

CHAUTAUQUA COUNTY LEGISLATURE

04/28/2021

To View the Meeting on-line go to

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

PUBLIC PARTICIPATION – Due to the COVID-19 crisis, The public may participate in Privilege of the Floor by emailing a statement prior to the County Legislature’s 6:30 PM meeting to the Clerk of the Legislature at TampioK@co.chautauqua.ny.us – emailed statements received by the Clerk shall be read during the Privilege of the Floor.

The public may participate in the public hearing in any of the following ways: (i) by emailing a statement prior to the County Legislature’s 6:30 PM meeting to the Clerk of the Legislature at TampioK@co.chautauqua.ny.us – emailed statements received by the Clerk shall be read during the public hearing; (ii) by mailing or delivering a statement prior to the County Legislature’s 6:30 PM meeting to the Clerk of the Legislature at 3 North Erie Street (Room #325), Mayville, N.Y. 14757– mailed and delivered statements received by the Clerk shall be read during the public hearing; (iii) by appearing in person at the Legislature Chambers during the 6:35 PM public hearing to make a live statement.

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR HARMON

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR (03/24/2021 & 04/06/2021)

PRIVILEGE OF THE FLOOR

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

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

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 03/24/2021 & 04/06/2021**

COMMUNICATIONS:

- 1. Letter – County Executive Wendel – Appointment to Ethics Board**
- 2. Certification – Election Commissioner Certification – NYS Board of Elections**
- 3. Letter – Resignation – Norman Green, Chautauqua County Democratic Commissioner**
- 4. Report – Finance Director Crow – February 2021 Investment Report**
- 5. Affidavit of Publication – Legal Notice of Public Hearing – Re: Potential Application for 2021 Community Development Block Grant – Post Journal**
- 6. Affidavit of Publication – Legal Notice of Public Hearing – Re: Potential Application for 2021 Community Development Block Grant – Observer**
- 7. Affidavit of Publication – Legal Notice of Public Hearing – Re: Office of Community Renewal Grant Program Application – Post Journal**

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- 8. Affidavit of Publication – Legal Notice of Public Hearing – Re: Office of Community Renewal Grant Program Application – Observer**
- 9. Minutes – Conewango Watershed Commission – April 7, 2021 Meeting**
- 10. Report - Chautauqua County IDA & Component Units – Report on Financial Statements – For Year Ended December 31, 2020**

COMMENDATION:

PATRICIA BRINKMAN
DIRECTOR MENTAL HYGIENE SERVICES
By
Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.

CERTIFICATES OF RECOGNITION:

STEVE SMOUSE
By
County Executive Paul M. Wendel, Jr.

MIA GOOT
By
County Executive Paul M. Wendel, Jr.

JOE POLLARO
By
County Executive Paul M. Wendel, Jr.

FENTON HISTORICAL CENTER
Presented By
Legislator Bill Ward

MARVIN HOUSE
Presented By
Legislator Bill Ward

CHAUTAUQUA COUNTY LEGISLATURE

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6:35 P.M.

PUBLIC HEARING

**REGARDING A POTENTIAL APPLICATION FOR 2021 COMMUNITY
DEVELOPMENT BLOCK GRANT TO IMPLEMENT A MICROENTERPRISE
ASSISISTANCE GRANT**

**LOCAL LAW INTRO. 1-21 – A Local Law Amending the Chautauqua County
Code of Ethics**

RESOLUTIONS:

