

CHAUTAUQUA COUNTY LEGISLATURE

06/23/2021

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This meeting is open to the public and subject to all current COVID-19 guidelines. The public may participate in the public hearing and privilege of the floor 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 LAWTON

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 05/26/2021

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 05/26/2021

COMMUNICATIONS:

- 1. Letters (4) – NYS Department of Taxation and Finance – Certified 2021 State Equalization Rates**
- 2. Report – Chautauqua County Planning Board – 2022 Capital Budget and 2023-2027 Capital Plan**
- 3. Policy – Chautauqua County Information Technology Policy**
- 4. Report – Finance Director Crow, Re: April 2021 Investment Report**
- 5. Minutes – Conewango Watershed Commission – June 8, 2021 Meeting**
- 6. Report – Chautauqua County Land Bank – 2020 Annual Report**
- 7. Affidavit of Publication – Post-Journal – Re: Public Hearing- Modifications to Chautauqua County's Agricultural Districts**
- 8. Affidavit of Publication – Observer – Re: Public Hearing- Modifications to Chautauqua County's Agricultural Districts**

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- 9. Affidavit of Publication – Post-Journal – Legal Notice – Re: Local Law Introductory No. 2-21**
- 10. Affidavit of Publication – Observer – Legal Notice – Re: Local Law Introductory No. 2-21**
- 11. Letter – NYS Department of State – Ack. Receipt of Local Law 3-21 (A Local Law Amending the Chautauqua County Code of Ethics)**

COMMENDATIONS:

CERTIFICATE AWARDS

To High School

VALEDICTORIANS and SALUTATORIANS

By

**Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.**

Chautauqua Lake Central School

ENVIROTHON TEAMS

By

Legislators Gould, Vanstrom and Ward

PRESENTATION:

Planning Board's Review of

2022 Capital Projects

By Doug Bowen

6:35 P.M.

PUBLIC HEARING

**REGARDING MODIFICATIONS TO CHAUTAUQUA COUNTY'S
AGRICULTURAL DISTRICTS**

RESOLUTIONS:

- 116-21 Confirm Appointment and Re-Appointments – Chautauqua County Food Policy Council**
- 117-21 Confirm Appointment - Chautauqua County Community Services Board**
- 118-21 Re-Appointments – Chautauqua Opportunities Board of Directors**
- 119-21 Confirm Appointments and Re-Appointments - Chautauqua County Historian's Advisory Board**
- 120-21 Increase Capital Account for the Rehabilitation of Taxiway B South (Construction) at the Chautauqua County Dunkirk Airport**

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- 121-21 Increase Capital Account for the Rehabilitation of Hangar C at the Chautauqua County Jamestown Airport**
- 122-21 Reallocating Salary Grade for Bus Driver II**
- 123-21 Adjust D5112-Capital Improvement Accounts**
- 124-21 Adjust D.5112 Capital Improvement Account-Funded Roads**
- 125-21 Request Funding for Repairs to Heating and Cooling Systems at MMB and GOB**
- 126-21 Request Funding for DPF Sheridan Shop Fuel System**
- 127-21 Request Funding for DPF Sherman Shop Fuel System**
- 128-21 Authorize Pre-Order of Leased Vehicles for 2022**
- 129-21 Authorize Acceptance of Aid to Defense Grant 2021-2022**
- 130-21 Authorize Acceptance of 2021-2022 Aid to Prosecution Funds**
- 131-21 Authorize MOU with Homeland Security Investigations for Joint Operation Participation**
- 132-21 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Two (2) School Resource Officers**
- 133-21 Authorize Agreement with Brocton Central School for School Resource Officer**
- 134-21 Authorize Lease Agreement with Warwick Plaza, LLC for Office Space for the Chautauqua County Veterans Service Agency**
- 135-21 Designating the North Chautauqua County Water District as the Administrative Head of the North County Industrial Water District No. 1**
- 136-21 Amend Resolution 315-17 Regarding Membership of Chautauqua Lake Protection and Rehabilitation Agency**
- 137-21 Approve Updated By-Laws for Southern Tier West Regional Planning and Development Board**
- 138-21 Authorize Use of Lake Erie Management Commission Capital Project H.8020.37011 Funds to Co-Fund Dunkirk Lighthouse and Veterans Park Museum Perimeter Fence**
- 139-21 Accept Environmental Assessment (SEQRA) of Proposed Agricultural District Modifications**
- 140-21 Determination of Chautauqua County Legislature on Proposed Agricultural District Modifications**
- 141-21 Standard Workday and Reporting Resolution**
- 142-21 Quit Claim Deeds**
- 143-21 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation**

