

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

Meeting by Remote Access

To View the Meeting on-line go to

<https://www.facebook.com/ChautauquaCountyGovernment/>

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY CHAIRMAN CHAGNON

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 02/26/20

PRIVILEGE OF THE FLOOR

Members of the public may submit comments by email to the Clerk of the Legislature on any subject relating to any local law, resolution, or motion appearing on the agenda.

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Comments will be read by the Clerk.

VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL

NO VETOES FROM 02/26/20

COMMUNICATIONS:

1. **Declaration – County Executive Wendel – State of Emergency**
 2. **Letter – Legislator Muldowney – Resignation from Chautauqua County Legislature**
 3. **Certificate to Fill Vacancy on Chautauqua County Legislature – District 1**
 4. **Certificate of Acceptance to Fill Vacancy – District 1 –Kevin Muldowney**
 5. **Certificate – Republican Committee – Re: Election Commissioner Brian Abram**
 6. **Letters (2) – County Executive – Appointment to Various Boards**
 7. **Notice of Public Hearing – Town of Chautauqua Zoning Board**
 8. **Letter – Local Aviators at KJHW - Re: Proposed Hangar Lease with Luscombe Aircraft Corporation**
-

TABLED RES. NO. 59-20 – Amend 2019 Budget Appropriations and Revenues – Consolidated Local Street and Highway Improvement Program (CHIPS)

RESOLUTIONS:

- 95-20** Appointment of Kevin Muldowney as Legislator from District 1, West Town of Dunkirk, and Part of City of Dunkirk, NY
- 96-20** Confirm Appointment – Brian C. Abram (R) Commissioner of Elections
- 97-20** Confirm Re-Appointments - Chautauqua County Aging Advisory Council

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

Meeting by Remote Access

To View the Meeting on-line go to

<https://www.facebook.com/ChautauquaCountyGovernment/>

- 98-20 Confirm Appointments - Chautauqua County Land Bank Board of Directors**
- 99-20 Rules and Regulations re Disposition of Surplus, Obsolete or Unused Property**
- 100-20 Authorize Extension of Voter Education/Poll Worker Training and the New York State Poll Site Access Improvement Grant**
- 101-20 Authorize Lease Agreement with the Sea Lion Project, Ltd. for Ferry Docking and Landing Facilities**
- 102-20 Authorize Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial**
- 103-20 Establish Capital Projects for Trail Development and Lake Erie Management Commission**
- 104-20 Utilize Soil and Water Appropriation from the 2% Occupancy Tax to Conduct Geographic Information System (GIS) Analysis of Chautauqua Lake Watershed**
- 105-20 Amend 2020 Budget Appropriations—South & Center Chautauqua Lake Sewer Districts (S&CCLSD)**
- 106-20 Amend 2020 Budget Appropriations for Customer Billing Software—North Chautauqua Lake Sewer District (NCLSD) and Portland, Pomfret, Dunkirk Sewer District (PPDSD)**
- 107-20 North Chautauqua Lake Sewer District and Portland, Pomfret, and Dunkirk Sewer District Inflow and Infiltration (I & I) Study SEQR Determination**
- 108-20 North Chautauqua Lake Sewer District Authorization and Appropriation of Local Match for Inflow and Infiltration (I & I) Study**
- 109-20 Authorize Public Hearing on Hangar A Lease Agreement at the Chautauqua County Jamestown Airport**
- 110-20 Authorizing Public Hearing Regarding a Potential Application for 2020 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding**
- 111-20 Requesting Continuation of State Legislation Authorizing 1.0% Additional Sales Tax**
- 112-20 Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax**

MOTIONS:

A. In Opposition of the Energy Siting Amendment to the NYS Budget

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

Members of the public may submit comments by email to the Clerk of the Legislature on any subject.

A member of the legislature may speak on any subject.

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Comments will be read by the Clerk.

RES. NO. 59-20

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

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

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

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

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

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

INCREASE APPROPRIATION ACCOUNT:

D.9901.9030.9	Interfund Transfers—Transfer to Other Funds, Transfer (D-A)	\$2,033,531
---------------	--	-------------

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.9901.9000.R503.1000	Interfund Transfers—Interfund Transfer	\$2,033,531
-----------------------	--	-------------

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

Unanimously TABLED – February 26, 2020

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 95-20

Appointment of Kevin Muldowney as Legislator from District 1, West Town of Dunkirk, and Part of City of Dunkirk, NY

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Kevin Muldowney District 1; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 1, (West Town of Dunkirk, and Part of City of Dunkirk, NY) Committee recommending the appointment of Kevin Muldowney, 10 Beach Road, Dunkirk, NY 14048; and

WHEREAS, a Certificate of Acceptance has been received from Kevin Muldowney; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter Kevin Muldowney is hereby appointed Legislator from District 1, comprised of the West Town of Dunkirk, and Part of City of Dunkirk, NY.