- 82-21 Confirm Appointment - Chautauqua County Ethics Board**
- 83-21 Amend 2021 Budget Appropriations to Accommodate New Customer Billing Software for Chautauqua County Sewer Districts**
- 84-21 Authorize Acceptance of Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA) Grant to Defray Operating Costs for Chautauqua County Dunkirk Airport**
- 85-21 Authorize Acceptance of Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA) Grant to Defray Operating Costs for Chautauqua County Jamestown Airport**
- 86-21 Authorize Agreement with Monroe County for Security of Inmates at the Rochester Psychiatric Center 2021-2026**
- 87-21 Fiscal Year 2020 Hazardous Materials Emergency Preparedness (HMEP) Grant Program**
- 88-21 Authorizing the Submittal of a New York State Community Development Block Grant Application for Microenterprise Assistance**
- 89-21 Accept Grant Funds from the Community Foundation for Greater Buffalo to Purchase Mobile Trail Counters**
- 90-21 Amend Budget for County Clerk to Accommodate Digitizing of Microfilm**
- 91-21 Cleanup and Sale of Tax Foreclosure Property**
- 92-21 Quit Claim Deeds**
- 93-21 Authorize Sale of Tax Foreclosure Property in Village of Silver Creek**

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

Members of the public may comment 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. Emailed comments will be read by the Clerk.

LOCAL LAW
INTRODUCTORY NO. 1-21
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

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

I. Local Law 1-20 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.

2. "Appear" and "Appear Before" mean communicating in whatever form, whether personally or through another person.

3. "County Officer or Employee" means any officer or employee of the County, whether paid or unpaid, including Public Officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.

4. "Dependent" means an individual who will be claimed by the County Officer or Employee as a dependent on the current year's State or Federal tax return.

5. "Family Member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County Officer or Employee.

6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.

7. "Related Person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County Officer or Employee's household, first cousin, aunt, uncle, niece, or nephew.

8. "Public Official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County Officer or Employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:

- a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County Officer or Employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
- b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family Member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County Officer or Employee knows is considering or has had any transactions with the County that involves any discretionary act by the County Officer or Employee.
- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:

- (i) himself or herself;
- (ii) a Family Member;
- (iii) any partnership or unincorporated association of which the County Officer or Employee is a member or employee or in which he or she has a proprietary interest;
- (iv) any corporation of which the County Officer or Employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
- (v) any Person with whom the County Officer or Employee or his or her Family Member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County Officer or Employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
- (vi) any Person from whom the County Officer or Employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County Officer or Employee from performing a purely ministerial act.

Notwithstanding the above, a County Officer or Employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- d. solicit directly or indirectly any non-elected County Officer or Employee or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited County Officer or Employee happens to be a member.
- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.

- f. after termination of his or her term of office or employment with the County, Appear Before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- g. no paid County Officer or Employee shall for two years after the termination of employment provide professional or managerial services for a third party on any matter involving his or her former County Agency.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct. Retired County Officers or Employees who were working for a third party on a matter involving their former County Agency at the time of enactment of this Law may continue to perform such work as long as their actions do not violate the terms of this paragraph “g” as it was written on their date of retirement.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself of herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County Officer or Employee shall Appear Before any County department or Agency which employs such County Officer or Employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County Officer or Employee who is an elected Public Official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint a County Officer or Employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County Officer or Employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County Officer or Employee.

Section 5. Interests in Contracts Pursuant to General Municipal Law

1. No County Officer or Employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County Officer and Employee shall disclose interests in contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County Officers and Employees shall be in compliance with County policies and procedures.

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County Officer or Employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public Officials who are elected or paid, and all County Officers or Employees who are authorized to use County-issued credit cards or to approve vouchers, purchase orders,

contracts and payroll such as purchasing clerks and purchasing agents, shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement using a form approved by the Ethics Board which shall be substantially in conformance with the 2019 disclosure statement form filed with the Clerk of the County Legislature.

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the County Officer or Employee shall file a signed amendment to the statement indicating the change. The Ethics Board shall have free and unlimited access to all forms at all times.

County department heads shall ensure that if an Officer or Employee under the department head's purview who is required to file a statement does not timely file a statement, such Officer or Employee's ability to directly or indirectly expend County funds is suspended until such time as the statement has been filed. This will include without limitation suspension of use of County-issued credit cards and suspension of the ability to approve vouchers, purchase orders, contracts and payroll. If a County Officer or Employee subject to the filing requirement is unable to timely file the statement or amended statement due to approved leave-time, illness, injury, lack of County engagement, or other justifiable circumstances, such individual must submit for Ethics Board approval a written request for an extension of time to file, approved by such Officer or Employee's department head or by the County Executive or Legislative Chair. The request shall be supported by such documentation as may be reasonably requested by the Ethics Board. The prioritization of other County matters over the filing of the disclosure statement is not grounds for an extension of time to file.

