

CHAUTAUQUA COUNTY LEGISLATURE

10/23/19

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR VANSTROM

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 9/25/19

PRIVILEGE OF THE FLOOR

(Members of the public may speak on any subject relating to any local law, resolution, or motion appearing on the agenda.

An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 9/25/19**

COMMENDATION:

**FREDONIA HIGH SCHOOL
2019 NATIONAL BLUE RIBBON SCHOOL**

By

**Legislator Christine Starks,
Legislator Robert Scudder**

PUBLIC HEARING:

**2020 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS**

COMMUNICATIONS:

- 1. Proof of Publication – Public Hearings – 2020 Tentative & Sewer District Assessment Rolls**
 - 2. Letter – Chautauqua County Fire Advisory Board- Support for Fourth County ALS Vehicle**
 - 3. Letter – County Executive – Appointment – EMS Council**
 - 4. Letter – Department of Transportation – Bridge Replacement Project**
 - 5. Report – Finance Director Crow – Investment Report – August 2019**
 - 6. Drescher & Malecki LLP - County Audit Year Ending 12/31/18**
 - 7. Chautauqua County 2020 Tentative Budget**
 - 8. Letter – Mary Jantzi – Re: Support for Chautauqua County 4-H**
 - 9. Letter – Brian Jantzi – Re: Support for Chautauqua County 4-H**
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CHAUTAUQUA COUNTY LEGISLATURE

10/23/19

LOCAL LAW INTRO. 5-19 – A Local Law to Amend the Sustainable Energy Loan Program in the County of Chautauqua

RESOLUTIONS:

- 239-19 Confirm Appointments – Emergency Medical Services Council**
 - 240-19 Close Capital Projects and Amend 2019 Budget—Landfill**
 - 241-19 Adjust DPF Building and Grounds Accounts**
 - 242-19 Adjust D.5112 Capital Improvement Account-Funded Roads**
 - 243-19 Amend 2019 Budget for Road Salt**
 - 244-19 Amend 2019 Budget for Jury Room Renovations in the Chautauqua County Courthouse and Carpet Replacement in Part 1 Hearing Rooms 103, 104, & 105 in the Mayville Municipal Building**
 - 245-19 Authorize Early Voting Aid to Localities Grant Award from the New York State Board of Elections**
 - 246-19 Authorize Acceptance of the 2020 Stop Violence Against Women (VAWA) Grant Program**
 - 247-19 HazMat Grant Program FY2018**
 - 248-19 Fiscal Year 2019 Hazardous Materials Emergency Preparedness (HMEP) Grant Program**
 - 249-19 Mental Hygiene HEALing Communities Study**
 - 250-19 Mental Hygiene Health Resources and Services Administration (HRSA) RCORP-Implementation Grant**
 - 251-19 Mental Health SAMHSA Expansion Grant/Tapestry**
 - 252-19 Acceptance of New York State OASAS Funds for Alcoholism and Substance Abuse Prevention and Treatment**
 - 253-19 Accept Grant Funding from the New York State Department of Agriculture and Markets to Update the Chautauqua County Agriculture and Farmland Protection Plan**
 - 254-19 Environmental Assessment of Projects for 2020 2% Occupancy Tax Projects**
 - 255-19 Authorize Advance of Funds to Chautauqua County Soil & Water for WQIP Projects - Jamestown Riverwalk Restoration and Silver Creek Dam Removal**
 - 256-19 Authorize Agreement with Cassadaga Valley Central School District for School Resource Officer**
 - 257-19 Quit Claim Deeds**
 - 258-19 Approving Labor Contract with Chautauqua County Sheriff Employees' Association (CCSEA)**
 - 259-19 Consider 2020 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action**
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CHAUTAUQUA COUNTY LEGISLATURE
10/23/19

MOTION:

- A. Proclaiming October 2019 as Domestic Violence Awareness Month in Chautauqua County**

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

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**LOCAL LAW
INTRODUCTORY NUMBER 5-19
CHAUTAUQUA COUNTY**

**A LOCAL LAW TO AMEND THE SUSTAINABLE ENERGY LOAN PROGRAM
IN THE COUNTY OF CHAUTAUQUA**

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

Section 1. This Legislature previously enacted Local Law No. 4-18 of the County of Chautauqua pursuant to provisions of New York General Municipal Law, to establish an amended Sustainable Energy Loan Program. This program authorized the Energy Improvement Corporation (“EIC”), a local development corporation acting on behalf of the County, to make funds available to qualified property owners for the installation of renewable energy systems and energy-efficiency measures. EIC has launched a new product called Open C-PACE, which removes the County’s administrative and financial obligations in the implementation of PACE financing. Therefore, the purpose of this law is to amend Local Law No. 4-18 to make the County’s Sustainable Energy Loan Program in conformity with EIC’s new Open C-PACE program. This local law shall be known as the “Energize NY Open C-PACE Local Law”.

Section 2. Local Law No. 4-18 of the County of Chautauqua, entitled “A Local Law to Amend the Sustainable Energy Loan Program in the County of Chautauqua,” is hereby amended in its entirety to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the Municipality and the State of New York (the “State”) to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, “EIC”), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the “Municipal Agreement”) to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the “Enabling Act”).

- B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.
- C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the “Energize NY Open C-PACE Local Law”.

§2. Definitions

- A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.
- B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Chautauqua, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

- A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.
- B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

- A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.
- B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

- B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
- D. The property owner is current in payments on any existing mortgage on the Qualified Property;
- E. The property owner is current in payments on any real property taxes on the Qualified Property; and
- F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”).
- B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
- C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
- D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the

Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.

- B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.
- C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

- A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.
- B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.
- C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each

Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

- D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
- E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.
- F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the

clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 3. This local law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Mark Odell

CHAUTAUQUA COUNTY LEGISLATURE

10/23/19

RES. NO. 239-19

Confirm Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, George M. Borrello, 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 to the Chautauqua County Emergency Medical Services Council.

David Thomas
6 Park Lane
Jamestown, NY 14701
Term Expires: 12/31/21
Replacing Phillip Wilson

Paul Miller
3875 Williams Street
Dunkirk, NY 14048
Term Expires 12/31/20
Replacing Matt Stafford

Priscilla Banes
31 Park Street
Jamestown, NY 14701
Term Expires: 12/31/19
Replacing Emilia Lindquist-Hartley

Sharoyrn Ruby
31 W. Summit Street
Lakewood, NY 14750
Term Expires: 12/31/19
Replacing Michael Volpe

Amy Romanik
12600A Alleghany Road
Silver Creek, NY 14136
Term Expires: 12/31/20
Brooks/TLC Rep.
Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

RES. NO. 240-19

Close Capital Projects and Amend 2019 Budget—Landfill

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects; and

WHEREAS, the work planned for capital project Phase 2 Capping (2010) (EL.8160.24685) will be completed as part of capital project Phase IV Construction (2007) (EL.8160.025), and no expenses have been incurred for project EL.8160.24685, so project EL.8160.24685 should be closed and its budget combined with the budget for project EL.8160.025; and