MOTION:

- A. Promoting the Safe Use of Legal Sparkling Devices in Chautauqua County**
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ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

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A member of the legislature may speak on any subject.

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RES. NO. 116-21

Confirm Appointment and Re-Appointments – Chautauqua County Food Policy Council

By Planning & Economic Development Committee:

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

WHEREAS, the Chautauqua County Food Policy Council was created by Resolution 119-19; and

WHEREAS, a food policy council serves as a network to bring stakeholders both directly and indirectly involved in a food system together to increase communication between sectors and to strengthen and build healthy, sustainable communities; and,

WHEREAS, Resolution 119-19 provides that the membership of the Council will consist of a minimum of thirteen members, comprising seven reserved seats and six community seats; and

WHEREAS, additional seats may be added as recommended by the Council, but total membership will not exceed fifteen members; and

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Food Policy Council:

New Appointment

Sarah Moller
2303 Robin Hill Road
Russell, PA16345
Food Waste Rep.
Term Expires: 12/31/23

Sue Abers
884 Route 394
Kennedy, NY 14747
Community Member/ Abers Acres
Term Expires: 12/31/23

Re-Appointments

Kate Ewer
106 Hoag Rd..
Ashville, NY 14710
Cornell Cooperative Extension
Term Expires: 12/31/23

Linda DeJoseph
302 State St.
Jamestown, NY 14701
Community Member/ JCC Food
Pantry Coordinator
Term Expires: 12/31/23

James Galbato
10 Hunt Rd.
Jamestown, NY 14701
Wholesale/Transportation Brigiotta's
Term Expires: 12/31/23

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

CHAUTAUQUA COUNTY LEGISLATURE

RES. NO. 117-21

Confirm Appointment - Chautauqua County Community Services Board

By Human Services Committee:

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

WHEREAS, Paul M. Wendel, Jr, County Executive, 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 Community Service Board:

Carole Seekings
5 North Street
Lily Dale, NY 14752
Term Expires: 12/31/24

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

RES. NO. 118-21

Re-Appointments – Chautauqua Opportunities Board of Directors

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua Opportunities Governing Board.

Re - Appointments:

Rebecca Brumagin
10606 Route 430
Findley Lake, NY 14736
Term Expires: 6/30/22

Marie Carrubba
19 Widrig Ave.
Jamestown, NY 14701
Term Expires: 6/30/22

George Borrello
1014 South Shore Dr.
Irving, NY 14081
Term Expires: 6/30/22

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

RES. NO. 119-21

Confirm Appointments and Re-Appointments - Chautauqua County Historian's Advisory Board

By Administrative Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Historian's Advisory Commission.