2. If a County Officer or Employee who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. Lists of Titles Required to File; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

1. A list of those titles which are subject to County disclosure requirements, as the same may be amended from time to time by the Ethics Board, is on file with the Clerk of the Legislature and in the office of the County Executive.

2. Before May 15th of each year, the County Executive shall verify that every affected County Officer or Employee has filed his or her annual disclosure statement.

3. Failure of the County Executive or of an individual subject to disclosure statement filing requirements to comply with such requirements shall not relieve any individual from his or her duty to file a disclosure statement pursuant to this Code of Ethics.

4. All County Officers and Employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of this Code, and to timely confirm in writing completion of such training requirements. The training will include either a paper copy of the Code or information about where the Code can be found online. Training will be administered as follows:

- a. The County Department of Human Resources will provide a paper copy of the training materials to new employees as part of the new employee orientation process, and will secure written confirmation of receipt, or will send the training materials to new employees via e-mail and secure written confirmation of receipt.
- b. The County Department of Human Resources will issue training materials to Department Heads, who shall administer annual training for all County employees under their purview between January 1st and March 31st. Department Heads must ensure that each employee under their purview signs off on a paper or electronic form confirming review of the training, and shall certify completion of departmental training to the Human Resources Director.
- c. For those subject to the training requirement who are not County employees, the appointing authorities or their designees will provide a copy of the training materials to each such individual upon first appointing such individual, and will within thirty days of appointment secure written or electronic confirmation of receipt.
- d. For those subject to the training requirement who are not County employees, the appointing authorities or their designees will administer annual training for all such individuals under their purview between January 1st and March 31st. Appointing authorities or their designees must ensure that each such individual acknowledges receipt of the training materials, either electronically or by signing off on a form confirming receipt of the training materials.
- e. The Director of the Department of Human Resources will notify the County Ethics Board when Department Heads have certified employee completion of the annual training, and appointing authorities or their designees will notify the County Ethics Board when all non-employees who are under their purview and subject to the training requirement have acknowledged receipt of the annual training materials.

Section 10. Reporting Violations.

All County Officers and Employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, or to the Chautauqua County Ethics Board, PO Box 13, Jamestown, New York 14702-0013. Making a report with

knowledge that all or part of the information in the report is false or misleading is a violation of this Code and may result in penalties as provided herein.

Section 11. Inducement of Violations

Any Person, whether or not a County Officer or Employee, who intentionally induces any County Officer or Employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County Officer or Employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County Officer or Employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County Officer or Employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County Officer or Employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:
- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
 - b. Review with County Officers or Employees the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
 - c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
 - d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
 - e. Render advisory opinions upon request of any County Officer or Employee;
 - f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
 - g. Prepare an annual report;
 - h. Recommend changes or improvements to the Code of Ethics;
 - i. Perform such other related duties as requested by the County Executive;
 - j. Meet at least four times a year, and send notice of meetings and the names of Ethics Board members to the County's official newspapers and to radio stations in the County. In addition, notice of meetings and the names of Ethics Board members shall be posted on the County's website; and
 - k. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

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

Sponsor: Chairman Chagnon and Legislator Chuck Nazzaro

CHAUTAUQUA COUNTY LEGISLATURE
04/28/2021

RES. NO. 82-21
Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Ethics Board.