WHEREAS, the estimated overall cost of the two projects has changed; now therefore be it
RESOLVED, That the Director of Finance close capital project EL.8160.24685 Phase 2 Capping (2010); and be it further

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

INCREASE APPROPRIATION ACCOUNT:

EL.8160.025.4 Contractual—Environment-Phase IV Construction (2007) \$2,201,076

DECREASE APPROPRIATION ACCOUNT:

EL.8160.24685.4 Contractual—Environment-Phase 2 Capping (2010) \$1,301,076
Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon

RES. NO. 241-19
Adjust DPF Building and Grounds Accounts

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the DPF Building and Grounds Department is in need of a Pickup Truck Spreader for winter operations; and

WHEREAS, additional funds are needed to complete the equipment purchase; now therefore be it

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

DECREASE APPROPRIATIONS ACCOUNT:

A.1620.----.1 Personal Services--Buildings & Grounds \$4,200

INCREASE APPROPRIATION ACCOUNT:

A.1620.----.2 Equipment--Buildings & Grounds \$4,200

Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney (*PF: Typo corrected by addition of decimal point in "Increase Appropriation Account"*)

RES. NO. 242-19
Adjust D.5112 Capital Improvement Account-Funded Roads

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Cassadaga Windfarm LLC has been assessed a permit fee of \$2,407,000 by 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 road rights-of-way and for overweight and over-dimensional hauling; and

WHEREAS, the assessed permit fee is expected to be utilized to repair the County roads when Cassadaga 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 2019 Budget:

INCREASE APPROPRIATIONS ACCOUNT:

| | | |
|--------------|--|-------------|
| D.5112.393.4 | Contractual---Capital Improvements- Funded Road Program | \$2,407,000 |
|--------------|--|-------------|

ESTABLISH AND INCREASE REVENUE ACCOUNT:

| | | |
|----------------------|--------------------------------|-------------|
| D.5112.393.R259.0025 | Licenses & Permits—Permits-DPF | \$2,407,000 |
|----------------------|--------------------------------|-------------|

Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney

RES. NO. 243-19
Amend 2019 Budget for Road Salt

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, annual expenditures for road salt are anticipated to exceed initial budgetary estimates because it is necessary to begin the winter season with a significant inventory of road salt, and expenditures for road salt are recorded at the time of purchase; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

| | | |
|----------------------|---|-----------|
| A.----.----.917.0000 | Unassigned Fund Balance-Unassigned Fund Balance | \$500,000 |
|----------------------|---|-----------|

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|---|-----------|
| A.9901.9000.9 | Interfund Transfers – Interfund Transfers | \$500,000 |
|---------------|---|-----------|

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|------------------------------------|-----------|
| D.5142.----.4 | Contractual—Snow Removal: Co Roads | \$500,000 |
|---------------|------------------------------------|-----------|

INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|---|-----------|
| D.9901.9000.R503.1000 | Interfund Transfer – Interfund Transfer | \$500,000 |
|-----------------------|---|-----------|

Signed: Wilfong, Nazzaro, Scudder, Chagnon, Muldowney, Gould (PF: Carried with Legislator Gould voting “no”)

RES. NO. 244-19

Amend 2019 Budget for Jury Room Renovations in the Chautauqua County Courthouse and Carpet Replacement in Part 1 Hearing Rooms 103, 104, & 105 in the Mayville Municipal Building

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County currently has an agreement with the State of New York Unified Court System pertaining to courtroom and court staff office space on the second floors of the Gerace Office Building and the County Courthouse and the Family Court Space in the Mayville Municipal Building; and

WHEREAS, the State of New York Unified Court System Eighth Judicial Court District has made a tenant improvement request to renovate the Jury Room in the County Courthouse and to replace the carpeting in Part 1 Hearing Rooms 103, 104, and 105 of the Family Court in the Mayville Municipal Building; and

WHEREAS, the total projected cost to renovate the Jury Room is \$12,000 and the total projected cost to replace the carpet in the Part 1 Hearing Rooms is \$9,000; and

WHEREAS, under the current agreement the State of New York Unified Court System provides full reimbursement to the County for tenant improvement expenses; therefore be it

RESOLVED, That the County Finance Director is hereby authorized to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNTS:

| | |
|---|-----------------|
| A.1162.1135.4 Contractual – Unified Court Costs – Supreme Court | \$12,000 |
| A.1162.1140.4 Contractual – Unified Court Costs – Family Court | <u>\$ 9,000</u> |
| Total | \$21,000 |

INCREASE REVENUE ACCOUNT:

| | |
|--|----------|
| A.1162.9999.R302.1000 NYS Aid – State Aid Court Facilities | \$21,000 |
|--|----------|

Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney

RES. NO. 245-19

Authorize Early Voting Aid to Localities Grant Award from the New York State Board of Elections

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the Early Voting Aid to Localities Grant Project; and

WHEREAS, the State of New York will provide funding for a grant in the amount of \$85,012.25 for Contract #C004076-1110000 for the performance period of April 12, 2019 through December 31, 2020; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections for the implementation of Early Voting in Chautauqua County; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2019 Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$85,012.25 from the New York State Board of Elections Early Voting Aid to Localities Grant; and be it further

RESOLVED, That the County Executive is hereby authorized to execute Contract #C004076-111000 with New York State to obtain these funds; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|--------------------------------|----------|
| A.1450.----.4 | Contractual—Board of Elections | \$85,012 |
|---------------|--------------------------------|----------|

INCREASE REVENUE ACCOUNT:

| | | |
|------------------|--|----------|
| A.1450.R308.9007 | NYS Aid—Other State Aid: Elections Grt | \$85,012 |
|------------------|--|----------|

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould

RES. NO. 246-19

Authorize Acceptance of the 2020 Stop Violence Against Women (VAWA) Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Offices of the District Attorney and Sheriff have been awarded a grant in the amount of \$66,750 from the New York State Division of Criminal Justice Services 2019 Stop Violence Against Women (VAWA) Grant Program to be used from the period of January 1, 2020 to December 31, 2020; and

WHEREAS, the local match requirement will be provided by third party and in-kind services; and

WHEREAS, such funds are to be utilized for an Assistant District Attorney designated as a Special Victim's Prosecutor, a part-time Deputy Sheriff, and a Spanish Interpreter/Victim Advocate/Cultural Liaison; and

WHEREAS, these funds are included in the proposed 2020 Budget so no budget amendments are necessary; therefore be it hereby

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Division of Criminal Justice Services (DCJS) to accept a Stop Violence Against Women (VAWA) grant.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 247-19
HazMat Grant Program FY2018

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County, through the Office of Emergency Services, was awarded \$94,000 under the federal Hazardous Materials (“HazMat”) Grant Program; and

WHEREAS, the grant is intended to provide funds for local emergency response teams that provide HazMat services through equipment, training, exercise and planning projects; and

WHEREAS, the grant period runs from October 1, 2019 through August 31, 2021, and as may be extended; and

