

CHAUTAUQUA COUNTY LEGISLATURE

05/26/2021

To View the Meeting on-line go to

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

PUBLIC PARTICIPATION – Due to the COVID-19 crisis, the May 26, 2021 Legislature meeting will be held by remote access. The public may participate in Privilege of the Floor by emailing or mailing a statement prior to the County Legislature’s 6:30 PM meeting to the Clerk of the Legislature at TampioK@co.chautauqua.ny.us – statements received by the Clerk shall be read during the Privilege of the Floor. The Public may view the meeting by accessing the live stream on the county Facebook page

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR HEMMER

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 04/28/2021

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 or mailed comments will be read by the Clerk.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 04/28/2021**

COMMUNICATIONS:

- 1. Letter – Town of Ellery to Chairman Chagnon, Re: CLPRA**
- 2. Letter –Reply to Town of Ellery, Re: CLPRA**
- 3. Reports – Quarterly reports – Small Business Development Center**
- 4. Letter – Chautauqua County Agriculture & Farmland Protection Board, Re: 2021 Agricultural District Review**
- 5. Affidavit of Publication – Post-Journal, Re: Legal Notice of Local Law Amending the Chautauqua County Code of Ethics**
- 6. Affidavit of Publication – Observer, Re: Legal Notice of Local Law Amending the Chautauqua County Code of Ethics**
- 7. Report – Finance Director Crow, Re: March 2021 Investment Report**
- 8. Notices – List of Certified 2021 State Equalization Rates**
- 9. Message of Necessity - County Executive Wendel, Re: Local Law Introductory No. 2-21**
- 10. Letter – Brad Zimmer, Re: Chautauqua Lake District Tax**
- 11. Affidavit of Publication – Post-Journal, Re: Adoption of Local Law Amending the Chautauqua County Code of Ethics**

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LOCAL LAW INTRO. 2-21 – A Local Law Adopting a Pilot Youth Deer Hunting Program

RESOLUTIONS:

- 94-21 Confirm Appointments – Parks Commission**
 - 95-21 Confirm Appointments - Chautauqua County Office for Aging Services Advisory Council**
 - 96-21 Confirm Appointments - Chautauqua County Land Bank Board of Directors**
 - 97-21 Amend 2021 Capital Project Account (DPF Large Equipment)**
 - 98-21 Acceptance of Funds from the FAA for Reconstruction of Taxiway A East Including Associated Drainage and Remarking (Design) at the Chautauqua County Dunkirk Airport**
 - 99-21 FY19 Cyber Security Grant Program**
 - 100-21 Distribution of Mortgage Taxes**
 - 101-21 Amend 2021 Budget–District Attorney**
 - 102-21 Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Explosive Detection Canine Team FY19**
 - 103-21 Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program FY19**
 - 104-21 Amend 2021 Budget for Office of the Sheriff**
 - 105-21 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction**
 - 106-21 Authorize Agreement with Silver Creek Central School District for School Resource Officer**
 - 107-21 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY21**
 - 108-21 FY2019 Hazardous Materials Grant Program**
 - 109-21 Authorize Agreement with Village of Lakewood for Purchase of Fuel**
 - 110-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased Home Energy Assistance Program Costs**
 - 111-21 Designate Chautauqua County Legislature as the Lead Agency Responsible for Environmental Quality Review (SEQR) of Proposed Agricultural District Modifications**
 - 112-21 Authorizing Public Hearing Regarding Proposed Modifications to Chautauqua County Agricultural Districts**
 - 113-21 Endorsement of 2021 Chautauqua Lake Memorandum of Understanding**
 - 114-21 Confirm Appointment - Luz Torres (D) Commissioner of Elections**
 - 115-21 Extend 2020 Tax Foreclosure Redemption Date**
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ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

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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 or mailed comments will be read by the Clerk.

LOCAL LAW
INTRODUCTORY NO. 2-21
CHAUTAUQUA COUNTY

A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

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

Section 1. Purpose.

Consistent with the provisions of Environmental Conservation Law § 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

Section 2. Definitions.

- a. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
- b. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
- c. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
- d. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
- e. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.