Diane Hannum
10435 Bay Shore Dr.
Dunkirk, NY 14048
Term Expires 1/31/2024

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom (Voted “yes” by Video conference)

RES. NO. 83-21
Amend 2021 Budget Appropriations to Accommodate New Customer
Billing Software for Chautauqua County Sewer Districts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the South & Center Chautauqua Lake Sewer District, North Chautauqua Lake Sewer District, and Portland, Pomfret, Dunkirk Sewer District use 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 \$54,250; and

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

WHEREAS, pursuant to Resolution Nos. 105-20 and 106-20, the districts’ 2020 budgets were amended to accommodate the purchase of a new billing module but the purchase was not completed in 2020; and

WHEREAS, expenditures to replace the software were not included in the districts’ 2021 Adopted Budget for computer software; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|-----------------|--|-----------------|
| ESN.8110.8112.4 | Contractual—Administration, Administration | \$10,503 |
| ESP.8110.8114.4 | Contractual—Administration, Administration | \$ 4,141 |
| ESS.8110.----.4 | Contractual—Administration | <u>\$39,154</u> |
| | Total | \$53,798 |

CHAUTAUQUA COUNTY LEGISLATURE
04/28/2021

DECREASE APPROPRIATION ACCOUNTS:

| | | |
|-----------------|--|-----------------|
| ESN.8120.8122.4 | Contractual — Sanitary Sewers, Sanitary Sewers | \$10,503 |
| ESP.8120.8124.4 | Contractual —Sanitary Sewers, Sanitary Sewers | \$ 4,141 |
| ESS.9089.----.4 | Contractual—Undistributed Benefits | <u>\$39,154</u> |
| | Total | \$53,798 |

Signed: Hemmer, Scudder, Nazzaro, Gould, Davis, Odell, Niebel (Voted “yes” by Video conference)

RES. NO. 84-21

Authorize Acceptance of Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA) Grant to Defray Operating Costs for Chautauqua County Dunkirk Airport

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport, a non-primary public airport in the National Plan of Integrated Airport Systems (NPIAS), in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and enhances current and future economic development in the County; and

WHEREAS, pursuant to Public Law 116-260 (CRRSA), Federal funds were made available to U.S. public airports in the NPIAS to “prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-36-0022-060-2021 in the amount of \$13,000 (hereinafter called “the Grant”) for the Chautauqua County Dunkirk Airport, and said funds will be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport; and

WHEREAS, the Airport Commission reviewed and recommended that the County accept the Grant for the purpose of offsetting the Chautauqua County Dunkirk Airport’s allowable operating costs; and

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than April 30, 2021 in order for the Grant to be valid; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the ACRGP Grant Offer, Grant No. 3-36-0022-060-2021 in the amount of \$13,000 for the Chautauqua County Dunkirk Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant.

Signed: Hemmer, Scudder, Nazzaro, Gould, Davis, Odell, Niebel (Voted “yes” by Video conference)

CHAUTAUQUA COUNTY LEGISLATURE
04/28/2021

RES. NO. 85-21

Authorize Acceptance of Coronavirus Response and Relief Supplemental Appropriation
Act 2021 (CRRSA) Grant to Defray Operating Costs for Chautauqua County
Jamestown Airport

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport, a non-primary public airport in the National Plan of Integrated Airport Systems (NPIAS), in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and enhances current and future economic development in the County; and

WHEREAS, pursuant to Public Law 116-260 (CRRSA), Federal funds were made available to U.S. public airports in the NPIAS to “prevent, prepare for, and respond to coronavirus impacts, including support for continuing airport operations”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-36-0048-055-2021 in the amount of \$13,000 (hereinafter called “the Grant”) for the Chautauqua County Jamestown Airport, and said funds will be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport; and

WHEREAS, the Airport Commission reviewed and recommended that the County accept the Grant for the purpose of offsetting the Chautauqua County Jamestown Airport’s allowable operating costs; and

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than April 30, 2021 in order for the Grant to be valid; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the ACRGP Grant Offer, Grant No. 3-36-0048-055-2021 in the amount of \$13,000 for the Chautauqua County Jamestown Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant.
Signed: Hemmer, Scudder, Nazzaro, Gould, Davis, Odell, Niebel (Voted “yes” by Video conference)

RES. NO. 86-21

Authorize Agreement with Monroe County for Security of Inmates at the
Rochester Psychiatric Center 2021-2026

By Public Safety Committee:

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

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to psychiatric facilities; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with Monroe County to provide security of inmates admitted to the Rochester Psychiatric Center

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where Monroe County will be reimbursed the actual cost associated with said security; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Monroe County to provide security of inmates admitted to the Rochester Psychiatric Center as set forth above.

