

Agenda

Audit & Control Committee

March 22, 2018, 8:35 a.m., Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (2/22/18)
- C. Privilege of the Floor
 1. Proposed Local Law Intro. 2-18 – A Local Law Amending Local Law 7-90 Providing for the Management Salary Plan for County Officers and Employees (RE: Deputy County Executive for Economic Development and Director of Planning and Community Development)
 2. Proposed Local Law Intro 5-18- A Local Law Declaring the Opioid Epidemic and its Effects On Chautauqua County a Public Nuisance and Further Establishing A Cost Recovery Procedure for the County's Expenditures Incurred in Providing Services Related to the Opioid Epidemic
 3. Proposed Resolution – Amend 2018 Budget Appropriations–Portland, Pomfret, Dunkirk Sewer District
 4. Proposed Resolution – Quit Claim Deeds
 5. Proposed Resolution – Authorize Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant
 6. Proposed Resolution – Fiscal Year 2017 Hazardous Materials Emergency Preparedness (HMEP) Grant Program
 7. Proposed Resolution – Amend 2017 Budget for Year End Reconciliations – Additional Adjustments
 8. Proposed Resolution – Authorize Agreement with Forestville Central School District for School Resource Officer
 9. Proposed Resolution – To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program

10. Proposed Resolution – Accept National Association of County and City Health Officials Grant For Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health
11. Proposed Resolution – Accept Univera Grant for Expanding Lead Poisoning Prevention in Chautauqua County
12. Proposed Resolution – Requesting CCIDA To Approve No Further PILOT Agreements for Wind Energy Projects Larger Than 25 Megawatts Rated Capacity
13. Proposed Resolution - Authorize Sale and Option Agreements for Redevelopment of Roberts Road Properties in the City of Dunkirk
14. Discussion - Occupancy Tax Collection Process Recommendations – Fn. Director Crow
15. Discussion - RFP Internal Audit – Fn. Director Crow
16. Discussion - Investment Program Review – Fn. Director Crow
17. Other

Print 2

LOCAL LAW
INTRODUCTORY NO. 2-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(RE: DEPUTY COUNTY EXECUTIVE FOR ECONOMIC DEVELOPMENT and
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT)

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

Section 1. Purpose.

In conjunction with contemporaneous amendments to the Chautauqua County Administrative Code, the purpose of this Local Law is to establish the new titles of “Deputy County Executive for Economic Development” and “Director of Planning and Community Development.”

It is appropriate that County government have an economic development management title at the level of Deputy County Executive to oversee all of County government’s efforts to enhance the economy of Chautauqua County, as the work of almost all County departments impacts the County’s economic health. The Deputy County Executive for Economic Development shall also serve as chief administrative officer of the County of Chautauqua Industrial Development Agency.

The Director of Planning and Community Development will lead the Division of Planning and Community Development within the newly-created Department of Planning and Development, and will primarily focus on planning and community development activities to position Chautauqua County now and in the future as an ideal place to live, work, conduct business, and recreate.

Section 2. Salary Levels.

The titles of Deputy County Executive for Economic Development and Director of Planning and Community Development shall be placed in Range 10 (\$66,277 to \$101,807) of the 2018 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

LOCAL LAW
INTRODUCTORY NO. 5 - 18
CHAUTAUQUA COUNTY

A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON
CHAUTAUQUA COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A
COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED
IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC

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

Section 1. Purpose and Intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Chautauqua County, New York (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

Section 2. Definitions.

"Costs" means all expenditures related to the opioid epidemic that directly or indirectly arise from the County's response to a responsible party's action or inaction.

"Responsible party" means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

Section 3. Governmental Function Cost Recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a

responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

Section 4. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

Section 5. Public Nuisance.

The County hereby finds and declares the following:

- (1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- (2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years, which practice continues today;
- (3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- (4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- (5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;
- (6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;
- (7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and
- (8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

Section 6. Retroactive Application.

