre E. Chagnon:

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

Signed: Chagnon

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 282-20  
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Pierre E. Chagnon:

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WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2021 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2021 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Chagnon

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

RES. NO. 283-20  
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2021 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2021 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.

Signed: Chagnon

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 284-20  
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

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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

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 285-20  
Fixing Equalization Rates for 2021

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 2020 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2021 tax rolls in the following towns and cities:

Arkwright	44.5%	Harmony	96.40%
Busti	96.20%	Jamestown, City	96.20%
Carroll	91.80%	Kiantone	96.40%
Charlotte	88.60%	Mina	100%
Chautauqua	92.80%	North Harmony	89.80%
Cherry Creek	84.20%	Poland	100%
Clymer	100%	Pomfret	17%
Dunkirk, Town	60%	Portland	51%
Dunkirk, City	75%	Ripley	97%
Ellery	90%	Sheridan	58%
Ellicott	100%	Sherman	100%

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Ellington	100%	Stockton	100%
French Creek	100%	Villanova	47%
Gerry	90.80%	Westfield	73%
Hanover	82%		

Signed: Chagnon

Unanimously Adopted – R/C Vote: 19 Yes – December 16, 2020

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RES. NO. 286-20  
Authorize Execution of Livescan Equipment Grant Program FY20

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

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State (NYS) Division of Criminal Justice Services has approved the application submitted for the Livescan Equipment Grant Program; and

WHEREAS, the funded Livescan Equipment Grant Program is inclusive of funding to replace units for the Chautauqua County Sheriff's Office and also the following partners in law enforcement, each of whom will be reimbursing CCSO for their Local Share portion: Jamestown Police Department, Ellicott Police Department, Lakewood Busti Police Department, Dunkirk Police Department, and Fredonia Police Department; and

WHEREAS, the State of New York will provide funding for the FY20 grant in the amount of \$105,000, for the performance period of December 1, 2020 through November 30, 2021; and

WHEREAS, capital project H.3110.06004 Server & Storage Repl (2019) includes funds for servers to support the electronic fingerprint system, but these servers are no longer needed because the new electronic fingerprint system uses cloud storage; and

WHEREAS, this grant is not currently included in the 2021 Adopted Budget, now therefore be it

RESOLVED, the County Executive is authorized to execute an agreement with the NYS Division of Criminal Justice Services to secure the grant funding as set forth above, and also be it

RESOLVED, the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.2	Equipment – Sheriff	\$49,700
A.3110.GRNT.2	Equipment – Sheriff, Sheriff Grants	<u>\$105,000</u>
	Total	\$154,700

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DECREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfers - Transfer to Capital	\$14,200
H.3110.06004.4	Contractual - Sheriff, Server & Storage Repl (2019)	<u>\$14,200</u>
	Total	\$28,400

INCREASE REVENUE ACCOUNTS:

A.3110.----.R226.0000	Shared Services-Chrgs: Oth Gov-Pub Safety	\$35,500
A.3110.GRNT.R338.9LVS	New York State Aid-Oth Publ Safty: Live Scan	<u>\$105,000</u>
	Total	\$140,500

DECREASE REVENUE ACCOUNT:

H.3110.06004.R503.1000	Interfund Transfers-Interfund Transfer	\$14,200
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Signed: Nazzaro, Niebel, Gould, Odell  
Unanimously Adopted – December 16, 2020

MEMORIAL:

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Charles Porpiglia  
By  
Legislator Robert Bankoski

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PRIVILEGE OF THE FLOOR

Clerk Tampio: I have received two emailed letters that I will read for you at this time. The first one was received December 2, 2020 and it comes from Keith Hagenbuch, P.H.D. of Parable Farms.