New Appointment

Noah Goodling
104 E. Third St., Apt. 8
Jamestown, NY 14701
Term Expires: 12/31/23

Re-Appointments

Legislator Terry Niebel
3199 E. Main Rd.
Dunkirk, NY 14048
Term Expires: 12/31/23

Traci Langworthy
51 Pleasantview Dr.
Jamestown, N.Y. 14701
Term Expires: 12/31/23

Amanda Shepp
3759 Bard Rd.
Cassadaga, N.Y. 14718
Term Expires: 12/31/23

Signed: Vanstrom, Starks, Scudder (Muldowney, Davis voted "yes" by video conference)

RES. NO. 120-21

Increase Capital Account for the Rehabilitation of Taxiway B South (Construction) 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 received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred for the rehabilitation of Dunkirk Airport Taxiway B South Airport Improvement Program (AIP) project, FAA AIP Project No. 3-36-0022-055-2017 ("Project"); and

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County approved the project and committed funds for the local share of project costs under Resolution 207-17; and

WHEREAS, the final cost of the project exceeded appropriated amounts by \$85,531; and

WHEREAS, the FAA has authorized payment to the contractor for additional/changed work totaling \$88,292; now therefore be it

RESOLVED, That A Fund Balance be appropriated as follows:

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INCREASE THE USE OF FUND BALANCE:

A.-----878.000 Fund Balance, Reserved Fund Balance – Reserve for Capital \$4,277

; and be it further

RESOLVED, That the Director of Finance is direct to make the following changes to the Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9 Interfund Transfers – Transfer to Capital \$4,277

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25817.4 Contractual – Rehab Taxiway B South – Dunk (2016) \$85,531

INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25817.R503.1000 Interfund Transfer – Interfund Transfer \$4,277

H.5610.25817.R359.7001 NYS Aid – Airport Capital Grants \$4,276

H.5610.25817.R459.2000 Federal Aid – Airport Federal Capital Grants \$76,978

Total: \$85,531

Signed: Gould, Nazzaro, Niebel (Hemmer, Davis voted “yes” by video conference) (P.F. Carried w/Scudder voted “no”)

RES. NO. 121-21

Increase Capital Account for the Rehabilitation of Hangar C at the Chautauqua County
Jamestown Airport

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County received a grant from the New York State Department of Transportation (NYSDOT) to pay \$902,240 or 84% of the allowable costs incurred for the Chautauqua County/Jamestown Airport – Rehabilitate Hangar C (NYSDOT/Aviation Grant Program), Project No. 5903.56 (herein referred to as the “Project”); and

WHEREAS, Chautauqua County approved local share funding to pay \$171,960 or 16% of the anticipated Project costs under Resolution 177-19; and

WHEREAS, the actual cost of construction of the Project, inclusive of design services and other project costs is currently projected at final cost of \$1,194,200, thus exceeding the authorized project budget by \$120,000; and

WHEREAS, the NYSDOT grant for the Project expressly stipulates that “Project Costs in excess of State funds available for the work shall be the responsibility of Sponsor (County)”;
now therefore be it

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance –
Reserve for Capital

\$120,000

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$120,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25164.4	Contractual – Chautauqua County Airport, Hangar C - JHW (2019)	\$120,000
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INCREASE/DECREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25164.R503.1000	Interfund Transfer – Interfund Transfer	\$120,000
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Signed: Gould, Nazzaro, Niebel (Hemmer, Davis voted “yes” by video conference) (P.F. Passed on to A.C. w/out recommendation)

RES. NO. 122-21
Reallocating Salary Grade for Bus Driver II

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

WHEREAS, the Director of Public Facilities requested a review of the Bus Driver II salary grades; and

WHEREAS, the Director of Public Facilities provided research data for employee turnover, recruitment data and wage rates for comparable positions in the local labor market; and

WHEREAS, the Human Resources staff reviewed the salary grade and duties currently being performed by Bus Driver II positions as compared to similar County positions; and

WHEREAS, the positions of Bus Driver II are covered by the terms of the CSEA 6300 Agreement when staffed at 50% or more of full-time, and unrepresented when staffed at less than 50% of full-time and all positions are allocated to grade 1 of the CSEA 6300 salary schedule; and

WHEREAS, the Human Resources staff has recommended that both the unrepresented and CSEA 6300 represented positions of Bus Driver II be increased three grades on the CSEA 6300 salary schedule; and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources, and President of CSEA Unit 6300, met and approved the recommended grade changes; and

WHEREAS, currently the title of Bus Driver II is at CSEA 6300 salary grade 1; therefore be it

RESOLVED, That the title of Bus Driver II at 50% or more of full-time be set at salary grade 4 of the 2021 CSEA 6300 Salary Schedule; and be it further

RESOLVED, That the title of Bus Driver II at less than 50% of full-time be set at salary grade 4 of the 2021 CSEA 6300 Salary Schedule, limited to salary steps 1, 2 and 3 of that grade.