This Local Law applies retroactively.

Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SDC 3.12.18
KMW 3.12.18
SMA 3.12.18
KMD 3/12/18
KLC 3/13/18
GMB (sma)
3/13/18

TITLE: Amend 2018 Budget Appropriations—Portland, Pomfret, Dunkirk Sewer District

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Portland, Pomfret, Dunkirk Sewer District (PPDSD) has no sewage treatment equipment, and therefore has no depreciation expenditures associated with sewage treatment; and

WHEREAS, all of the depreciable equipment in the PPDSD is sanitary sewer equipment; and

WHEREAS, the 2018 budget for depreciation for PPDSD is split between the sanitary sewer and the sewage treatment departments, and should be consolidated in the sanitary sewer department; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

ESP.8120.8124.4	Contractual—Sanitary Sewers-Sanitary Sewers	\$28,355
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DECREASE APPROPRIATION ACCOUNT:

ESP.8130.8134.4	Contractual—Sewage Treatment-Sewage Treatment	\$28,355
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 3/1/18
KMD 3/5/18
KLC 3/5/18
GMB 3/7/18

TITLE: 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	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owing
PA-38-2016	City of Jamestown	060800-370.18-2-56	James L. Lindsay	Dustin Turner	\$ 200.00	\$ 1,476.96
PA-137-2014	City of Jamestown	060800-387.12-3-71	Hillsboro Inlet LLC	Arthur B Davidson	\$ 950.00	\$ 327.12
PA-59-2015	City of Jamestown	060800-387.12-1-15	Hillsboro Inlet LLC	Companion Resources Co	\$ 950.00	\$ 312.22
PA-42-2017	City of Jamestown	060800-370.16-4-13	Hillsboro Inlet LLC	L-S Aero Marine Inc	\$ 950.00	\$ 382.80
PA-121.2017	City of Jamestown	060800-387.26-3-19	Hillsboro Inlet LLC	Peter T Smith	\$ 1,400.00	\$ 187.88
PA-205-2017	Ellicott	063889-371.18-2-12	Hillsboro Inlet LLC	Karen Berg	\$ 1,400.00	\$ 396.19
				Total	\$ 5,850.00	\$ 3,083.17

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

NPG/BCA 2/26/18
KDG 3/1/18
SMA 3/1/18
KMD 3/5/18
KLC 3/5/18
GMB 3/7/18

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Authorize Extension of Grant Funding for Help America Vote Act
(HAVA) SHOEBOX Grant

BY: Administrative Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 102-12, 91-16 and 137-17, the County Legislature authorized the Chautauqua County Board of Elections to receive a grant from the NYS Board of Elections acting through the State of New York in the amount of \$230,002.76 to implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from March 31, 2018 through March 31, 2019; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of the grant agreement with the State of New York for the designated time period.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

JCG 2/21/18
KDG 3/1/18
SMA 3/1/18
KMD 3/5/18
KLC 3/5/18
GMB 3/7/18

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Fiscal Year 2017 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 was awarded funds of \$15,516.00 under the FY 2017 Hazardous Material Emergency Preparedness (HMEP) Grant Program; and

WHEREAS, funding is provided 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, 2017 through September 30, 2018, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2018 budget year; 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; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

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

A.3640.R430.5004	Federal Aid – Homeland Security	\$15,516
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

KMD 3/8/18
SMA 3/8/18
KLC 3/12/18
GMB 3/13/18

TITLE: Amend 2017 Budget for Year End Reconciliations – Additional Adjustments

BY: Public Safety and Audit & Control Committees:

AT THE REQUEST OF: County Executive George Borrello:

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

WHEREAS, the some departments have received revenues in excess of budget, as well as some revenues did not achieve revenue budgets; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Assigned Counsel	\$56,248
A.3010.----.8	Employee Benefits - Emergency Services	\$62
A.3110.----.1	Personal Services - Sheriff	\$777
A.3110.----.4	Contractual - Sheriff	\$1,402
A.3110.----.8	Employee Benefits - Sheriff	\$78
A.3315.----.4	Contractual - STOP DWI	\$27,886
A.3315.----.8	Employee Benefits - STOP DWI	\$1,682
ESN.8120.8122.4	Contractual - Sanitary Sewers-Sanitary Sewers	<u>\$10,161</u>
	- Total	\$98,296

DECREASE APPROPRIATION ACCOUNTS:

A.2490.----.4	Contractual - Community College Tuition	\$53,226
A.3010.----.4	Contractual - Emergency Services	\$62
A.4320.----.4	Contractual - Mental Hygiene Programs	\$3,022
A.6129.----.4	Contractual - State Training School	\$24,778
ESN.8120.8122.2	Equipment - Sanitary Sewers-Sanitary Sewers	<u>\$10,161</u>
	- Total	\$91,249

INCREASE REVENUE ACCOUNT:

A.3150.----.R158.9012	Departmental Income— Other Public Safety Income Communications	\$7,170
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DECREASE REVENUE ACCOUNT:

A.3110.----.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$123
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

JAG 3/14/2018
KDG 3/15/18
KMD 3/15/18
GMB 3/15/18

TITLE: Authorize Agreement with Forestville 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 Forestville Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of March 12, 2018 through December 31, 2018; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Forestville School District to provide a certified School Resource Officer for the 2018 calendar year at an annual cost of \$62,771.00, a pro-rated amount based upon the start date; and

WHEREAS, any additional expenditures to fund this position will be covered by additional revenue; however, this agreement was not included in the 2018 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Forestville Central School District for the purpose of providing a School Resource Officer for the 2018 term as set forth above with revenues to be credited to account A.3110.R226.0000; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.1	Personal Services—Sheriff	\$51,754
A.3110.4	Contractual—Sheriff	\$ 3,000
A.3110.8	Employee Benefits—Sheriff	<u>\$ 8,017</u>
	Total	\$62,771

INCREASE REVENUE ACCOUNT:

A.3110.R226.0000	Shared Services—Chrgs: Oth Gov—Public Safety	\$62,771
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO.**

CLS 03/06/18
KMW 3.7.18
SMA 03/7/18
KMD 3/7/18
KLC 3/7/18
GMB 3/12/18

TITLE: To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, The Chautauqua County Department of Health and Human Services is interested in participating in the New York State Environmental Facilities Corporation's Septic System Replacement Program (Program) for the period of March 1, 2018 through December 31, 2022; and

WHEREAS, by participating in this Program the County has access to up to \$150,000 in grant funds, to be issued to property owners for septic system projects; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into Program agreements with the New York State Environmental Facilities Corporation for so long as the County has the opportunity to participate in this Program; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal agencies and organizations as necessary to carry out the objectives and requirements of this grant program.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CLS 03/06/18
KMW 3.6.18
SMA 03/06/18
KMD 3/7/18
KLC 3/7/18
GMB 3/12/18

TITLE: Accept National Association of County and City Health Officials Grant for Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the National Association of County and City Health Officials (NACCHO) has awarded a grant to the Chautauqua County Department of Health and Human Services for Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health, for the period of March 1, 2018 through June 30, 2018 and in the amount of \$15,000; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance - Unassigned Fund Balance \$ 3,831

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual- Public Health Admin \$10,000

INCREASE REVENUE ACCOUNT:

A.4010.----.R168.9000 Departmental Income--Oth Public Health Income \$15,000

DECREASE REVENUE ACCOUNT:

A.4010.PHSA .R340.1000 New York State Aid – Public Health Grant \$ 1,169

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

CLS 03/06/18
KMW 3.6.18
SMA 3/6/18
KMD 3/7/18
KLC 3/7/18
GMB 3/12/18

TITLE: Accept Univera Grant for Expanding Lead Poisoning Prevention in Chautauqua County