*“Executive Wendel and Chautauqua County Legislators:*

*My family and I own the largest farm in South Ripley, on which we raise organic cows, pigs, and turkeys. We have been relying on the future lease payments from the solar farm to supplement the income from our farm, something we have worked diligently to keep in the family for years.*

*As a retired physics professor and someone who cares about the environment, it is incredibly disappointing to hear the gross misinformation that is being spread about both this project and solar/storage technology in general. Perhaps it is my academic background, but I prefer to make statements that are solidly grounded in fact – not fiction, unlike several of my neighbors. I implore you to do the research, as I have done, and gain the knowledge that both PV solar and storage are proven technologies that communities around the globe not only rely on, but live and work near every day.*

*Reducing our reliance on fossil fuels will result in cleaner air, cleaner water, and improved safety. This will help reduce diseases such as asthma and cancer, as well as early deaths. The South Ripley Solar Project will be a visible symbol that shows that this community considers doing the right thing as a priority in terms of helping to save a habitable climate, protecting the environment, and improving the lives of people. This will make our area more attractive to prospective business development executives and people considering moving to our area.*



*Please use this letter as my statement of support for the South Ripley Solar Project.*  
*Kindly,*  
*Keith Hagenbuch, P.H.D.*  
*Parable Farms”*

Clerk Tampio: The second letter received by email on December 3, 2020 comes from Sarah Parker also of Parable Farms.

*“To whom it may concern:*

*I am writing today to express my support for the South Ripley Solar Project. My husband, father, and I own and operate the largest farm in South Ripley, an organic farm that our family has owned for generations. At one time, there were dozens of farms in the area, but over time they have slowly been driven out of business. The South Ripley Solar Project is the lifeline we have been looking for to keep our farm up and running. The payments we stand to receive are critical to keeping us in business. The steady, reliable income from the lease payment would change our lives. Farming is in our blood, and we have worked tirelessly to maintain it as a viable way to make a living. I have done the research am confident the project is safe and won't affect the activities we perform on the property.*

*We are aware that some of our neighbors have a different opinion about the project, but little if any of their messages are based in truth. By passing a resolution that the IDA cannot sign a PILOT agreement with the South Ripley Solar Project, which will directly benefit landowners, the Town of Ripley, the local school districts and Chautauqua County, you will be actively going against your stated mission. I care deeply about my community and believe it can be revitalized. Stay true to your mission and choose to help not only us, but all residents of Ripley, by enabling economic development and improving our way of life.*

*Sincerely,*  
*Sarah Parker*  
*Parable Farms”*

Clerk Tampio: That concludes the emailed comments.

Chairman Chagnon: Before I look for a motion from Legislator Gould, I would like to wish all my fellow legislators a very safe, healthy, and merry Christmas. I would also like to express my appreciation for your diligent work and working through this virtual reality that we find ourselves in trying to conduct the business of the county and of our constituents. So, I appreciate all of your work, all of your patience and all of your diligence in getting us through the meetings and through the actions that we need to take to conduct our business. Thank you.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:28 p.m.)

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CERTIFICATION ACKNOWLEDGEMENT

I, Katherine K. Tampo, being Clerk of the Chautauqua County Legislature, 2020, do hereby certify that we have caused to be compared the foregoing proceedings of the Chautauqua County Legislature with original papers on file in my office and that they are in true and exact copy of the same.

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BUDGET

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**THE 2020 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED  
IN THE LEGISLATURE'S CLERK OFFICE**

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January 22, 2020

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2. Letter – Kenneth J. Lawton – Certificate of Acceptance – District 10 Legislator
3. Letter – Chautauqua County Clerk – Jamestown DMV Parking
4. Letter – Paul M. Wendel Jr. – Resignation as District 10 Legislator
5. Letter – Co. Exec. Wendel – Designation of Acting Co. Executive
6. Letters (4) – Acting Co. Exec. Abdella – Appointments To Various Boards
7. Letter – County Attorney – Legal Services for County Legislature – 2020
8. Letter – District Attorney – Appointment of Assistant District Attorneys
9. Letter – District Attorney – Oath of Office
10. Letter – NYS Agriculture and Markets – District No. 1 Review
11. Letter – NYS Office of State Comptroller – Acknowledgement of Local Law 7-19
12. Letter/ Report – NYS Sheriff's Association Inc.