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2021 CSEA 6300 SALARY SCHEDULE

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
1	14.44	14.97	15.50	16.08	16.47	16.94	17.39	17.77	18.08
4	15.59	16.13	16.66	17.39	17.77	18.35	18.87	19.30	19.65

Signed: Gould, Scudder, Vanstrom, Starks, Nazzaro, Niebel (Hemmer, Davis, Muldowney voted “yes” by video conference)

RES. NO. 123-21
Adjust D5112-Capital Improvement Accounts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County’s transportation system, which includes roads and bridges, is essential to everyone and it contributes to economic development, job creation and quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$3,724,255 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2021-2022 CHIPS appropriations for Chautauqua County to \$5,311,920 including Cumulative Rollover Balance from 2020-2021; and

WHEREAS, the Chautauqua County capital budget includes \$850,098 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2020-2021 PAVE-NY appropriations for Chautauqua County to \$1,445,448 including Cumulative Rollover Balance from 2020-2021; and

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and has appropriated additional funds under the EWR program in the amount of \$951,454 including Cumulative Rollover Balance from 2020-2021; and

WHEREAS, the County’s budget should be amended to conform to these adjustments to funding; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with New York State, in connection with the funding; and be it further

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

INCREASE REVENUE ACCOUNT:

D.5112.391.R350.1000 New York State Aid—NYS Aid CHIPS \$1,587,665

INCREASE REVENUE ACCOUNT:

D.5112.391.R350.PAVE New York State Aid—NYS Aid PAVE NY \$ 595,350

INCREASE REVENUE ACCOUNT:

D.5112.391.R350. EWR New York State Aid—NYS Aid-Extreme
Weather Recovery \$951,454

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INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4 Contractual--Capital Improvements, Highway Improvements \$3,134,469

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

RES. NO. 124-21

Adjust D.5112 Capital Improvement Account-Funded Roads

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Northland Power applied to the Chautauqua County Department of Public Facilities (DPF) for permitting to utilize County Road 87 in the Town of Villenova for work within the Right of Way (ROW) and Overweight and Over-dimensional hauling associated with the Ball Hill Windfarm construction in the aforementioned town; and

WHEREAS, DPF assessed the permit request and determined a permit fee of \$722,100 was required to issue the requested permit; and

WHEREAS, the assessed permit fee is expected to be utilized to repair County Road 87 when windfarm construction activities have been completed; now therefore be it

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

INCREASE APPROPRIATIONS ACCOUNT:

D.5112.393.4 Contractual---Capital Improvements, \$722,100
Funded Road Program

INCREASE REVENUE ACCOUNT:

D.5112.393.R259.0025 Licenses & Permits—Permits DPF \$722,100

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

RES. NO. 125-21

Request Funding for Repairs to Heating and Cooling Systems at MMB and GOB

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the controller for the AAON Unit Roof Top Heating and Cooling Plant at the Mayville Municipal Building has failed; and

WHEREAS, the controller cannot be repaired and will need to be replaced; and

WHEREAS, the County Department of Public Facilities has submitted a capital project request to replace the unit controller and has received a quote from the County's HVAC contractor that currently services the unit, with an estimated cost of \$25,000; and

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WHEREAS, a number of issues developed with the heating system at the Gerace Office Building during the past heating season that will require repair; and

WHEREAS, the repairs will involve the repair of two heat system pumps, replacement of several valves, and repair to defective piping; and