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer (Voted "yes" by Video conference)

RES. NO. 87-21

Fiscal Year 2020 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$15,516.00 under the FY 2020 Hazardous Material Emergency Preparedness (HMEP) Grant Program and 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 April 1, 2021 through July 31, 2022, and as may be extended; and

WHEREAS, the grant funding will be expended in the 2021 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

RESOLVED, That the Director of Finance is hereby directed to make the following 2021 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|-----------------------------------|----------|
| A.3640.----.4 | Contractual – Hazardous Materials | \$15,516 |
|---------------|-----------------------------------|----------|

INCREASE REVENUE ACCOUNT:

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

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell (Voted "yes" by Video conference)

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RES. NO. 88-21
Authorizing the Submittal of a New York State Community Development
Block Grant Application for Microenterprise Assistance

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

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

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

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

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

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

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

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

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton, Nazzaro, Gould, Niebel
(Voted “yes” by Video conference)

RES. NO. 89-21
Accept Grant Funds from the Community Foundation for Greater
Buffalo to Purchase Mobile Trail Counters

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

WHEREAS, Chautauqua County is blessed with a remarkable system of trails for outdoor recreation, including the Overland Trails; and WHEREAS, these trails provide important active recreation opportunities for residents and visitors alike, contributing to the County’s high quality of life and attractiveness as a tourism destination; and

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WHEREAS, data about trail usage can help the County best manage and develop its trail system; and

WHEREAS, the Department of Planning and Development applied for grant funding from the Community Foundation for Greater Buffalo for the purchase of mobile trail counters to monitor trail usage; and

WHEREAS, the Community Foundation for Greater Buffalo has awarded the County \$7,000 for the purchase of said trail counters; and

WHEREAS, revenues and expenditures associated with this grant are not included in the 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the \$7,000 grant from the Community Foundation for Greater Buffalo and execute all agreements necessary to implement said funding; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|--------------------|---------|
| A.8020.----.2 | Equipment—Planning | \$7,000 |
|---------------|--------------------|---------|

ESTABLISH AND INCREASE REVENUE ACCOUNT:

| | | |
|-----------------------|-----------------------------------|---------|
| A.8020.----.R208.9000 | Departmental Income— | |
| | Other Culture & Recreation Income | \$7,000 |

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton, Nazzaro, Gould, Niebel
(Voted “yes” by Video conference)

RES. NO. 90-21

Amend Budget for County Clerk to Accommodate Digitizing of Microfilm

By Administrative Services and Audit & Control:

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

WHEREAS, the County Clerk’s office has one microfilm reader that is 40 years old, broken, and for which parts are no longer available; and

WHEREAS, digitizing our remaining rolls of microfilm and having them uploaded into our document management system will provide access and save money by eliminating the purchase and maintenance of microfilm readers; and

WHEREAS, this contractual cost was not included in the 2021 Adopted budget; and

WHEREAS, actual personal services and employee benefits expenditures are expected to be less than the corresponding appropriations due to various staff changes and temporary delays in filling vacant positions; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2021 Adopted Budget:

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INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|--------------------------|----------|
| A.1410.----.4 | Contractual—County Clerk | \$12,000 |
|---------------|--------------------------|----------|

DECREASE APPROPRIATION ACCOUNTS:

| | | |
|---------------|--------------------------------|-----------------|
| A.1410.----.1 | Personal Services—County Clerk | \$ 6,960 |
| A.1410.----.8 | Employee Benefits—County Clerk | <u>\$ 5,040</u> |
| | Total | \$12,000 |

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted “yes” by Video conference)