- f. “Parent” means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
- g. “Physical control” means that the physical proximity of a minor to a parent, legal guardian or mentor is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

Section 3. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the County of Chautauqua upon (a) the adoption of this Local Law; and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

The County of Chautauqua hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

Section 4. Eligibility and Requirements.

a. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Chautauqua when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.

b. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.

c. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

d. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.

e. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be

capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

f. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

Section 5. Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

Section 6. Effective Date and Filing.

This local law shall become effective upon filing with the Secretary of State. In accordance with Environmental Conservation Law § 11-0935, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation.

Sponsors: Legislators Bankoski, Whitford, Pavlock

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RES. NO. 94-21
Confirm Appointments – Parks Commission

By Public Facilities Committee:

At the Request of Chairman Pierre E. Chagnon and Legislator John Hemmer:

WHEREAS, Chairman Pierre E. Chagnon, has submitted the following appointments for action by the Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointments to the Chautauqua County Parks Commission.

New Appointments

Carrie H. McCausland
8286 Thayer Road
Portland, NY 14769
Term Expires: 12/31/22

Robert E. Dando, Jr.
8631 Fredonia-Stockton Road
Fredonia, NY 14063
Term Expires: 12/31/22

Signed: Hemmer, Scudder, Gould, Davis (Voted “yes” by video conference)

RES. NO. 95-21
Confirm Appointments - Chautauqua County Office for Aging Services
Advisory Council

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Office for Aging Services Advisory Council.

New Appointments

Dr. John Hamels
5996 Welch Hill Road
Ripley, NY 14775
Term Expires: 12/31/2021

Laila Denoya
15 University Park
Fredonia, NY 14063
Term Expires: 12/31/2021

Signed: Pavlock, Rankin, Whitford, Whitney, Lawton (Voted “yes” by video conference)

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RES. NO. 96-21

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 Paul M. Wendel, Jr., 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.

New Appointments

Bonnie Rae Strickland
8267 Sixth St. (Barcelona)
Westfield, NY 14787
Term Expires: 3/31/22

Taylor Scott
45 E. Summit St.
Lakewood, NY 14750
Term Expires: 3/31/22

Signed: Odell, Stark, Muldowney, Harmon, Ward, Rankin, Lawton (Voted "yes" by video conference)

RES. NO. 97-21

Amend 2021 Capital Project Account (DPF Large Equipment)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, funds realized from the sale of surplus equipment will generate a surplus to the DPF Large Equipment revenue account; and

WHEREAS, additional funds are needed to upgrade the radios in the DPF Transportation equipment to High Band to be compatible with the County-Wide System; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

H.5130.626.4 Contractual--Road Machinery, DPF Large Equipment (Annual) \$364,766

INCREASE REVENUE ACCOUNT:

H.5130.626.R266.5000 Sale of Property/Compensa--Sale of Equipment \$364,766

Signed: Hemmer, Scudder, Gould, Davis, Nazzaro, Niebel, Odell, Harmon (Voted "yes" by video conference)

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RES. NO. 98-21

Acceptance of Funds from the FAA for Reconstruction of Taxiway A East Including Associated Drainage and Remarketing (Design) at the Chautauqua County Dunkirk Airport

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (FAA) a project application and received a grant from the FAA to pay 100% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: reconstruct Taxiway A East including associated drainage and remarketing – design phase, Airport Improvement Program (AIP) Project No. 3-36-0022-059-2021, (herein called the “Project”); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Dunkirk Airport consisting of development of design documents leading to future reconstruction of Taxiway A (East) along with associated drainage, signage and lighting, which is more fully described in the Project agreement; and

WHEREAS, pursuant to Resolution 19-20, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan (“ACIP”) and approved submission of an application for FAA and NYSDOT grant funds for Rehabilitate Taxiway A East (Design) under ACIP, and funding shares for the Project are as follows:

Federal:	\$133,654
State:	\$ 0
Local:	\$ 0
Total Project Costs:	\$133,654

; and

WHEREAS, the Airport Commission has considered and recommended that the County seek this funding as the Project is crucial for the safe and sustained operation of the Chautauqua County/Jamestown Airport; now therefore be it