BY: Human Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Univera Healthcare has awarded a grant for Expanding Lead Poisoning Prevention in Chautauqua County to the Chautauqua County Department of Health and Human Services, to support its lead poisoning prevention efforts for the period of January 1, 2018 through December 31, 2020, in the amount of \$90,000; and

WHEREAS, the grant funding has been established at \$30,000 per year; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----,----.917.0000	Unassigned Fund Balance—Unassigned	
	Fund Balance	\$10,495

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.2	Equipment- Other Public Health Progs, Lead Testing	\$ 2,650
A.4189.LEAD.4	Contractual- Other Public Health Progs, Lead Testing	<u>\$13,500</u>
	Total	\$16,150

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R168.9000	Departmental Income--Oth Public Health Income	\$30,000
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DECREASE REVENUE ACCOUNT:

A.4010.PHSA .R340.1000	New York State Aid--Public Health Grant	\$ 3,355
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. ____**

TITLE: Requesting CCIDA To Approve No Further PILOT Agreements for Wind Energy Projects Larger Than 25 Megawatts Rated Capacity

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello and County Legislators Robert Scudder and Charles Nazzaro:

WHEREAS, pursuant to Local Law 8-07 of the County of Chautauqua, the County “opted out” of the tax exemption otherwise granted by New York Real Property Tax Law (“RPTL”) Section 487 for certain solar or wind energy systems or farm waste energy systems, and such systems are therefore taxable within Chautauqua County absent a payment in lieu of tax (“PILOT”) agreement; and

WHEREAS, the County of Chautauqua Industrial Development Agency (“CCIDA”) accepts applications for PILOT agreements pertaining to both small and large energy projects that are taxable as a result of the County opting out of the RPTL Section 487 tax exemption; and

WHEREAS, it has been demonstrated that the environmental, economic, and community impacts of large wind energy projects of 25 Megawatts (MW) or more can be significant and might well have a net negative effect on the County depending on the location of the proposed project; and

WHEREAS, providing a tax abatement subsidy through PILOT agreements to encourage the siting of large wind energy projects may not be appropriate given the potential negative impacts of large wind energy projects; therefore be it

RESOLVED, That the County of Chautauqua requests CCIDA to approve no further PILOT agreements of any kind for large wind energy projects with a rated capacity of 25 MW or greater; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to send a copy of this resolution to the chair of CCIDA.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Authorize Sale and Option Agreements for Redevelopment of Roberts Road Properties in the City of Dunkirk

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the County desires to facilitate the rehabilitation and redevelopment of real estate in Chautauqua County, including blighted or contaminated properties, and to promote and provide for additional and maximum employment opportunities, including the former Edgewood, Alumax, and Roblin properties located on Roberts Road in the City of Dunkirk also known as tax parcels 79.16-2-2, 79.16-2-5, 79.16-2-77, 79.12-4-29, 79.12-4-30, 79.12-4-32, (the "Land"); and

WHEREAS, the County issued a Request for Proposals (RFP) in July 2017 for redevelopment of the Land, and received a single proposal from The Krog Group of Orchard Park, New York; and

WHEREAS, the County and an affiliated corporate entity of The Krog Group, known as Roberts Road Freezer LLC (the "Purchaser"), have agreed upon the terms of sale and redevelopment of the Land (the "Project"), including the disposition of the 167,000 foot building located on the Land (the "Existing Building"); and