WHEREAS, upon acceptance of application and execution of the contract, funds will be allocated as necessary 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, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 248-19
Fiscal Year 2019 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County and its regional partnership were awarded funds of \$15,516.00 under the FY 2019 Hazardous Material Emergency Preparedness (HMEP) Grant Program, funded by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the HMEP planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the grant period runs from October 1, 2019 through September 30, 2020, and as may be extended; ~~therefore be it and~~

WHEREAS, upon acceptance of application and execution of the contract, funds will be allocated as necessary 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, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould
(PS: Amended by ~~strikeout~~ and new text indicated by underline)

RES. NO. 249-19
Mental Hygiene HEALing Communities Study

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Department of Mental Hygiene will be participating in the HEALing Communities Study which is funded by Columbia University from a Federal Grant it received; and

WHEREAS, beginning September 1, 2019 through March 31, 2023, the Department of Mental Hygiene will receive a minimum of \$191,300 annually for each of the four years with additional funding to be determined once study randomization occurs and the intervention is implemented; and

WHEREAS, the HEALing Communities Study will generate evidence about how tools for preventing and treating opioid addiction are most effective at the local level and will test the impact of an integrated set of evidence-based interventions; and

WHEREAS, the goal of the study is to prevent and treat opioid misuse and opioid use disorder (OUD) within 16 highly-affected counties in New York State and reduce opioid related deaths by 40 percent over three years; and

WHEREAS, these grant funds were not included in the 2019 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement and other necessary documents with Columbia University for the acceptance of such 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 HEALing Communities Study activities; and be it further

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

INCREASE REVENUE ACCOUNT:

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

INCREASE APPROPRIATION ACCOUNT:

| | |
|---|----------|
| A.4320.----.4 Contractual—Mental Hygiene Programs | \$15,000 |
|---|----------|

Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 250-19
Mental Hygiene Health Resources and Services Administration (HRSA) RCORP-Implementation Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Department of Mental Hygiene has been awarded a Health Resources and Services Administration (HRSA) RCORP-Implementation Grant to implement a set of prevention, treatment, and recovery strategies over a three-year period; and

WHEREAS, the grant covers the period of September 01, 2019 through August 31, 2022, and the maximum amount of funding over the term of the grant is \$1,000,000; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will address access barriers to addiction services for those with an opioid or substance use disorder, will expand the availability of best practices in the addiction field, and will coordinate the work of community task forces to enhance their ability to collaborate, implement and sustain prevention, treatment and recovery services in our rural communities; and

WHEREAS, these grant funds were not included in the 2019 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 2019 Budget:

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000 Federal Aid—Federal Aid-Ment Hlth \$83,621

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4 Contractual—Mental Hygiene Programs \$83,621

Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 251-19
Mental Health SAMHSA Expansion Grant/Tapestry

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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

WHEREAS, the grant covers the period of September 30, 2019 through September 29, 2023 and the maximum amount of funding over the term of the grant is \$4,000,000, distributed at \$1,000,000 each year of the grant; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will continue the transformation of the system of care serving children/adolescents and their families that was initiated in 2008 by expanding the quality and scope of available services, partnering with NYS SOC and NYS OMH, OASAS and OCFS to bring systems of care to scale statewide, and using evaluation data to drive community priorities and funding decisions; and

WHEREAS, these grant funds were not included in the 2019 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 2019 Budget:

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0001 Federal Aid—Mental Hygiene-SAMHSA \$150,000

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4 Contractual—Mental Hygiene Programs \$150,000

Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 252-19

Acceptance of New York State OASAS Funds for Alcoholism and Substance Abuse Prevention and Treatment

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the State of New York Office of Alcoholism and Substance Abuse Services (OASAS) has awarded to the Chautauqua County Department of Mental Hygiene additional funds to be used for chemical dependency residential and treatment programs; and

WHEREAS, beginning on July 1, 2019, the Chautauqua County Department of Mental Hygiene will act as a pass-through to UPMC Chautauqua WCA for funds in the amount of \$462,000 for chemical dependency residential and treatment programs in Chautauqua County; and

WHEREAS, beginning January 1, 2020, the pass-through funding amount from the Chautauqua County Department of Mental Hygiene to UPMC Chautauqua WCA shall increase to \$700,000; and

WHEREAS, these funds are ongoing each year until such funding is unavailable; and

WHEREAS, these New York State OASAS funds were not included in the 2019 Budget; therefore, be it

RESOLVED, That the County Executive is authorized to execute an agreement with New York State OASAS to obtain these funds for so long as funds are available to the County and are included in the County budget; and be it further

RESOLVED, That the County Executive is authorized to execute any and all agreements with UPMC Chautauqua WCA for use of these funds so long as funds are available to the County and are included in the County budget; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000 New York State Aid—Mental Health \$462,000

INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4 Contractual—Mental Hygiene Programs \$462,000

Signed: Wilfong, Rankin, O’Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

RES. NO. 253-19

Accept Grant Funding from the New York State Department of Agriculture and Markets to Update the Chautauqua County Agriculture and Farmland Protection Plan

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Sixty-one percent of land in Chautauqua County is designated as prime farmland and a total of 1,228 active farm operations make up thirty-five percent of total land area in the County; and

WHEREAS, the current Chautauqua County Farmland Protection Plan was adopted in 2000 and reflects agricultural and economic information that is outdated and no longer useful; and

WHEREAS, Chautauqua County's agricultural industry and agricultural markets have changed over the past eighteen years, creating new and evolving challenges; and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan prioritizes strategies to protect and support the County's agricultural resources and economy and to promote agri-tourism and alternative enterprises that support the viability of farms; and

WHEREAS, an updated Chautauqua County Agriculture and Farmland Protection Plan will provide resources and strategies to protect agricultural lands and support economic viability of agriculture and related businesses; and

WHEREAS, pursuant to Resolution No. 244-18, the Chautauqua County Legislature authorized the County to submit an application for funding for County Agriculture and Farmland Protection Planning Grants from the New York State Department of Agriculture and Markets; and

WHEREAS, the Chautauqua County Division of Planning and Community Development applied for and was awarded a \$50,000 grant from the New York State Department of Agriculture and Markets to update the Chautauqua County Agriculture and Farmland Protection Plan; and

WHEREAS, the Chautauqua Region Community Foundation has pledged \$30,000 towards the required match for this project; and

WHEREAS, Chautauqua County's Cornell Cooperative Extension and the Chautauqua County Division of Planning and Community Development will provide the remaining local match of \$20,000 in staff time; and

WHEREAS, the County is required to officially accept the County Agriculture and Farmland Protection Planning Grant from the New York State Department of Agriculture and Markets; and

WHEREAS, a subsequent resolution to propose necessary amendments to revenue and expenditure budgets will be prepared when the County is ready to implement the grant; now therefore be it

RESOLVED, That the Chautauqua County Legislature officially accepts the County Agriculture and Farmland Protection Planning Grant from the New York State Department of Agriculture and Markets in the amount of \$50,000; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement said funding.