RESOLVED, That Chautauqua County enter into agreements with the FAA for financial assistance for the Project at the Chautauqua County/Dunkirk Airport described above; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and NYSDOT in connection with this Project; and be it further

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

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.5610.25214.4	Contractual–Chautauqua County Airport, Rehab Taxiway A (East) - Design Phase (2021)	\$133,654
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.5610.25214.R459.2000	Federal Aid–Airport Federal Capital Grants	\$133,654
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Signed: Hemmer, Gould, Davis, Nazzaro, Niebel, Odell, Harmon (Voted “yes” by video conference) (Carried with Scudder voting “no”)

RES. NO. 99-21
FY19 Cyber Security Grant Program

By Administrative Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County Information Services was awarded funds of \$50,000 under the FY19 Cyber Security Grant Program, funded by federal funds (HSGP) from FEMA and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the grant will be used to develop, improve, and implement cyber security, and train individuals on cyber threats and their mitigation; and

WHEREAS, the grant period runs from April 1, 2021 through August 31, 2022 and the grant was not included in the 2021 Adopted Budget; 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 changes to the 2021 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1680.----.4	Contractual—Information Technology	\$50,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1680.----.R408.9000	Federal Aid—Other Federal Aid	\$50,000
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Signed: Vanstrom, Davis, Starks, Muldowney, Nazzaro, Gould, Niebel, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 100-21
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the

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Director of Finance for the distribution to said municipalities of all monies due pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2020 through April 30, 2021

TOWNS		CITIES	
Arkwright	\$8,392.83	Dunkirk	\$50,951.54
Busti	\$81,652.63	Jamestown	\$83,138.18
Carroll	\$16,644.29		
Charlotte	\$9,683.54	TOTAL	\$134,089.72
Chautauqua	\$101,429.48		
Cherry Creek	\$6,390.43		
Clymer	\$10,681.43	VILLAGES	
Dunkirk	\$17,966.90		
Ellery	\$78,252.21	Bemus Point	\$5,302.70
Ellicott	\$59,930.19	Brocton	\$1,824.56
Ellington	\$6,327.06	Cassadaga	\$1,677.21
French Creek	\$17,714.69	Celoron	\$4,592.93
Gerry	\$8,365.33	Falconer	\$6,645.99
Hanover	\$42,122.47	Fredonia	\$35,855.69
Harmony	\$10,821.68	Lakewood	\$24,454.26
Kiantone	\$12,116.85	Mayville	\$7,878.29
Mina	\$28,902.51	Panama	\$1,291.72
North Harmony	\$43,888.23	Sherman	\$1,762.14
Poland	\$10,875.82	Silver Creek	\$4,896.47
Pomfret	\$71,088.61	Sinclairville	\$1,571.67
Portland	\$20,036.80	Westfield	\$8,600.04
Ripley	\$13,062.14		
Sheridan	\$17,124.07	TOTAL	\$106,353.67
Sherman	\$10,286.24		
Stockton	\$9,322.92		
Villanova	\$10,176.02		
Westfield	\$23,417.14		
TOTAL	\$746,672.51		
 GRAND TOTAL		 \$987,115.90	

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

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RES. NO. 101-21
Amend 2021 Budget–District Attorney

By Public Safety and Audit & Control Committees:

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

WHEREAS, the District Attorney anticipated participating in the Violence Against Women Act (VAWA) grant in 2021; and

WHEREAS, revenues and expenditures associated with the VAWA grant were included in the 2021 Adopted Budget; and

WHEREAS, the District Attorney was not awarded the VAWA grant for the 2021 calendar year; 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:

DECREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services - District Attorney	\$33,500
A.1165.----.4	Contractual - District Attorney	\$13,000
A.1165.----.8	Employee Benefits - District Attorney	<u>\$6,350</u>
	Total	\$52,850

DECREASE REVENUE ACCOUNT:

A.1165.----.R438.9004	Federal Aid-Violence Against Women	\$52,850
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 102-21

Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Explosive Detection Canine Team FY19