WHEREAS, the Project will include the demolition of the Existing Building and the subsequent construction of an approximately 80,000 square foot building (the "New Building") on the Land with potential parking, landscaping and related improvements to the Land (together with the New Building, the "Facility"), and the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Equipment"), all of the foregoing to be used as a refrigerated warehouse that the Purchaser will lease to Field Brook Foods, Inc. or another entity acceptable to the County of Chautauqua Industrial Development Agency ("CCIDA") (collectively, the "Project Facility"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("NYSDEC"), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County as an Involved Agency as defined by SEQRA must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, and as consented to by the County, and with the consent or no objection by all other Involved Agencies, CCIDA acted as Lead Agency for the Project and undertook a coordinated review pursuant to 6 N.Y.C.R.R. 617.6(b)(3) of the Regulations; and

WHEREAS, to aid CCIDA in determining whether the Project may have a significant adverse impact upon the environment, CCIDA completed, received and/or reviewed (1) Part 1 of a Full Environmental Assessment Form ("EAF"), dated January 2, 2018 and Purchaser's EAF Supplement; (2) NYSDEC's Environmental Resource Mapper; (3) New York State Historic Preservation Office's Cultural Resources Mapper; (4) the U.S. Fish and Wildlife Service's Information for Planning and Consultation Mapper; and (5) other relevant environmental

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

information (collectively, 1, 2, 3, 4, and 5 shall be referred to as the “Environmental Information”); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, CCIDA reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, after a thorough review and examination of the Project and Environmental Information, and upon CCIDA’s knowledge of the area surrounding the Project site and such further investigation of the Project and its environmental effects as CCIDA deemed appropriate, CCIDA made the following findings with respect to the Project:

- (A) The Project is a Type I Action;
- (B) CCIDA, as Lead Agency for the Project, undertook a coordinated review of the Project in accordance with 6 N.Y.C.R.R. 617.6(b)(3) of the Regulations; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to CCIDA; and

WHEREAS, as a result of its review and findings as described above, which found that the Project will not have any potentially significant adverse environmental impacts, CCIDA as Lead Agency issued a negative declaration (“Negative Declaration”) pursuant to SEQRA for the Project by resolution dated February 27, 2018; now therefore be it

RESOLVED, That the County hereby determines that the Project will not have a significant potential adverse environmental impact in accordance with the findings of CCIDA as Lead Agency, and in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, the County affirms the Negative Declaration issued by CCIDA; and be it further

RESOLVED, That pursuant to Section 215 of the New York State County Law and Local Law 7-75 of the County of Chautauqua, the Chautauqua County Legislature does hereby find the Land is surplus and no longer necessary for public use, and is best suited for private redevelopment; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the County Executive is authorized to execute all agreements necessary to accomplish the sale and option sale of the Land to the Purchaser, substantially consistent with the following terms and conditions:

- A. Contract for Purchase of Edgewood (Tax Parcels 79.16-2-2, 79.16-2-77, 79.12-4-32)
 - 1. Acreage. Approximately 6.77 acres
 - 2. Purchase Price. \$1.00
 - 3. Environmental. Purchaser responsible for Remedial Action Plan (RAP) approved by NYSDEC; County responsible for unknown environmental issues not covered by the RAP except to the extent exacerbated by the Purchaser.
 - 4. Access Easement. If necessary to operate the Project, County shall grant a permanent easement to Purchaser for construction of an

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County Executive

Date

- access road over Alumax and Roblin parcels; Purchaser responsible for all environmental costs related thereto.
5. Investment. Purchaser shall invest approximately \$16.25 million for completion of the Project Facility, including the cost of demolition of the Existing Building, the construction of the New Facility, and the acquisition and installation of the Equipment.
 6. Other. As negotiated by the County Executive

B. Option for Purchase of Alumax and Roblin (Part of Tax Parcels 79.16-2-5, 79.12-4-29, 79.12-4-30)

1. Acreage. Approximately 9.92 acres
2. Option Term. 10 years
3. Purchase Price. \$1.00, provided, however, that during years 6 through 10 the Purchaser shall be required to match any other offer received by the County
4. Environmental. To be negotiated upon exercise of option
5. Investment. To be negotiated upon exercise of option
6. Other. As negotiated by the County Executive

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date