Signed: Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

RES. NO. 254-19
Environmental Assessment of Projects for 2020 2% Occupancy Tax Projects

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 235-19 that the Chautauqua County Department of Planning and Development (“CCDPD”) conduct a New York State Environmental Quality Review (“SEQRA”) for three projects approved by the Waterways Panel for funding in 2020 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 8, 9 and 10 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 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.

| Project/Agency or Organization | Rank | Amount Requested | Amount Recommended |
|---------------------------------------|-------------|-------------------------|---------------------------|
| Lighthouse Point | 8 | \$ 24,136 | \$ 24,136 |
| Morse | 9 | \$ 11,612 | \$ 11,612 |
| Park | 10 | \$ 10,760 | \$ 10,760 |
| TOTALS | | \$ 46,508 | \$ 46,508 |

Signed: Chagnon, O’Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

RES. NO. 255-19

Authorize Advance of Funds to Chautauqua County Soil & Water for WQIP Projects - Jamestown Riverwalk Restoration and Silver Creek Dam Removal

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County Soil & Water (Soil & Water) is the recipient of funding from the New York State Department of Environmental Conservation (NYSDEC) Water Quality Improvement Program (WQIP) in the amount of \$313,890 for the Jamestown Riverwalk Restoration project and \$217,000 for the Silver Creek Dam Removal project (hereinafter "Projects"); and

WHEREAS, Soil & Water has entered into a State Assistance Contracts (SAC) with the NYSDEC in which Soil & Water will contract with outside contractors to execute the scope of work for each Project as defined in its SAC; and

WHEREAS, work under the SAC for the Jamestown Riverwalk Restoration project will commence during Fall 2019 and the work for the Silver Creek Dam Removal project will commence during Summer 2020; and

WHEREAS, NYSDEC WQIP grants are for reimbursement of eligible grant-related costs; and

WHEREAS, Soil & Water has submitted requests to the NYSDEC to provide a 25% cash advance for each Project, which assists successful applicants with cash flow during the implementation of their projects; and

WHEREAS, Soil & Water anticipates additional cash flow needs during the implementation of the Projects not to exceed \$398,167.50; and

WHEREAS, pursuant to Section 223 of the County Law, Chautauqua County desires to advance Soil & Water up to \$398,167.50 over the next two years to fund these projects under the SAC, and Soil & Water shall reimburse the County such funds upon receiving reimbursement for eligible grant-related project costs; and

WHEREAS, these funds are not allocated in the 2019 Budget; now therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the County to advance Chautauqua County Soil & Water up to \$398,167.50 over the next two years to fund those projects under the State Assistance Contract with the New York State Department of Environmental Conservation, and Soil & Water shall reimburse the County such funds upon receiving its New York State Local Assistance Award; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any contracts with Chautauqua County Soil & Water to advance funds up to \$398,167.50 over the next two years for those projects under the State Assistance Contract; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual – Planning, Watershed Administration \$398,168

INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R238.9002 Shared Services--Oth Home & Community Svcs – Oth Govts \$398,168

Signed: Chagnon, O'Connell, Starks, Proctor, Nazzaro, Muldowney, Gould

RES. NO. 256-19

Authorize Agreement with Cassadaga Valley Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Cassadaga Valley Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of November 1, 2019 through August 31, 2020; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Cassadaga Valley Central School District to provide a certified School Resource Officer for the 2019-2020 school year at a total cost of \$64,630; and

WHEREAS, this is a new contract and is not included in the 2019 Budget but is included in the 2020 Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Cassadaga Valley Central School District for the purpose of providing a School Resource Officer for the 2019-2020 school year as set forth above; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|-----------------------------|----------|
| A.3110.----.1 | Personal Services – Sheriff | \$ 9,669 |
| A.3110.----.8 | Employee Benefits – Sheriff | \$ 3,257 |
| | Total | \$12,926 |

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000 Shared Services – Chrgs: Oth Gov-Pub Safety \$12,926

Signed: Niebel, Bankoski, Vanstrom, Whitford, Chagnon, Nazzaro, Muldowney, Gould (*PS: Carried with Legislator Pavlock Abstaining*)



RES. NO. 257-19
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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 | SCHEDULE 1 | | |
|--------------|-------------------|--------------------|-----------------------------|--------------------|--------------------|
| | | | Purchaser | Offer Amount | Taxes Owning |
| PA-29-2019 | City of Dunkirk | 060300-79.19-4-5 | Cheap Lands, Inc. | \$102.00 | \$2,592.96 |
| PA-83-2019 | City of Jamestown | 060800-371.09-4-68 | MFN Enterprises | \$5,445.00 | \$3,579.47 |
| PA-65-2017 | City of Jamestown | 060800-371.09-4-69 | MFN Enterprises | \$55.00 | \$0.00 |
| PA-119-2019 | City of Jamestown | 060800-387.08-4-52 | William Soto | \$2,000.00 | \$3,447.87 |
| PA-144-2019 | City of Jamestown | 060800-387.12-3-61 | Mark & Christina Phanco | \$2,000.00 | \$13,134.08 |
| PA-158-2019 | City of Jamestown | 060800-387.15-7-26 | MFN Enterprises | \$1,500.00 | \$3,740.95 |
| PA-267-2019 | Cherry Creek | 063000-237.11-2-19 | Cheap Lands, Inc. | \$102.00 | \$8,849.46 |
| *PA-293-2018 | Pomfret | 065889-131.09-1-9 | Cheap Lands, Inc. | \$102.00 | \$9,644.51 |
| *PA-293-2018 | Pomfret | 065889-131.09-1-9 | Summerville Properties Inc. | \$500.00 | \$9,644.51 |
| *PA-293-2018 | Pomfret | 065889-131.09-1-9 | Susan & Harold Linton | \$4,600.00 | \$9,644.51 |
| *PA-293-2018 | Pomfret | 065889-131.09-1-9 | MFN Enterprises | \$8,000.00 | \$9,644.51 |
| *PA-403-2019 | Ripley | 066200-240.12-3-25 | Cheap Lands, Inc. | \$102.00 | \$6,789.80 |
| *PA-403-2019 | Ripley | 066200-240.12-3-25 | Summerville Properties Inc. | \$500.00 | \$6,789.80 |
| PA-427-2019 | Westfield | 067201-193.13-1-19 | Summerville Properties Inc. | \$250.00 | \$6,442.94 |
| | | | Total | \$25,258.00 | \$93,945.37 |
| | | | | \$19,954.00 | \$58,222.04 |

Signed: Scudder, Davis, Muldowney, Starks, Proctor, Chagnon, Nazzaro, Gould (AS: Amended by strike through and new totals underlined)

RES. NO. 258-19

Approving Labor Contract with Chautauqua County Sheriff Employees' Association (CCSEA)