WHEREAS, the County Department of Public Facilities has submitted a capital project request to complete these repairs and has received a quote from the County's HVAC contractor that currently services the system, with an estimated cost of \$20,140; and

WHEREAS, the Chautauqua County Planning Board at its May 4, 2021 meeting voted to recommend that these projects move forward in 2021; therefore be it

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the above described projects; and it is further

RESOLVED, That A Fund Balance is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance, Reserved Fund Balance—	
	Reserve for Capital	\$45,140

;and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$45,140
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.1620.25215.4	Contractual – AAON Unit Controller	\$25,000
H.1620.25216.4	Contractual – GOB Heating System Repairs	<u>\$20,140</u>
	Total	\$45,140

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.1620.25215.R503.1000	Interfund Transfers---Interfund Transfer	\$25,000
H.1620.25216.R503.1000	Interfund Transfers---Interfund Transfer	<u>\$20,140</u>
	Total	\$45,140

Signed: Gould, Scudder, Nazzaro, Niebel (Hemmer, Davis voted “yes” by video conference)

RES. NO. 126-21
Request Funding for DPF Sheridan Shop Fuel System

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) conducted an inspection of the Department of Public Facilities Sheridan Shop to determine compliance with New York State's Petroleum Bulk Storage regulations; and

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WHEREAS, the New York State Department of Environmental Conservation issued a violation for inadequate secondary containment for the Aboveground Storage Tank (AST) equal to or larger than 10,000 gallons; and

WHEREAS, Chautauqua County is subject to enforcement by the New York State Department of Environmental Conservation for violations which could subject the County to financial penalties for non-compliance; and

WHEREAS, the Chautauqua County Department of Public Facilities received a cost estimate of \$75,000 from The Pump Doctor that currently services the fuel system to bring the system into NYSDEC compliance by constructing a new separate 2,000 gallon unleaded tank and repurposing the existing unleaded tank to serve as an overfill spill chamber for the diesel tank; therefore be it

RESOLVED, that the Legislature of the County of Chautauqua hereby approves the above described project; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A. ----. ----.878.0000 Reserved Fund Balance---Reserve for Capital \$75,000

; 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 APPROPRIATIONS ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$75,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.25217.4 Contractual—Road Machinery,
Sheridan Shop Fuel System (2021) \$75,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.25217.R503.1000 Interfund Transfers—Interfund Transfer \$75,000
Signed: Gould, Scudder, Nazzaro, Niebel (Hemmer, Davis voted “yes” by video conference)

RES. NO. 127-21
Request Funding for DPF Sherman Shop Fuel System

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the fueling system at the DPF Sherman Shop needs upgrades to continue current levels of service; and

WHEREAS, installing above-ground tanks helps to greatly reduce the potential for environmental impacts; and

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WHEREAS, the Chautauqua County Department of Public Facilities (CCDPF) submitted capital project requests to upgrade the fuel system and said requests were approved as project H.5130.25977 Sherman Shop Fuel System (2017) and funded in the amount of \$305,000; and

WHEREAS, the CCDPF during the 2022-2027 Capital Planning Process submitted a request to increase the Capital Project amount by \$39,230 to complete the project, and said request was accepted by the Chautauqua County Planning Board; and

WHEREAS, upgrading the Fuel system in 2021 is in the best interest of the County; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua hereby approves the modification of the above described project; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A. ----. ----.878.0000 Reserved Fund Balance---Reserve for Capital \$39,230

; 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 APPROPRIATIONS ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$39,230

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.25977.4 Contractual—Road Machinery, Sherman Shop Fuel System (2017) \$39,230

INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.25977.R503.1000 Interfund Transfers—Interfund Transfer \$39,230

Signed: Gould, Scudder, Nazzaro, Niebel (Hemmer, Davis voted “yes” by video conference)

RES. NO. 128-21

Authorize Pre-Order of Leased Vehicles for 2022

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County entered into an agreement for fleet management services whereby it is financially advantageous to lease light duty vehicles and trucks instead of purchasing them; and