Signed: Chagnon

RES. NO. 96-20

Confirm Appointment – Brian C. Abram (R) Commissioner of Elections

By Administrative Services Committee:

At the Request of Chairman Pierre Chagnon and Legislators Scudder, Niebel, Harmon, Odell, Lawton, Rankin, Pavlock, Vanstrom, Davis, Gould, Ward and Hemmer:

WHEREAS, the present term of the Republican Commissioner of Elections will expire December 31, 2020; and

WHEREAS, a Certificate of Appointment signed by the County Republican Chairman, Allan Hendrickson, duly filed with the Clerk of the County Legislature pursuant to the New York State Election Law, states that a majority of such party Committee recommends the appointment of Brian C. Abram for the ensuing four (4) year term beginning January 1, 2021; now therefore be it

RESOLVED, That Brian C. Abram be and hereby is appointed Republican Commissioner of Elections for the County of Chautauqua for a term of four (4) years commencing January 1, 2021, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan.

Signed: Chagnon

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 97-20

Confirm Re-Appointments - Chautauqua County Aging Advisory Council

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Aging Advisory Council.

Ellen Coffaro
92 W. Fairmount Ave.
Lakewood, N.Y. 14750
Term Expires: 12/31/21

Marie Carrubba, Esq.
19 Widrig Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/21

Russell E. Diethrick Jr.
153 Hallock Street
Jamestown, N.Y. 14701
Term Expires: 12/31/21

Dr. Lin "LJ" Baylis
2310 Shadyside Rd
Findley Lake, N.Y. 14736
Term Expires: 12/31/21

Mary Anne Johnston
3784 Victoria Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/21

David L. Larson, PhD.
3101 Straight Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/21

Max Martin
PO Box 371
Dewittville, N.Y. 14728
Term Expires: 12/31/21
Signed: Chagnon

RES. NO. 98-20

Confirm Appointments - Chautauqua County Land Bank Board of Directors

By Planning & Economic Development Committee:

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

WHEREAS, County Executive, George M. Borrello has submitted the following appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointments to the Chautauqua County Land Bank Board of Directors.

Diane E. Hannum
10435 Bay Shore Drive
Dunkirk, NY 14048
Term Expires: 3/31/22

Jim Caflisch
928 Marving Rd.
P.O. Box 100
Clymer, NY 14724
Term Expires: 3/31/22

William Carlson
10370 Chestnut Rd.
Dunkirk, NY 14048
Term Expires: 3/31/22

Nicole May
120 Lambert Avenue
Fredonia, NY 14063
Term Expires: 3/31/22

John Hemmer
7539 East Route 20
Westfield, NY 14787
Term Expires: 3/31/22

Hugh Butler
36 Hurst Ave.
P.O. Box 615
Chautauqua, NY 14722
Term Expires: 3/31/22

Paul Whitford
58 Harris Ave.
Jamestown, NY 14701
Term Expires: 3/31/22

Mark Giese
121 Hamlet Street
Fredonia, NY 14063
Term Expires: 3/31/22

Louis Drago, Jr.
9 Brook St.
Lakewood, NY 14750
Term Expires: 3/31/22

Charles Cornell
4393 Mahanna Rd.
Bemus Point, N.Y. 14712
Term Expires: 3/31/22

Rebecca Meeder
4811 Route 76
Ripley, NY 14775
Term Expires: 3/31/22

Signed: Odell, Starks,
Harmon, Ward

RES. NO. 99-20

Rules and Regulations re Disposition of Surplus, Obsolete or Unused Property

By Administrative Services Committee:

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

WHEREAS, Resolution 307-80, as amended by Resolution 154-04, established Rules and Regulations of Surplus, Obsolete or Unused Property; and

WHEREAS, these rules and regulations should be updated to be consistent with changes made to the Administrative Code; now therefore be it

RESOLVED, That the Rules and Regulations of Resolution 307-80, as amended, regarding Disposition of Surplus, Obsolete or Unused Property, be amended as follows:

- A. There is hereby created a Surplus Property Committee whose functions shall be to identify surplus, obsolete or unused supplies, materials and equipment belonging to Chautauqua County, and to formulate rules and regulations under which the ~~Deputy Director of County Purchasing~~ Director may sell or lease such items. The committee shall be composed of the County Executive or his appointed representative, the Chairman of the Legislature, ~~and the Director of Central Services~~ the Chief Information Officer, and the Director of Public Works Facilities.
- B. All department heads or county officials who have custody or control of ~~surplus, obsolete or unused~~ supplies, materials and equipment shall furnish the committee with a list of such items they have deemed surplus, obsolete or unusable at least twice a year. The committee shall, upon receipt of such lists, meet to determine whether such items are, in fact, surplus, obsolete or unused and may require written justification for such a classification for any item.
- C. Upon determining that any item is surplus, obsolete or unused, the committee shall direct that the item be turned over to the custody of the ~~Deputy Director of County Purchasing~~ Director, who shall thereupon sell or lease the item under terms advantageous to the County. Any item which has a fair market value at the time of sale disposition in excess of one thousand dollars (\$1,000.00) shall be auctioned or sold or leased to the highest responsible bidder after appropriate public notice soliciting bids for the item has been published.

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

- D. Notwithstanding the foregoing, the sale or lease of any surplus, obsolete, or unused supplies, materials and equipment of whatever value, to any municipality or improvement district within Chautauqua County shall not be subject to the bidding requirements of this section and any lease or sale thereof may be accomplished by negotiated sale or lease.

Signed: Chagnon

RES. NO. 100-20

Authorize Extension of Voter Education/Poll Worker Training and the New York State Poll Site Access Improvement Grant

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the County Board of Elections has successfully applied through the New York State Board of Elections for grant funds to enhance voting opportunities to persons with disabilities in the amount of \$40,543.00; and

WHEREAS, the County Board of Elections will use the grant proceeds to establish, expand and improve access to poll sites to increase participation in the election process by individuals with a full range of disabilities, and

WHEREAS, the remaining funding is \$10,057.11 and revenues and expenditures associated with the grant are already included in the 2020 Adopted Budget so no budget amendments are necessary; and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from April 1, 2020 through March 31, 2021; therefore, be it

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

Signed: Nazzaro, Niebel, Harmon, Odell, Gould

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 101-20

Authorize Lease Agreement with the Sea Lion Project, Ltd. for Ferry Docking and Landing Facilities

By Administrative Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County sold the Bemus Point Stow Ferry to the Sea Lion Project, Ltd., doing business as Chautauqua Lake Historic Vessels Company in 1986 pursuant to Resolution 191-86; and

WHEREAS, pursuant to the Bill of Sale the Chautauqua Lake Historic Vessels Company is required to use the ferry as a historic and tourist attraction; and

WHEREAS, the County has previously leased to Chautauqua Lake Historic Vessels Company docking and landing facilities in the Village of Bemus Point and the Hamlet of Stow; and

WHEREAS, it is in the best interests of the County to renew the lease so that there is the opportunity to have the ferry operated as a historic and tourist attraction; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement on such terms and conditions as deemed appropriate with Sea Lion Project, Ltd., d/b/a Chautauqua Lake Historic Vessels Company, for the docking and landing facilities in the Village of Bemus Point and the Hamlet of Stow and the immediately adjacent property for a period of ten (10) years through March 31, 2030, at an annual rent of One Dollar (\$1.00) per year.

Signed: Nazzaro, Niebel, Harmon, Odell, Gould

RES. NO. 102-20

Authorize Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial

By Planning & Economic Development and Audit & Control Committees:

At the Request of Legislators Terry Niebel and Mark Odell:

WHEREAS, Chautauqua County's historic sites, memorials, and other assets are invaluable resources in Chautauqua County that preserve historic artifacts and possessions, provide educational and tourism opportunities, and enhance the quality of life; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization is dedicated to showing appreciation for all veterans in Chautauqua County, including those that sacrificed their lives while serving; and

WHEREAS, there are many past and present members of the military who earned honors and awards, including POWs/MIAs, those who sacrificed their lives while serving, and others who died while not in action; and

WHEREAS, many of these brave soldiers lack a local memorial in their honor and the Chautauqua Hometown Heroes Veterans Memorial will honor these individuals; and