By Public Safety, Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua and CCSEA have reached a tentative agreement for the period January 1, 2018, through December 31, 2023; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the tentative agreement between the County and CCSEA to include modifications to health plan options, modifications to retiree health insurance benefits, and a onetime payment of nine hundred dollars (\$900) for members of full time status during 2018, a onetime payment of four hundred and fifty dollars (\$450) for each part-time member active during 2018 and still employed, and a two percent (2%) wage increase for 2019 retroactive to January 1, 2019; a three percent (3%) wage increase for 2020; a three percent (3%) wage increase for 2021, a three percent (3%) wage increase for 2022, and a three percent (3%) wage increase for 2023; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate the new labor agreement with CCSEA

Signed: Whitford, Pavlock, Bankoski, Muldowney, Davis, Starks, Proctor, Vanstrom, Chagnon, Nazzaro, Gould (AS: Carried with Legislator Scudder voting "no")(PS: Carried with Legislator Niebel voting "no")

RES. NO. 259-19

Consider 2020 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 Chagnon, Nazzaro, Muldowney and Gould:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2020 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 2020 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---|----------------|
| A.1320.----.4 | Contractual - Internal Audit | \$48,000 |
| A.1420.----.1 | Personal Services - County Attorney | \$32,987 |
| A.1420.----.8 | Employee Benefits - County Attorney | \$7,629 |
| A.1610.----.4 | Contractual - Office Services | \$67,554 |
| A.3150.----.1 | Personal Services - Jail | \$510,001 |
| A.3989.----.4 | Contractual - Emergency Medical Service-Fly Car Program | \$54,240 |
| A.4320.----.2 | Equipment - Mental Hygiene Programs | \$3,500 |
| A.4320.----.4 | Contractual - Mental Hygiene Programs | \$1,246,500 |
| A.6010.----.1 | Personal Services - Social Services Admin | \$75,000 |
| A.8730.----.4 | Contractual - Forestry | <u>\$4,100</u> |
| | Total | \$2,049,511 |

DECREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|---|----------------|
| A.1310.----.1 | Personal Services - Insurance Administration | \$500 |
| A.1310.----.8 | Employee Benefits - Insurance Administration | \$116 |
| A.1620.----.1 | Personal Services - Buildings & Grounds | \$69,945 |
| A.1620.----.8 | Employee Benefits - Buildings & Grounds | \$33,927 |
| A.1670.----.4 | Contractual - Print Shop | \$67,554 |
| A.2960.ADMN.4 | Contractual - Educ: Handicapped Children-Administration | \$400,000 |
| A.3020.E911.1 | Personal Services - Publ Safety Communication-E911 System | \$7,661 |
| A.3020.E911.8 | Employee Benefits - Publ Safety Communication-E911 System | \$598 |
| A.3020.PSCN.4 | Contractual - Publ Safety Communication-Pub Sfy Communication Network | \$20,000 |
| A.3110.----.4 | Contractual - Sheriff | \$22,600 |
| A.3150.----.8 | Employee Benefits - Jail | \$114,859 |
| A.3989.EMS.1 | Personal Services - Emergency Medical Service-Fly Car Program | \$149,672 |
| A.3989.EMS.8 | Employee Benefits - Emergency Medical Service-Fly Car Program | \$96,376 |
| A.4010.NURS.1 | Personal Services - Public Health Admin-Nursing | \$5,000 |
| A.4010.NURS.4 | Contractual - Public Health Admin-Nursing | \$60,758 |
| A.4010.NURS.8 | Employee Benefits - Public Health Admin-Nursing | \$1,233 |
| A.4017.JAIL.1 | Personal Services - Clinics-Jail | \$15,000 |
| A.4017.JAIL.8 | Employee Benefits - Clinics-Jail | \$3,702 |
| A.6123.RTA.1 | Personal Services - Juvenile Delinquent Care-Raise the Age | \$32,987 |
| A.6123.RTA.8 | Employee Benefits - Juvenile Delinquent Care-Raise the Age | \$7,632 |
| A.6772.----.4 | Contractual - Office for the Aging | <u>\$6,140</u> |
| | Total | \$1,116,260 |

INCREASE REVENUE ACCOUNTS:

| | | |
|-----------------------|---|------------------|
| A.1310.9999.R105.1000 | Oth R/Property Tax Items-Sales: Tax Acquired Prop | \$107,247 |
| A.1310.9999.R109.0000 | Oth R/Property Tax Items-Int & Pen: Real Prop Tax | \$68,629 |
| A.1310.9999.R111.0000 | Non Property Tax Items-Sales Tax | \$232,020 |
| A.1310.9999.R111.0CTY | Non Property Tax Items-Sales Tax-County Share | \$131,478 |
| A.1610.----.R221.0002 | Shared Services-Shared Services Printing | \$60,000 |
| A.4059.----.R460.1EIM | Federal Aid-Early Intervention Medicd | \$10,000 |
| A.4059.----.R460.1HHM | Federal Aid-Health Homes Medicaid | \$11,000 |
| A.4090.----.R160.1FIN | Departmental Income-Fees: Public Health Fines | \$5,000 |
| A.4090.----.R160.1OTH | Departmental Income-Fees: Public Health Other | \$2,500 |
| A.4320.----.R349.0000 | New York State Aid-Mental Health | \$400,000 |
| A.4320.----.R449.1000 | Federal Aid-Mental Health-SAMHSA | <u>\$850,000</u> |
| | Total | \$1,877,874 |

DECREASE REVENUE ACCOUNTS:

| | | |
|-----------------------|--|-----------|
| A.1170.----.R302.5000 | New York State Aid-State Aid Indigent Legal Services | \$24,183 |
| A.1670.----.R221.0002 | Shared Services-Shared Services Printing | \$60,000 |
| A.2960.ADMN.R327.7000 | New York State Aid-Ed Handicapped Children | \$327,250 |
| A.3020.E911.R114.0000 | Non Property Tax Items-Surchrg: Emerg Phone Sys | \$8,259 |

| | | |
|----------------------|---|-----------------|
| A.3989.EMS.R158.9100 | Departmental Income-Other Public Safety Income Medicare Pymts | \$17,990 |
| A.3989.EMS.R158.9101 | Departmental Income-Other Public Safety Income Medicaid Pymts | \$22,665 |
| A.3989.EMS.R158.9102 | Departmental Income-Other Public Safety Income Private Insurance Pymts | \$6,887 |
| A.3989.EMS.R158.9103 | Departmental Income-Other Public Safety Income Private Pay | \$144,266 |
| A.6123.RTA.R362.3000 | New York State Aid-Juvenile Delinquent | <u>\$40,619</u> |
| | Total | \$652,119 |

INCREASE THE USE OF FUND BALANCE:

| | | |
|----------------------|--|-----------|
| A.----.----.880.0000 | Reserved Fund Balance--Tax Stabilization | \$100,060 |
|----------------------|--|-----------|

DECREASE THE USE OF FUND BALANCE:

| | | |
|-----------------------|--|----------------|
| A.----.----.917.0000 | Unassigned Fund Balance--Unassigned Fund Balance | \$1,026,396 |
| DM.----.----.915.0000 | Unassigned Fund Balance--Assigned/Unappropriated Fund Balance | <u>\$1,965</u> |
| | Total | \$1,028,361 |

and be it further

RESOLVED, that exhibits and schedules presented in the 2020 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, That the 2020 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$64,228,957 and an estimated Full Value Rate of \$8.46.