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for further implementation of the Explosive Detection Canine Team grant; and

WHEREAS, the State of New York will provide funding for FY19 grant award in the amount of \$15,000, with no local funds, for the contract period from April 1, 2021 to August 31, 2022; and

WHEREAS, this grant is not currently included in the 2021 Adopted Budget; now therefore be it

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RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security; and also 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 ACCOUNT:

A.3110.GRNT.4 Contractual – Sheriff, Sheriff Grants \$15,000

INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R438.9K9T Federal Aid – Explosive Detection Canine Team \$15,000
Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 103-21

Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program FY19

By Public Safety and Audit & Control Committees:

At County Executive Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for the FY19 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY19 grant award in the amount of \$75,000, with no local funds, for the contract period from April 1, 2021 to August 31, 2022; and

WHEREAS, this grant is not included in the 2021 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security; and also 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 ACCOUNT:

A.3110.GRNT.2 Contractual – Sheriff, Sheriff Grants \$72,500

INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R438.9BMB Federal Aid – Bomb Detection \$72,500
Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

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RES. NO. 104-21
Amend 2021 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:

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

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates; and

WHEREAS, the Office of the Sheriff will receive revenues in excess of budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.2	Equipment – Sheriff	\$10,395
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INCREASE REVENUE ACCOUNT:

A.3110.----.R262.6000	Fines & Forfeitures – Restricted-Forfeiture	\$10,395
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 105-21

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County is required pursuant to the New York State Correction Law and Education Law to provide appropriate educational services to eligible inmates housed at the County Jail; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has successfully administered various education programs at the jail, and has the ability to oversee a culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of July 1, 2021 through June 30, 2022, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$41,705; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2021 Adopted Budget and will be included in the 2022 Proposed Budget for the Office of the Sheriff; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for a culinary arts instruction program.

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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 106-21
Authorize Agreement with Silver Creek Central School District for
School Resource Officer

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Silver Creek Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of July 1, 2021 through June 30, 2022; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Silver Creek School District to provide a certified School Resource Officer for the term of July 1, 2021 through June 30, 2022 at a cost of \$97,938; and

WHEREAS, this contract is a renewal and is included in the 2021 Adopted Budget so no budget amendment is needed; now therefore be it

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

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 107-21
Authorize Agreement with Town of Hanover for Enhanced Police
Protection Services FY21

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Town of Hanover and the Village of Silver Creek have requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographical boundaries of the Town of Hanover and the Village of Silver Creek for the 2021 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Town of Hanover and the Village of Silver Creek for the period from January 1, 2021 through December 31, 2021 for an estimated cost not to exceed \$427,064; and

WHEREAS, this revenue is included in the 2021 Adopted Budget so no budget amendments are needed; now therefore be it

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RESOLVED, That the County Executive is hereby authorized to and empowered to execute an agreement with the Village of Silver Creek for enhanced police protection services as set forth above with revenue to be credited to account A.3110.R226.0000.

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 108-21
FY2019 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of Emergency Services was awarded a Regional Partnership Grant in the amount of \$94,000 under the 2019 Hazmat Grant Program which runs from April 1, 2021, through August 31, 2022; and

WHEREAS, the 2019 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, 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 be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.2	Equipment – Hazardous Materials	\$ 94,000
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INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$ 94,000
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Gould, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 109-21

Authorize Agreement with Village of Lakewood for Purchase of Fuel

By Public Safety Committee:

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

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WHEREAS, the Office of Emergency Services has determined that the utilization of the fuel depot at the Village of Lakewood would increase cost efficiency and accountability for the Fly Car Program; and

WHEREAS, the Office of Emergency Services has negotiated a tentative agreement with the Village of Lakewood for the purchase of fuel for agency vehicles at current New York State bid prices and without payment of usage or service fees; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Village of Lakewood for the purchase of fuel for Emergency Services vehicles.