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

WHEREAS, the Mayville Cemetery will be the future home of the Chautauqua Hometown Heroes Veterans Memorial, which will attract people from throughout the region and further afield to honor our brave soldiers; and

WHEREAS, the centerpiece of the Chautauqua Hometown Heroes Veterans Memorial will be an octagon building constructed with commemorative bricks along with educational kiosks telling the stories of past wars and sacrifice, which will cater to and attract visitors from within and outside of the region to pay tribute to our courageous veterans; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization secured donations from the Town of Chautauqua (~~\$5,000.00~~) (**\$10,000**), the Village of Mayville (\$8,800.00), and the Chautauqua Region Community Foundation (\$10,000.00), along with funding being provided by a number of private donors; and **Northern Chautauqua Community Foundation (\$5,000); and**

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization seeks \$6,500.00 from the County to assist in constructing ~~seven (7)~~ educational kiosks that cater to visitors and tourists, which are key tourism-attraction components to this memorial honoring all veterans in Chautauqua County, including those who sacrificed their lives while serving; therefore be it

RESOLVED, as set forth below, the Chautauqua County Legislature hereby appropriates A Fund Balance to allow the County Executive to enter into a contract to assist the Chautauqua Hometown Heroes Veterans Memorial organization in constructing ~~seven (7)~~ educational kiosks for use at the Chautauqua Hometown Heroes Veterans Memorial; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance—Unassigned Fund	
	Balance	\$6,500

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual—Planning	\$6,500
---------------	----------------------	---------

Signed: Odell, Gould, Harmon, Nazzaro, Ward, Niebel (*P.E.D. Typo corrected by new text in bold*) (A.C. Amended by strike through)

RES. NO. 103-20

Establish Capital Projects for Trail Development and Lake Erie Management Commission

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, pursuant to adopted budgets in 2015 through 2017, the Chautauqua County Legislature pledged funds for non-county maintained trail establishment and development; and

WHEREAS, pursuant to adopted budgets in 2012 through 2018, the Chautauqua County Legislature pledged funds for lake improvement projects administered by the Lake Erie Management Commission (LEMC); and

WHEREAS, pursuant to adopted budgets in 2016 and 2017, the Chautauqua County Legislature pledged funds for the integrated sewage management plan (ISMP); and

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

WHEREAS, the pledged amounts were not spent in their entirety so they were earmarked as designated portions of the 3% and 2% Occupancy Tax reserves; and

WHEREAS, trail development and lake improvements are important aspects of tourism development in Chautauqua County and meet the criteria for capital projects, so it is prudent to establish them as such; and

WHEREAS, the ISMP has been completed so a designation of funds is no longer needed, and the designated funds can be considered part of the general reserve for lakes and waterways; now therefore be it

RESOLVED, That the designation attached to the pledged funds for the ISMP be removed; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.-----883.0000	Fund Balance, Reserved Fund Balance – Reserve for Occupancy Tax	\$ 81,528
A.-----889.0000	Fund Balance, Reserved Fund Balance – Res: Lakes & Watrway	<u>\$ 72,522</u>
	Total	\$154,050

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----9	Interfund Transfers – Transfer to Capital	\$154,050
--------------	---	-----------

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.8020.37010.R503.1000	Interfund Transfers – Interfund Transfer	\$ 81,528
H.8020.37011.R503.1000	Interfund Transfers – Interfund Transfer	<u>\$ 72,522</u>
	Total	\$154,050

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.8020.37010.4Contractual— Trail Development (2020)	\$ 81,528
H.8020.37011.4Contractual— Lake Erie Mngt Comm (2020)	<u>\$ 72,522</u>
Total	\$154,050

Signed: Odell, Gould, Nazzaro, Harmon, Ward, Niebel

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 104-20

Utilize Soil and Water Appropriation from the 2% Occupancy Tax to Conduct Geographic Information System (GIS) Analysis of Chautauqua Lake Watershed

By Planning & Economic Development Committee:

At the Request of County Executive Paul M. Wendel, Jr., and Legislators Frank “Jay” Gould and Lisa Vanstrom:

WHEREAS, conservation of soil and water resources are problems of public concern in Chautauqua County, and there is a need, in the interest of public health, safety and welfare, for the existence of a Soil and Water Conservation District to address these issues; and

WHEREAS, Chautauqua County was declared a Soil Conservation District by Res. No. 80-44, in accordance with the provisions of the Soil Conservation Districts Law; and