Signed: Chagnon, Nazzaro, Gould, Muldowney (*AC: Amended by Substitution*)

CHAUTAUQUA COUNTY
MOTION NO. ___-19

TITLE: Proclaiming October 2019 as Domestic Violence Awareness Month in Chautauqua County

AT THE REQUEST OF: Legislator Elisabeth Rankin:

WHEREAS, October 2019 is National Domestic Awareness month; and

WHEREAS, in our nation, as well as in Chautauqua County, homes should be places of comfort and stability where love and mutual respect thrive. Domestic violence erodes this environment, leaving many of our citizens in potentially life-threatening situations; and

WHEREAS, domestic violence affects countless Americans regardless of income, gender, or socioeconomic status; as victims suffer at the hands of a spouse or partner, it affects their children, families, and entire communities; and

WHEREAS, women make up a disproportionately high number of victims of domestic violence, with nearly half of female homicide victims killed by a current or former male partner; and

WHEREAS, Chautauqua County joins with others across New York State and the Nation in supporting victims of domestic violence and share the worthy goals of this month-long observance, and likewise support the work of public and private entities that strive to provide the best coordinated response to domestic violence in communities across this state, sending a loud and clear message to abusers that domestic violence is not tolerated in Chautauqua County; now therefore be it

KNOWN, That the Chautauqua County Legislature does hereby proclaim October 2019 to be:

Domestic Violence Awareness Month
In
Chautauqua County

And encourages all our citizens to renew a commitment to support and protect victims, hold perpetrators accountable, and prevent violence before it starts in order to sustain the hope of a better life for victims and to foster safer homes and relationships.

Short Environmental Assessment Form

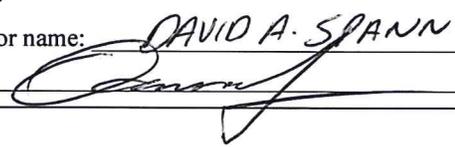
Part 1 - Project Information

Instructions for Completing

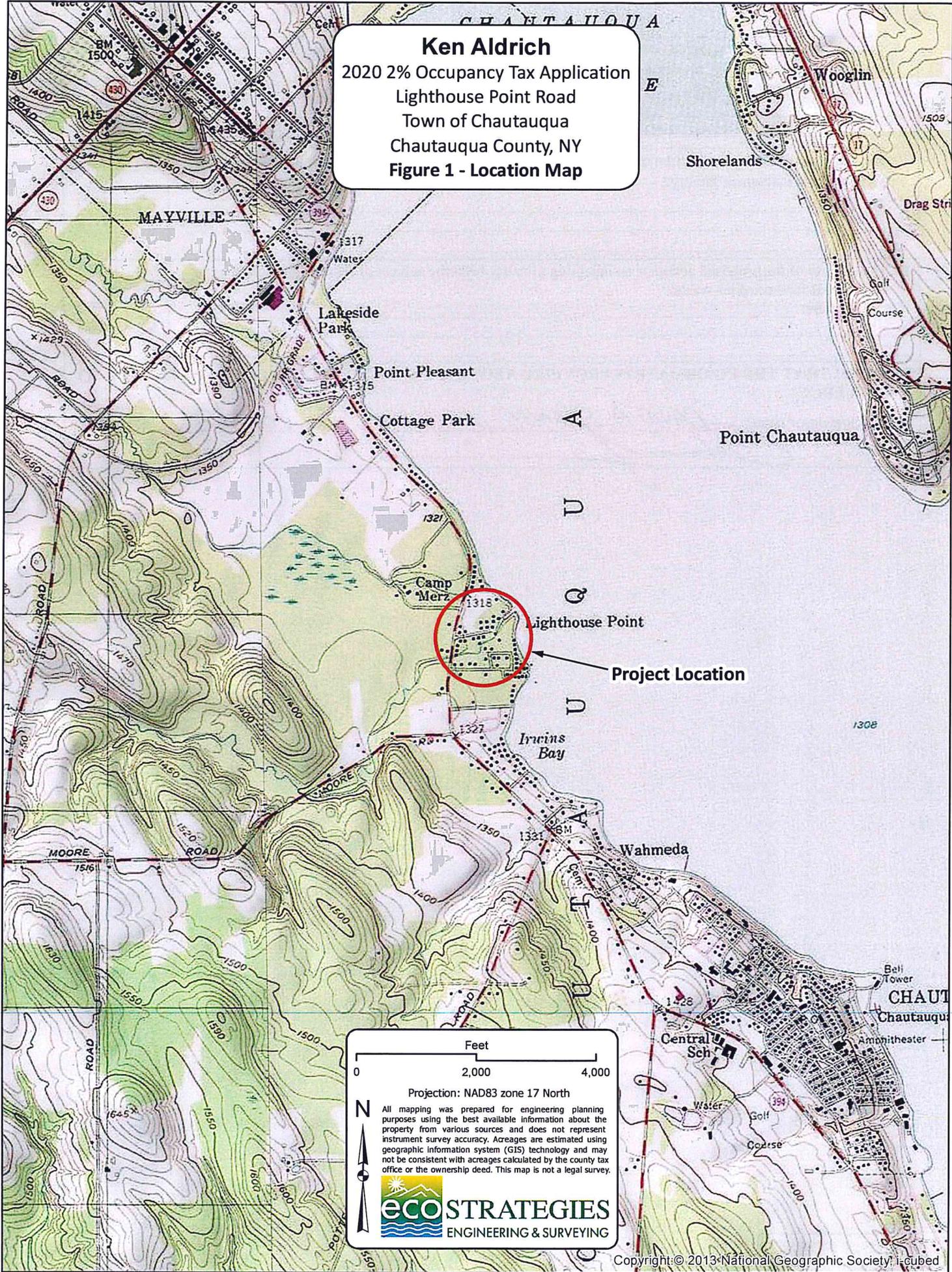
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|--|--|----------------------------------|--|
| Part 1 - Project and Sponsor Information | | | |
| Lighthouse Point/Ken Aldrich | | | |
| Name of Action or Project: Lighthouse Point Streambank Stabilization (Clear Creek) | | | |
| Project Location (describe, and attach a location map): Off of New York State Route 394 on Chautauqua Lake, Town of Chautauqua | | | |
| Brief Description of Proposed Action: This project will stabilize approximately 250' of streambank along Clear Creek Creek on properties of the Lighthouse Point Homeowners Association. The project will involve the removal of fallen trees and the installation of large riprap and native plantings to reduce erosion and sedimentation into Chautauqua Lake. | | | |
| Name of Applicant or Sponsor: Ken Aldrich | | Telephone: (716) 664-2351 | |
| | | E-Mail: cpinkoski@soil&water.org | |
| Address: 220 Fluvanna Avenue Suite 600 | | | |
| City/PO: Jamestown | | State: New York | Zip Code: 14701 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input checked="" type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: A NYSDEC Article 15 permit will be required. Funding is provided by the Chautauqua County Occupancy Tax Program for Lakes & Waterways. | | | NO <input type="checkbox"/> |
| | | | YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | _____ 0.1 acres | |
| b. Total acreage to be physically disturbed? | | _____ 0.2 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | _____ 4+/- acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | |
|--|--|--|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>DAVID A. SPANN</u> Date: <u>10/7/19</u></p> <p>Signature: <u></u></p> | | |