WHEREAS, the Chautauqua County Department of Public Facilities (CCDPF) currently leases 16 such vehicles and owns an additional 38 such vehicles; and

WHEREAS, leases are especially financially advantageous at this time because of short-term market conditions; and

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WHEREAS, in order to capitalize on current market conditions and ensure delivery of appropriate leased vehicles in 2022, the CCDPF needs to order the leased vehicles by mid-July of 2021; now therefore be it

RESOLVED, hat the County Executive and CCDPF are hereby authorized to make the necessary requests to modify its existing fleet from 16 leased vehicles to up to 54 leased vehicles by the end of calendar year 2022.

Signed: Gould, Nazzaro, Niebel (P.F. Passed on to A.C. w/out recommendation)

RES. NO. 129-21

Authorize Acceptance of Aid to Defense Grant 2021-2022

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant in the amount of \$13,238 from the New York State Division of Criminal Justice Services pursuant to its Aid to Defense Program for the period from April 1, 2021 through March 31, 2022; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant for the duration of the Aid to Defense Program; and

WHEREAS, the 2021 Adopted Budget did not include appropriations and funding for this grant; now therefore it be

RESOLVED, That the Chautauqua County Legislature hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for the Aid to Defense Program now and for each and every subsequent year so long as the Aid to Defense Program exists; and be it further

RESOLVED, That the County Executive is hereby authorized to sign any and all contract documents necessary to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Division of Criminal Justice Services; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1170.----.1	Personal Services-Public Defender	\$13,238
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INCREASE REVENUE ACCOUNT:

A.1170.----.R308.9000	NYS Aid-Other State Aid	\$13,238
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Signed: Niebel, Pavlock, Gould, Nazzaro (Bankoski, Whitford, Hemmer voted "yes" by video conference)

CHAUTAUQUA COUNTY LEGISLATURE

RES. NO. 130-21

Authorize Acceptance of 2021-2022 Aid to Prosecution Funds

By Public Safety and Audit & Control Committees:

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$54,460.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2021 through March 31, 2022; and

WHEREAS, such funds are to be utilized to enhance priority violent felony prosecutions within that office; and

WHEREAS, the 2021 Adopted Budget includes appropriations and revenue for the appropriate portion of this grant; now therefore be it

RESOLVED, That the County of Chautauqua accepts the Aid to Prosecution Program grant from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$54,460.00 for the term of April 1, 2021 to March 31, 2022 and any amendments thereto; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any necessary agreements with the State of New York to accept said grant and obtain these funds.

Signed: Niebel, Pavlock, Gould, Nazzaro (Bankoski, Whitford, Hemmer voted "yes" by video conference)

RES. NO. 131-21

Authorize MOU with Homeland Security Investigations for Joint Operation Participation

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Department of Homeland Security Investigations has requested that the Chautauqua County Office of the Sheriff provide a Deputy Sheriff Investigator to assist in a joint operation; and

WHEREAS, the Department of Homeland Security Investigations would like to enter into a Memorandum of Understanding for the period of January 1, 2021 through September 30, 2021, to reimburse the Sheriff's Office of any and all overtime costs associated with said joint operation; and

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

RESOLVED, That the County Executive is authorized to execute an agreement with the Department of Homeland Security Investigations for investigation assistance as set forth above, and also be it

RESOLVED, That A Fund Balance be appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Fund Balance, Unassigned Fund Balance –	
	Unassigned Fund Balance	\$5,000

; 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:

CHAUTAUQUA COUNTY LEGISLATURE

INCREASE REVENUE ACCOUNT:

A.3110.----.R438.9000 Federal Aid—Other Public Safety Aid \$5,000

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

RES. NO. 132-21

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Two (2) School Resource Officers

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of Chautauqua-Cattaraugus Erie II BOCES and determined that the County and BOCES schools in the region would benefit by the continuation of the School Resource Officer program; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has agreed to compensate the County of Chautauqua for the cost of providing two (2) Deputy Sheriffs for the period of July 1, 2021 through June 30, 2022, the deputies to be shared between three facilities at a total sum not to exceed \$224,920.00, plus any agreed upon overtime hours compensated at the rate of \$67.62 per hour; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2021 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 Chautauqua-Cattaraugus Erie II BOCES for the School Resource Officer program.