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, as amended, there has been a 5% occupancy or “bed tax” on the rental of lodging units within the County; and

WHEREAS, Section 1202-j of the New York State Tax Law further provides that amounts over three-fifths of all revenues derived from the imposition of the occupancy tax should be used for the sole purpose of maintaining and enhancing the lakes of Chautauqua County, including the reduction of erosion, sedimentation and nutrient loading; and

WHEREAS, the mission and existence of the Soil Conservation District meets the criteria for use of these funds; and

WHEREAS, the 2020 Adopted Budget appropriated the sum of \$35,000 to the Soil & Water Conservation District to be used for technical assistance, storm water management, and hydro-seeding services for governmental entities within the Chautauqua Lake Watershed; and

WHEREAS, the Soil & Water Conservation District proposes to use this appropriation for efforts to undertake a GIS analysis of the Chautauqua Lake Watershed to support a New York State Department of Environmental Conservation (NYS DEC) Water Quality Improvement (WQIP) Grant to identify the most at-risk areas in the watershed for erosion and water quality issues; and

WHEREAS, the Soil & Water Conservation District will continue to offer the hydro-seeding services for governmental entities within the Chautauqua Lake Watershed through funding from the NYS DEC WQIP Grant; and

WHEREAS, this initiative meets the criteria of the 2% occupancy tax and funding appropriation for the Soil & Water Conservation District; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Soil & Water Conservation District for the implementation of a GIS analysis of the Chautauqua Lake Watershed.

Signed: Odell, Harmon, Ward, Starks

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 105-20

Amend 2020 Budget Appropriations—South & Center Chautauqua Lake Sewer Districts
(S&CCLSD)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, South & Center Chautauqua Lake Sewer District (S&CCLSD) uses a customer billing software that will soon become obsolete; and

WHEREAS, Chautauqua County Information Technology Department recommends the billing software be replaced, and has selected a suitable replacement at a cost of approximately \$39,154; and

WHEREAS, replacement of the billing software was approved by the S&CCLSD Administrative Board at its regular meeting on March 3, 2020; and

WHEREAS, expenditures to replace the software were not included in the district's 2020 Adopted Budget for computer software, but the district's 2020 Adopted Budget includes a contingency account for unanticipated expenditures; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

ESS.8110.----.4	Contractual—Administration	\$39,154
-----------------	----------------------------	----------

DECREASE APPROPRIATION ACCOUNT:

ESS.9089.----.4	Contractual—Undistributed Benefits	\$39,154
-----------------	------------------------------------	----------

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

RES. NO. 106-20

Amend 2020 Budget Appropriations for Customer Billing Software—North Chautauqua Lake
Sewer District (NCLSD) and Portland, Pomfret, Dunkirk Sewer District (PPDSD)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the North Chautauqua Lake Sewer District (NCLSD) and Portland, Pomfret, Dunkirk Sewer District (PPDSD) use a customer billing software that will soon become obsolete; and

WHEREAS, Chautauqua County's Information Technology Department recommends that the billing software be replaced, and has selected a suitable replacement at an initial cost of approximately \$10,503 for NCLSD and \$4,141 for PPDSD; and

WHEREAS, replacement of the billing software was approved by the boards of each district; and

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

WHEREAS, expenditures to replace the software were not included in the districts' 2020 Adopted Budgets, but the districts' 2020 Adopted Budgets include equipment purchases that can be deferred; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.4	Contractual—Administration, Administration	\$10,503
ESP.8110.8114.4	Contractual—Administration, Administration	<u>\$ 4,141</u>
	Total	\$14,644

DECREASE APPROPRIATION ACCOUNTS:

ESN.8130.8132.2	Equipment—Sewage Treatment, Sewage Treatment	\$10,503
ESP.8120.8124.2	Equipment—Sanitary Sewers, Sanitary Sewers	<u>\$ 4,141</u>
	Total	\$14,644

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

RES. NO. 107-20

North Chautauqua Lake Sewer District and Portland, Pomfret, and Dunkirk Sewer District
Inflow and Infiltration (I & I) Study SEQR Determination

By Public Facilities Committee:

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

WHEREAS, the North Chautauqua Lake Sewer District and the Portland, Pomfret, Dunkirk Sewer District are hiring an engineer to study Inflow and Infiltration (I&I) within the Districts; and