Ken Aldrich
 2020 2% Occupancy Tax Application
 Lighthouse Point Road
 Town of Chautauqua
 Chautauqua County, NY
Figure 1 - Location Map



Feet
 0 2,000 4,000

Projection: NAD83 zone 17 North

All mapping was prepared for engineering planning purposes using the best available information about the property from various sources and does not represent instrument survey accuracy. Acreages are estimated using geographic information system (GIS) technology and may not be consistent with acreages calculated by the county tax office or the ownership deed. This map is not a legal survey.

ecoSTRATEGIES
 ENGINEERING & SURVEYING

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

| | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | | |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. Will the proposed action impair the character or quality of the existing community? | | |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | | |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | | |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | | |
| b. public / private wastewater treatment utilities? | | |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | | |
| 11. Will the proposed action create a hazard to environmental resources or human health? | | |

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Short Environmental Assessment Form

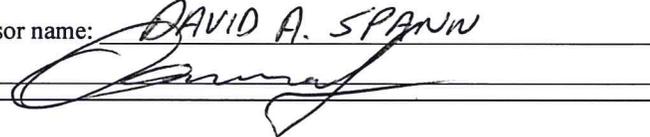
Part 1 - Project Information

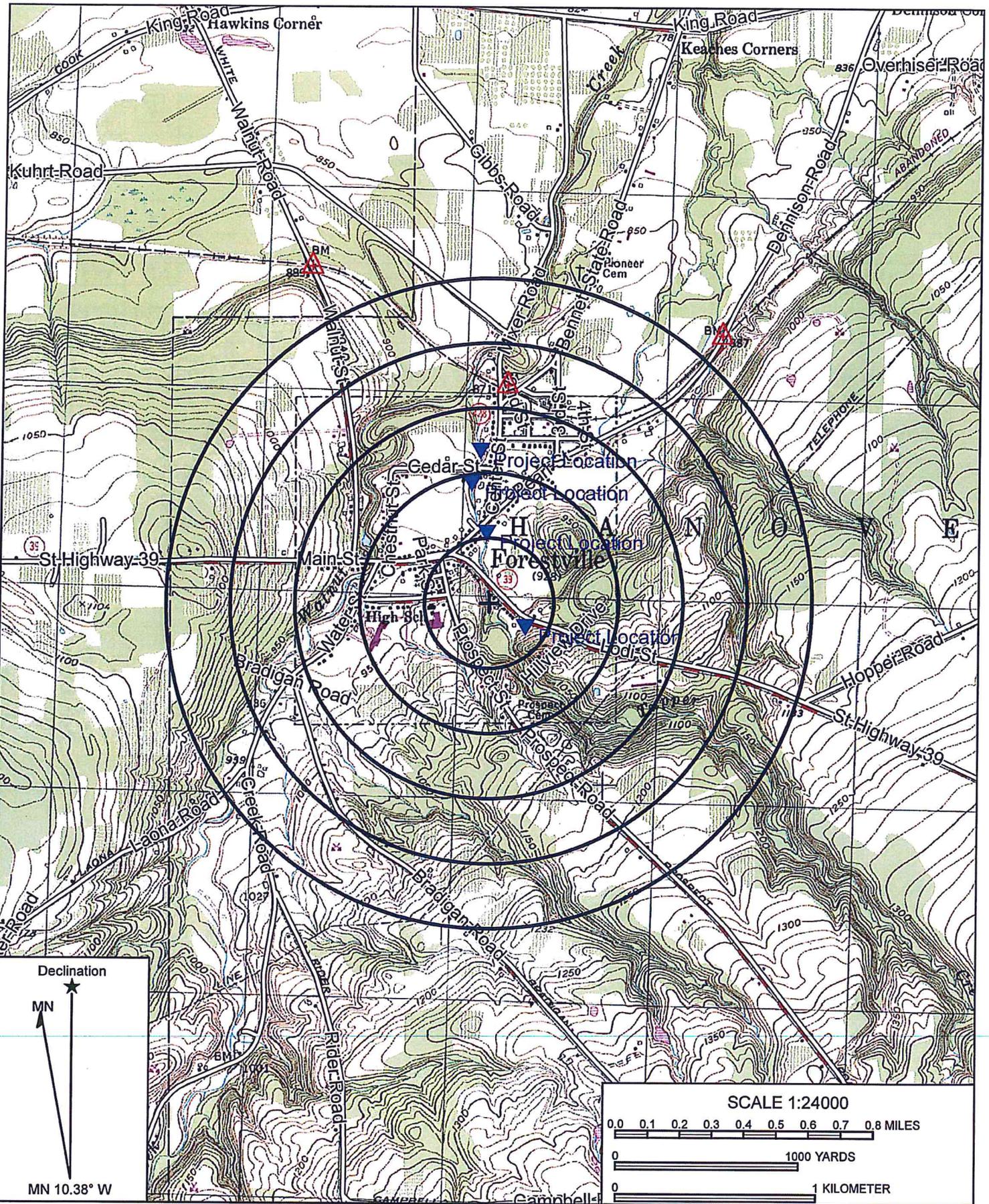
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| | | | |
|--|--|-------------------------------|--|
| Part 1 - Project and Sponsor Information | | | |
| Richard Morse | | | |
| Name of Action or Project: Tupper Creek Restoration | | | |
| Project Location (describe, and attach a location map): Off of New York State Highway 39 in the Village of Silver Creek | | | |
| Brief Description of Proposed Action: This project will stabilize 80' of Tupper Creek. Heavy riprap and an engineered rock riffle will be installed. A riparian buffer will be established that includes hybrid willows will be utilized to reduce erosion potential. | | | |
| Name of Applicant or Sponsor: Richard Morse | | Telephone: (716) 664-2351 | |
| | | E-Mail: dspann@soil&water.org | |
| Address: 220 Fluvanna Avenue Suite 600 | | | |
| City/PO: Jamestown | | State: New York | Zip Code: 14701 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input type="checkbox"/> |
| | | | YES <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: A NYSDEC Article 15 permit will be required. Funding is provided by the Chautauqua County Occupancy Tax Program for Lakes & Waterways. | | | NO <input type="checkbox"/> |
| | | | YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? | | 0.1 acres | |
| b. Total acreage to be physically disturbed? | | 0.2 acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | less than 1 acres | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | | |
| <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) | | | |
| <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ | | | |
| <input type="checkbox"/> Parkland | | | |

| | | |
|--|---|---|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>DAVID A. SPANN</u> Date: <u>10/7/19</u></p> <p>Signature: <u></u></p> | | |



Name: FORESTVILLE
 Date: 03/27/19
 Scale: 1 inch = 2,000 ft.