RES. NO. 91-21
Cleanup and Sale of Tax Foreclosure Property

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua, pursuant to Article 11 of the Real Property Tax Law, maintains an annual foreclosure process of delinquent tax debts; and

WHEREAS, tax parcel 111.08-3-10, located at 5310 Route 5 in the Town of Pomfret, was included in the 2018 in rem proceeding; and

WHEREAS, the County subsequently discovered after the 2018 auction that there were underground petroleum storage tanks on the property, and placed the auction sale of the parcel on hold in order to assess the environmental status and potential financial liability attached to parcel 111.08-3-10; and

WHEREAS, the County and the New York Environmental Protection and Spill Compensation Fund negotiated an agreement concerning the property, wherein the State would remove the underground petroleum storage tanks and contaminated soil, and the County would be relieved of any liability for the cleanup, after which the property would be sold and the proceeds of the sale divided equally between the County and the Spill Fund; and

WHEREAS, the County Legislature approved this agreement and the potential sale of the property in Resolution 225-19 for a sale price of \$14,500.00, and

WHEREAS, the Department of Environmental Conservation final report indicates that the cleanup was unable to remove all contaminated soil; and

WHEREAS, a revised offer of \$2,750.00 was submitted by the original bidders, reflecting the status of the soil, their potential environmental and legal costs, and other such factors; therefore be it

RESOLVED, That the County Executive is authorized to sell the subject parcel to Amanda Walden for the bid price of \$2,750.00, with the buyer responsible for all transfer and recording fees, and one half of such price will be remitted to the New York Environmental Protection and Spill Compensation Fund.

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted “yes” by Video conference)

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RES. NO. 92-21
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

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

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

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

| Offer Number | Municipality | S/B/L | Purchaser | Foreclosed Owner | Offer Amount | Taxes Owning |
|--------------|--------------|--------------------|---------------------|------------------|--------------|--------------|
| PA-297-2019 | Ellicott | 063889-371.07-5-12 | CMG Development LLC | Melissa Simmons | \$361.89 | \$361.89 |
| | | | | | | |
| | | | | Total | \$361.89 | \$361.89 |

Signed: Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Gould, Niebel, Odell (Voted "yes" by Video conference)

RES. NO. 93-21
Authorize Sale of Tax Foreclosure Property in Village of Silver Creek

At the Request of County Executive Paul M. Wendel, Jr., and Legislators Tom Harmon, Robert Bankoski, Bob Scudder, Paul Whitford, Mark Odell, John Hemmer, Lisa Vanstrom, Dan Pavlock, and Elisabeth Rankin:

WHEREAS, the old Silver Creek School in the Village of Silver Creek located at 60 Main Street (Tax Parcel # 49.06-3-43) was tax foreclosed several years ago and has been in a state of continuing deterioration for decades; and

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WHEREAS, Region Nine UAW Housing Corporation (“Region Nine”), of 88 Huntington Street, New Brunswick, New Jersey, a not-for-profit 501(c)(3) corporation, has extensive experience and success in developing affordable housing projects in New Jersey and Pennsylvania, and securing the necessary funding sources for such projects; and

WHEREAS, by using State and Federal funding sources and credits, Region Nine wishes to attempt to redevelop the old Silver Creek School through an historic renovation creating approximately 47 affordable apartments for persons 55 and over (“the Project”); and

WHEREAS, the Village of Silver Creek is in support of Region Nine’s proposal to rehabilitate the old Silver Creek School; therefore be it

RESOLVED, that the County Executive is authorized to enter into an agreement for the sale of the tax foreclosed old Silver Creek School, or the assignment of the County’s right to a tax deed, on the following terms and conditions:

1. Purchaser. WTR UAW Housing Corp., or other designee of Region Nine.
 2. Purchase Price. \$1.00, contingent upon the purchaser receiving necessary tax credits, financing, governmental approvals, and permits for the Project.
 3. Closing. On or before December 31, 2022, or as may be extended by the County Executive in the best interest of the County to complete the closing.
 4. Other. As negotiated by the County Executive.
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