Signed: Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer (Voted “yes” by video conference)

RES. NO. 110-21

Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased Home Energy Assistance Program Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, 2021 expenditures for the Home Energy Assistance Program are now projected to be in excess of the budgeted amount; and

WHEREAS, 2021 contractual expenditures for State Training School are now projected to be lower than the budgeted amount; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6141.----.4 Contractual-- Home Energy Assistance Prog \$ 30,000

DECREASE APPROPRIATION ACCOUNT:

A.6129.----.4 Contractual—State Training School \$ 30,000

Signed: Pavlock, Rankin, Whitford, Whitney, Lawton, Nazzaro, Gould, Niebel, Odell, Harmon (Voted “yes” by video conference)

RES. NO. 111-21

Designate Chautauqua County Legislature as the Lead Agency Responsible for Environmental Quality Review (SEQR) of Proposed Agricultural District Modifications

By Planning & Economic Development Committee:

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

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WHEREAS, the Chautauqua County Legislature is responsible for Chautauqua County Agricultural Districts No. 1, 2, 6, 7, 8, 10, 11, 12, and 13; and

WHEREAS, Article 25-AA of the Agriculture and Markets Law authorizes the continuance and modification of agricultural districts within the County of Chautauqua in accordance with the procedures set forth therein; and

WHEREAS, the Clerk of the Legislature received notifications from the New York State Department of Agriculture and Markets to start an eight-year review for each of Chautauqua County's agricultural districts; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, a comprehensive eight-year review of Chautauqua County's agricultural districts is being conducted in 2021, and a Notice of Review to accept proposals for modifications to the districts was posted and distributed in accordance with the procedures set forth therein for the period of March 1, 2021 through April 1, 2021; and

WHEREAS, the Chautauqua County Agriculture and Farmland Protection Board reviewed submitted proposals on April 28, 2021, and unanimously voted to accept all proposed modifications; and

WHEREAS, the State Environmental Quality Review Act (SEQR) requires modifications to an agricultural district to have an environmental assessment; and

WHEREAS, it is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for proposed updates or additions to Chautauqua County Agricultural District program in Chautauqua County for the 2021 eight-year review.

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton (Voted "yes" by video conference)

RES. NO. 112-21

Authorizing Public Hearing Regarding Proposed Modifications to Chautauqua County
Agricultural Districts

By Planning & Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for Chautauqua County Agricultural Districts No. 1, 2, 6, 7, 8, 10, 11, 12, and 13; and

WHEREAS, Article 25-AA of the Agriculture and Markets Law authorizes the continuance and modification of agricultural districts within the County of Chautauqua, in accordance with the procedures set forth therein; and

WHEREAS, the Clerk of the Legislature received notifications from the New York State Department of Agriculture and Markets to perform an eight-year review of each of Chautauqua County's agricultural districts; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, a comprehensive eight-year review of Chautauqua County's agricultural districts is being

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conducted in 2021, and a Notice of Review to accept proposals for modifications to the districts was posted and distributed in accordance with the procedures set forth therein, for the period of March 1, 2021 through April 1, 2021; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-c, consolidation of agricultural districts are considered modifications to the district boundaries; and

WHEREAS, pursuant to Resolution No. 208-15, Chautauqua County accepted a plan to consolidate the agricultural districts into districts No. 1, 7, 8, and 10; and

WHEREAS, the Chautauqua County Agriculture and Farmland Protection Board reviewed submitted proposals on April 28, 2021, and unanimously voted to accept all proposed modifications and consolidations; and

WHEREAS, in accordance with New York State Agriculture & Markets Law Section 303-a, the County must hold a Public Hearing prior to accepting proposed modifications to an agricultural district; therefore be it

RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 23, 2021, at 6:35 p.m., in the Legislative Chambers, Gerace Office Building, Mayville, New York, where all interested parties shall be heard regarding the proposed modifications to Chautauqua County's Agricultural Districts; and be it further

RESOLVED, That at least eight (8) days' notice of such hearing shall be given by the Clerk of the Legislature by the due posting thereof in the Gerace Office Building and on the County's website, and by publishing such notice at least once in the official newspaper of the County.