Location: 042° 27' 58.61" N 079° 10' 25.16" W
 Caption: Morse Stream Stabilization

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

| | No, or small impact may occur | Moderate to large impact may occur |
|--|--|---|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | | |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. Will the proposed action impair the character or quality of the existing community? | | |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | | |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | | |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | | |
| b. public / private wastewater treatment utilities? | | |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | | |
| 11. Will the proposed action create a hazard to environmental resources or human health? | | |

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

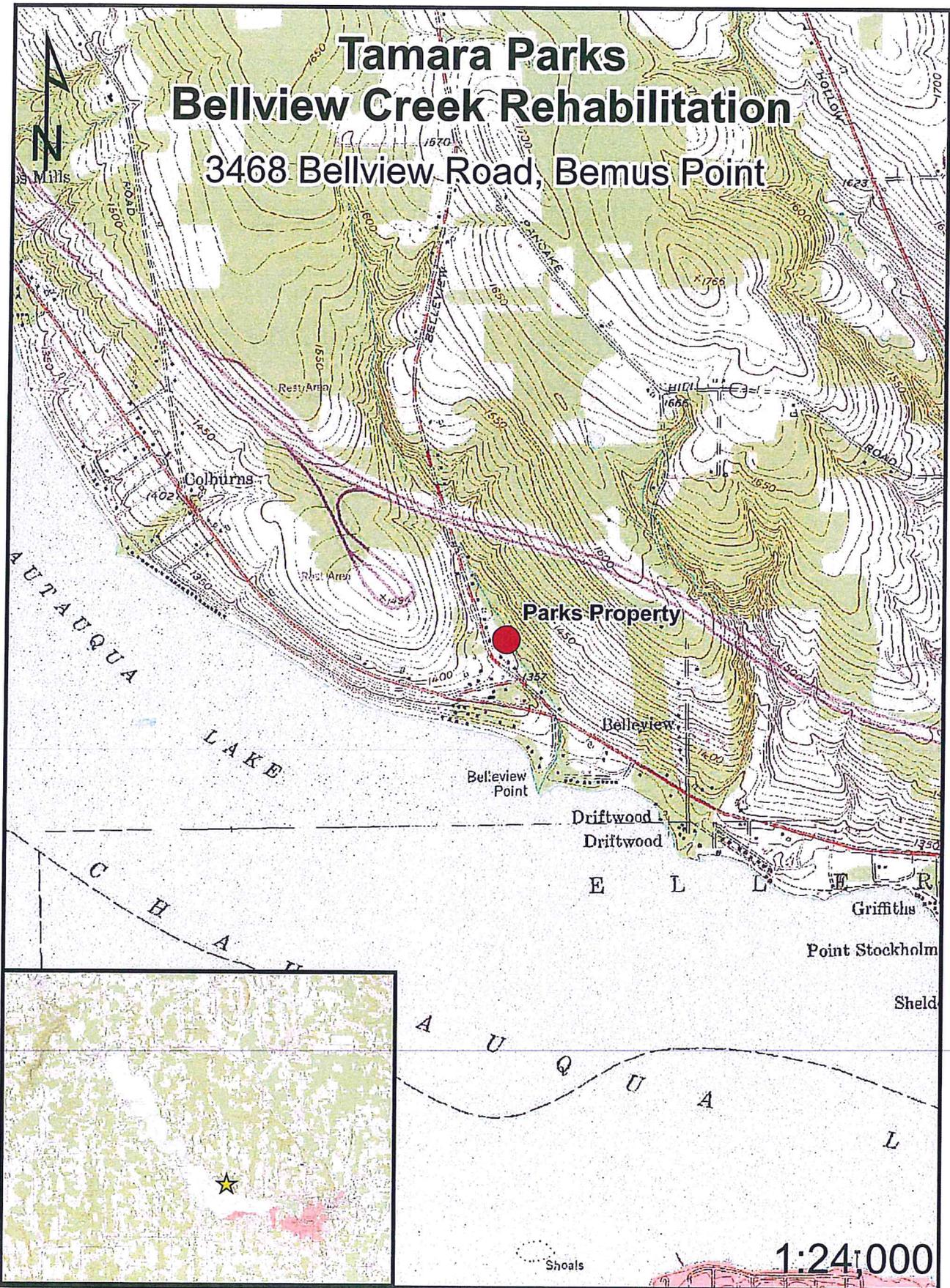
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 - Project and Sponsor Information | | | |
|---|--|----------------------------------|--|
| Tamra Park | | | |
| Name of Action or Project: Bellview Creek Restoration | | | |
| Project Location (describe, and attach a location map): Off of Bellview Road on Chautauqua Lake, Town of Chautauqua | | | |
| Brief Description of Proposed Action: This project stabilized 125' of streambank along Bellview Creek. A riparian buffer will be established that includes hybrid willows and woody debris will be utilized to construct weirs to deflect the current and reduce erosion potential. | | | |
| Name of Applicant or Sponsor: Tamra Park | | Telephone: (716) 664-2351 | |
| | | E-Mail: cpinkoski@soil&water.org | |
| Address: 220 Fluvanna Avenue Suite 600 | | | |
| City/PO: Jamestown | | State: New York | Zip Code: 14701 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | | NO <input checked="" type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: A NYSDEC Article 15 permit will be required. Funding is provided by the Chautauqua County Occupancy Tax Program for Lakes & Waterways. | | | YES <input checked="" type="checkbox"/> |
| 3.a. Total acreage of the site of the proposed action? _____ 0.1 acres | | | |
| b. Total acreage to be physically disturbed? _____ 0.2 acres | | | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 4+/- acres | | | |
| 4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland | | | |

| | | |
|--|--|--|
| <p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p> | <p>NO</p> <p><input checked="" type="checkbox"/></p> | <p>YES</p> <p><input type="checkbox"/></p> |
| <p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> | | |
| <p>Applicant/sponsor name: <u>DAVID A. SPANN</u></p> | | <p>Date: <u>10/9/19</u></p> |
| <p>Signature: <u></u></p> | | |

Tamara Parks Bellview Creek Rehabilitation

3468 Bellview Road, Bemus Point



1:24,000

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

| | No, or small impact may occur | Moderate to large impact may occur |
|--|--|---|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | | |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. Will the proposed action impair the character or quality of the existing community? | | |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | | |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | | |
| 7. Will the proposed action impact existing: | | |
| a. public / private water supplies? | | |
| b. public / private wastewater treatment utilities? | | |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | | |
| 11. Will the proposed action create a hazard to environmental resources or human health? | | |

Project:

Date:

Short Environmental Assessment Form Part 3 Determination of Significance

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Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)