WHEREAS, Title 6 of the New York Code of Rules and Regulations, (6 NYCRR) §617.5 under the State Environmental Quality Review Act (SEQR), provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; now therefore be it

RESOLVED That the County Legislature of the County of Chautauqua hereby determines that the proposed North Chautauqua Lake Sewer District Orchard Terrace Inflow and Infiltration Study and the proposed Portland Pomfret Dunkirk Sewer District Van Buren Point Inflow and Infiltration Study are Type II actions in accordance with 6 NYCRR §617.5(c) subparagraphs (24) and (27) in that they constitute engineering studies which do not commit the County of Chautauqua or its sewer districts to undertake, fund or approve any SEQR Type I or Unlisted actions, and that the engineering studies are therefore not subject to further review under 6 NYCRR Part 617.

Signed: Hemmer, Nazzaro, Davis, Gould

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 108-20

North Chautauqua Lake Sewer District Authorization and Appropriation of Local Match for
Inflow and Infiltration (I & I) Study

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County Resolution 174-19 authorized the County to apply for grants on behalf of the North Chautauqua Lake Sewer District (District) for inflow and infiltration studies; and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) has awarded to the County a \$30,000.00 Engineering Planning Grant for such purpose; and

WHEREAS, the EFC grant requires a 20% local match, with a minimum match amount of \$6,000.00; and

WHEREAS, grant revenue and matching funds were included in the District's part of the 2020 County budget, and the District Board supports this project and the associated expenditure of District funds; now therefore be it

RESOLVED That the County of Chautauqua authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the North Chautauqua Lake Sewer District Orchard Terrace Inflow and Infiltration Study, with a minimum local match of at least \$6,000.00 (20% of the EPG grant award of \$30,000.00) to be provided by the North Chautauqua Lake Sewer District.

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

RES. NO. 109-20

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

By Public Facilities Committee:

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received and accepted a Letter of Intent from Luscombe Aircraft Corporation conveying its desire and intention to lease hangar facilities at the Jamestown Airport for the purpose of producing new recreational aircraft and repairing and refurbishing legacy aircraft; and

WHEREAS, the County and Luscombe Aircraft Corporation have negotiated the lease of Hangar A for the specific purposes of aircraft manufacturing and refurbishment, authorized aviation activities for FAA-funded and regulated public airports; and

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

WHEREAS, the Airport Commission has considered and recommends approval of proceeding forward with the lease of Hangar A to Luscombe Aircraft Corporation for the purpose of operating an aircraft manufacturing and refurbishment enterprise; and

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

RESOLVED, That pursuant to General Municipal Law, a public hearing on the proposed lease agreement of the Chautauqua County Jamestown Airport Hangar A with Luscombe Aircraft Corporation, to include substantially the following terms and conditions, shall be held at 6:35 p.m. during the meeting of the Chautauqua County Legislature to occur on April 22, 2020, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757:

1. Term: Twenty (20) years commencing on May 1, 2020 and terminating on April 30, 2040.
2. Premises: Hangar A, a 25,000 gross square foot facility located at the Chautauqua County Jamestown Airport, with access and frontage along Turner Road.
3. Payment: Luscombe Aviation Corporation shall pay County a monthly fixed rental fee of \$1,850 and will be eligible for rent reduction credits for authorized capital improvements of up to \$500 per month for a period not to exceed ninety-six (96) months or \$48,000.
4. Other: As negotiated by the County Executive;

and be it further

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

Signed: Hemmer, Nazzaro, Davis, Gould

RES. NO. 110-20

Authorizing Public Hearing Regarding a Potential Application for 2020 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding

By Planning & Economic Development Committee:

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

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of the Webb’s Chautauqua Resort project located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project and administration of the OCR Economic Development Grant; and

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

WHEREAS, the County is required to hold a public hearing prior to submitting an application for CDBG funding to provide information to the public on the proposed Project and to seek input from the public on community development, housing needs, and proposed activities under the CDBG program, especially input from low-and moderate-income residents; therefore, be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on April 22, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least eight (8) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Odell, Harmon, Ward, Starks

RES. NO. 111-20

Requesting Continuation of State Legislation Authorizing 1.0% Additional Sales Tax

By Audit & Control Committee:

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

WHEREAS, pursuant to Chapter 61 of the Laws of 2017 adopted by the New York State Legislature, the County was authorized to continue the additional sales tax of 1% for the period of December 1, 2017 through November 30, 2020, with three-twentieths of the net collections from the additional 1% allocated to the cities, towns and villages in the county on the basis of their respective populations, and the remainder of the net collections from the additional 1% eligible to be allocated by the County as follows: (1) to pay the County's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the general municipal law; and