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February 26, 2020

1. Letters (8) – County Executive Wendel – Appointments To Various Boards
2. Letters (2) – County Executive Wendel – Appointments To Various Boards
3. Letter – District Attorney – Oath of Office
4. Letter – NYS Department of State – Ack. Receipt of LL 1-20
5. Letter – NYS DEC – Brownfield Cleanup Program Application
6. Letter – NYS Board of Elections – Early Voting Sites for 2020 Presidential Primary
7. Report – NYS Small Business Development Center - Chautauqua County Quarterly Report
8. Report – NYS Small Business Development Center - Chautauqua County Business Permit Center Quarterly Report
9. Report – NYS Small Business Development Center - Chautauqua County Business Permit Center Annual Report
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11. Report – Cornell Cooperative Extension – 2019 Annual Report
12. Letter/Invitation – Cornell Cooperative Extension – 8<sup>th</sup> Annual Green Tie Affair
13. Reports (2) – Fn. Director Crow – Investment Reports – November 2019 and December 2019

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1. Declaration – County Executive Wendel – State of Emergency
2. Letter – Legislator Muldowney – Resignation from Chautauqua County Legislature
3. Certificate to Fill Vacancy on Chautauqua County Legislature – District 1
4. Certificate of Acceptance to Fill Vacancy – District 1 –Kevin Muldowney
5. Certificate – Republican Committee – Re: Election Commissioner Brian Abram
6. Letters (2) – County Executive – Appointment to Various Boards
7. Notice of Public Hearing – Town of Chautauqua Zoning Board
8. Letter – Local Aviators at KJHW - Re: Proposed Hangar Lease with Luscombe Aircraft Corporation

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1. Declaration – County Executive Wendel – Extend State of Emergency
2. Letter – County Executive – Appointment to Chautauqua County Fire Advisory Board
3. Reports (2) – Fn. Director Crow – Investment Reports – January 2020 and February 2020
4. Email – Bruce Rockwell – Opposition to Hangar A Lease Agreement at Jamestown Airport
5. Proof of Publication (2) - The Post-Journal – Re: Public Hearings on the 04/22/2020 Agenda

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1. Letter – NYS Department of State – Ack. of State of Emergency Proclamation



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2. Letter – Town of Chautauqua – Zoning Board of Appeals Hearing
3. Report – Fn. Director Crow – Investment Reports – March 2020
4. Report – NYS Small Business Development Center – Quarterly Report
5. Email – Ryan DeBrino – Sales Tax and Hotel/Motel Tax Extenders
6. Proof of Publication (2) - The OBSERVER – Re: Public Hearings on the 04/22/2020 Agenda

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1. Letter – Town of Mina – Re: Chautauqua County Sewer Agency Update
2. Letter – NYS Agriculture and Markets – Agriculture District 8 Year Review
3. Letter – Town of Chautauqua – Public Hearing re: Application for Special Use Permit
4. Report – Fn. Director Crow – Investment Report – April 2020
5. Letters (2) – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2020 State Equalization Rates
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2. Minutes – Conewango Watershed Commission – Meeting Minutes
3. Report – NYS Department of Taxation and Finance – 2020 State Equalization Rates
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3. Letter – NYS Department of State – Acknowledgement of Local Law 2-20
4. Letter – NYS Department of Taxation and Finance – Acknowledge Receipt of Certified Resolution 166-20

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1. Proof of Publication - The Post-Journal & The Observer – Re: Public Hearing - Lease Agreement at Jamestown Airport
2. Minutes – Conewango Watershed Commission – Meeting Minutes
3. Report – Fn. Director Crow – Investment Report – June 2020
4. Reports (2) – Bonadio & Chairman Odell., LLP – Audit Reports for 2019

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1. Resignation - Ainsley M. Smith – Chautauqua County Parks Commission
2. Resignation – Frank J. Gould III – Southern Tier West Regional Planning Board
3. Appointment – Southern Tier West Board of Directors – County Executive Wendel
4. Certification – Election Commissioner Certification – Norman P. Green
5. Letter - Chautauqua County Ethics Board – Re: Financial Disclosures
6. Letter – NYS Office of Real Property Tax Services – Re: County Equalization Rates 2020
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10. Letter – Request to Submit Grant Application Form – County Executive Wendel
11. Proof of Publication – The Observer & The Post Journal – Re: Public Hearing – Tentative 2021 Budget and Sewer District Assessment Rolls
12. Proof of Publication – The Post Journal – Re: Public Hearing Notice for Local Law Intro. 2-20

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