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton (Voted "yes" by video conference)

RES. NO. 113-21

Endorsement of 2021 Chautauqua Lake Memorandum of Understanding

By Planning & Economic Development Committee:

At the Request of County Executive Paul M. Wendel, Jr. & Chairman Pierre Chagnon:

WHEREAS, Chautauqua Lake is an invaluable asset for Chautauqua County that enhances the environment and quality of life of its residents, provides recreational and tourism opportunities, and spurs economic development; and

WHEREAS, the health and usability of Chautauqua Lake has been threatened by numerous factors including, but not limited to, proliferation of non-native aquatic plant species, nuisance levels of native vegetation, and Harmful Algal Blooms ("HABs"); and

WHEREAS, pursuant to Resolution 101-19, the County and most all Chautauqua Lake stakeholder municipalities, agencies, and non-profit organizations ("Participants") entered into an initial two-year 2019 Chautauqua Lake Memorandum of Agreement ("2019 MOA") that set forth collaborative tenets for weed management practices in Chautauqua Lake through April 2021; and

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WHEREAS, a two-year 2021 Chautauqua Lake Memorandum of Understanding (“2021 MOU”) has been developed as the successor to the 2019 MOA, and to confirm a statement of the good faith intent of all Participants to work collaboratively to protect and enhance the health and usability of Chautauqua Lake under the following common principles:

- a. The development of data sets to guide the parties’ collaborations will ultimately improve the health and usability of Chautauqua Lake;
- b. Data and information generated as a result of the implementation of management activities will be shared;
- c. In-lake maintenance activities will be coordinated and integrated;
- d. Opinions will be expressed respectfully regardless of whether in agreement or disagreement with the opinions of others, and it is acknowledged that respectful discussions have a greater potential to achieve improved lake health conditions;
- e. Collaboration will be actively pursued to enhance the parties’ individual efforts; and
- f. Litigation will not be pursued against any other Participant who is a party to the 2021 MOU.

now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby endorses the 2021 Chautauqua Lake Memorandum of Understanding, to be executed by the County Executive on behalf of the County.

Signed: Odell, Starks, Muldowney, Harmon, Ward, Rankin, Lawton (Voted “yes” by video conference)

RES. NO. 114-21
Confirm Appointment - Luz Torres (D) Commissioner of Elections

At the Request of Legislators Starks, Nazzaro, Bankoski, Whitford, and Whitney:

WHEREAS, the term of the Democratic Commissioner of Elections expired December 31, 2020; and

WHEREAS, an Election Commissioner Certification by the Democratic County Committee of the County of Chautauqua was duly filed with the Clerk of the County Legislature on October 6, 2020, pursuant to the New York State Election Law, and stated that a majority of such party Committee recommended the appointment of Luz Torres for the four (4) year term beginning January 1, 2021; therefore be it

RESOLVED, That Luz Torres be and hereby is appointed Democratic Commissioner of Elections for the County of Chautauqua for the remainder of the term of four (4) years that commenced January 1, 2021, and ending December 31, 2024, at the salary provided in Local Law 3-98 increased in conformity with the increases provided for County Managers under the Management Salary Plan; and be it further

RESOLVED, that Resolution 80-21 is hereby rescinded.
Signed: Nazzaro

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RES. NO. 115-21
Extend 2020 Tax Foreclosure Redemption Date

At the Request of County Executive Paul M. Wendel, Jr. and Legislators Scudder, Muldowney, Starks, Davis and Vanstrom:

WHEREAS, pursuant to Article 11 of the Real Property Tax Law, the redemption date in a tax foreclosure proceeding is the last day a property owner can redeem a property by paying the delinquent taxes, and also the last day a property owner may file an answer in the tax foreclosure proceeding; and

WHEREAS, due to the COVID-19 crisis, the County previously extended the 2020 tax foreclosure redemption date to June 18, 2021 to afford additional time for property owners affected by the pandemic to redeem their foreclosed property; and

WHEREAS, the New York State Legislature has extended the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (the "Act"), which provides further limitations on foreclosure actions through August 31, 2021; and

WHEREAS, as a result of the Act, it is now appropriate to further extend the 2020 tax foreclosure redemption date to a date after August 31, 2021; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates Friday, October 30, 2021, as the extended redemption date in the County's annual tax foreclosure for 2020.

Signed: Scudder