WHEREAS, it is desirable to continue the 1% additional sales tax for allocation to the cities, towns, villages, and the County as currently provided by State law; therefore be it

RESOLVED, that the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to continue to impose an additional sales tax of 1% subject to the same requirements in Chapter 61 of the Laws of 2017, to take effect December 1, 2020 and continuing through November 30, 2023; and be it further

RESOLVED, that the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator George Borrello and Assemblyman Andrew Goodell.
Signed: Nazzaro, Niebel, Harmon, Odell, Gould

CHAUTAUQUA COUNTY LEGISLATURE

03/25/2020

RES. NO. 112-20

Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

By Audit & Control Committee:

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

WHEREAS, pursuant to Chapter 61 of the Laws of 2017 adopted by the New York State Legislature, the County was authorized to continue to impose a 5% occupancy tax for the period of December 1, 2017 through November 30, 2020, with three-fifths of the net collections dedicated to the promotion of tourism and two-fifths of the net collections to be dedicated solely to the enhancement and protection of the lakes and tributary streams of Chautauqua County; and

WHEREAS, it is desirable to continue a dedicated occupancy tax for the promotion of tourism and the enhancement of the lakes and tributary streams of Chautauqua County; therefore be it

RESOLVED, that the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapter 61 of the Laws of 2017, to take effect December 1, 2020 and continuing through November 30, 2023; and be it further

RESOLVED, that the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator George Borrello and Assemblyman Andrew Goodell.
Signed: Nazzaro, Niebel, Harmon, Odell, Gould

CHAUTAUQUA COUNTY
MOTION NO. ___-20

TITLE: In Opposition of the Energy Siting Amendment to the NYS Budget

AT THE REQUEST OF: Legislators Mark Odell, Elisabeth Rankin, Lisa Vanstrom, John Davis, John Hemmer, Bob Scudder, Dan Pavlock, and Bob Bankoski:

WHEREAS, On February 21, 2020, Governor Cuomo announced a 30-day budget amendment “to dramatically speed up the permitting and construction of renewable energy projects”; and

WHEREAS, This amendment could be passed with the budget by April 1st, replacing Article 10 with a new, fast track method of energy project siting, effectively removing local control in the decision making process and any input from municipalities or citizens or local environmental groups; and

WHEREAS, the new process would include almost no opportunity to bring in locally sourced data or regional experts to present evidence regarding specific siting issues; and

WHEREAS, the State will allow no public comment or input prior to a project application; and

WHEREAS, the State will allow no role for environmental or citizen groups outside of commenting on the draft project proposal; and

WHEREAS, once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is “complete”. If the decision is not made in that time, the application is automatically deemed complete. Once the application is determined to be complete the ORES Office will approve the project within 12 months or it is automatically considered approved. There is no process for extending this time limit; and

WHEREAS, there is no mandated hearing as part of this new siting process so there is no method for submitting expert testimony; and

WHEREAS, the Chautauqua County Legislature finds local input to be of tremendous value in assisting the decision making process with regards to large size energy producing projects and further that any large scale energy producing construction project should have to face review of the project’s potential environmental impact using the same standards provided to every other large-scale construction project; and

WHEREAS, the Chautauqua County Legislature recognizes the importance of Lake Erie as a source of drinking water for our residents and its economic significance for recreation and tourism, and is concerned that New York State or any other authority, agency, commission, or department thereof might nearsightedly allow any private and/or public entity to construct and install, with or without permanent bases, pylons, piers or similar structures, one or more wind turbines in the waters of Lake Erie without the input of any local review; now therefore be it

KNOWN, That the Chautauqua County Legislature opposes the 30-day amendment proposed by the Governor which would substantially remove municipalities, environmental, birding and citizen groups from the process of vetting wind and solar projects in New York State and does hereby request that this budget amendment be withdrawn before the budget is voted on; and be it further

MOVED, That the Clerk of the Legislature is hereby directed to forward copies of this Motion to the New York State Assembly Leader Carl Heastie, NYS Senate President and Majority Leader Andrea Stewart Cousins, Minority Leader John Flanagan, Governor Andrew M. Cuomo, Senator George Borrello, Assemblyman Andrew Goodell and all others deemed necessary and proper.