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

RES. NO. 133-21

Authorize Agreement with Brocton Central School for School Resource Officer

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of Brocton Central School and determined that the County and Brocton Central School would benefit from the reinstatement of the School Resource Officer program; and

WHEREAS, Brocton Central School has agreed to compensate the County of Chautauqua for the cost of providing a Deputy Sheriff for the period of July 1, 2021 through June 30, 2022, at a total sum not to exceed ~~\$112,460~~ **\$97,938**; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; and

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

CHAUTAUQUA COUNTY LEGISLATURE

RESOLVED, that the County Executive is hereby authorized and empowered to execute an agreement with Brocton Central School for the School Resource Officer program; and also be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services-Sheriff	\$33,738 \$29,382
A.3110.----.8	Employee Benefits-Sheriff	\$22,492 \$19,587
	Total	\$56,230 \$48,969

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services-Chrgs: Oth Gov-Pub Safety	\$56,230 \$48,969
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Signed: Niebel, Pavlock, Gould, Nazzaro (Bankoski, Whitford, Hemmer voted "yes" by video conference) (P.S. Amended by strike through and new numbers shown in bold)

RES. NO. 134-21

Authorize Lease Agreement with Warwick Plaza, LLC for Office Space for the Chautauqua County Veterans Service Agency

By Human Services and Audit & Control Committees:

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

WHEREAS, the County desires to lease from Warwick Plaza, LLC approximately 900 square feet on the second floor located at Warwick Plaza, 557 Fairmount Avenue, Jamestown, in the County of Chautauqua, State of New York, for use by the Chautauqua County Veterans Service Agency; and

WHEREAS, negotiations have been undertaken to obtain a tentative lease agreement mutually beneficial to the County and Warwick Plaza, LLC; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Warwick Plaza, LLC upon the following terms and conditions:

- 1) Premises. Approximately 900 square feet of office space on the second floor of the Warwick Plaza.
- 2) Term. July 1, 2021 through June 30, 2031.
- 3) Rent. \$1,050 per month for approximately 900 square feet years 1-5 and \$1,125 per month years 6-10.
- 4) Utilities. Landlord shall be responsible for all utilities, including heat and electric. County is responsible for the cost of the phone and computer lines, including installation fees.
- 5) Other. As negotiated by the County Executive.

Signed: Pavlock, Whitney, Lawton, Gould, Nazzaro, Niebel (Whitford, Rankin voted "yes" by video conference)

CHAUTAUQUA COUNTY LEGISLATURE

RES. NO. 135-21

Designating the North Chautauqua County Water District as the Administrative Head of
the North County Industrial Water District No. 1

By Public Facilities Committee:

At the Request of County Executive Paul M. Wendel, Jr. and Legislative Chairman
Pierre Chagnon

WHEREAS, Pursuant to County Law section 261 and Resolution 245-78, a district board
was established as the administrative body of the North County Industrial Water District No. 1
(NCIWD); and

WHEREAS, with no water treatment works in the NCIWD and no future district
extensions or large new infrastructure installations anticipated within the district, the work
required of the administrative body of the district is limited; and

WHEREAS, the North Chautauqua County Water District (NCCWD) Board administers
all other County water district operations, in part via contract with the same contractor as is used
by the NCIWD; and

WHEREAS, water district operations will be streamlined, district activities better
coordinated, and duplication of effort eliminated, by having one board serve both districts; now
therefore be it

RESOLVED, That effective July 1, 2021 the NCCWD Board shall be the administrative
body of the NCIWD, and, with respect to the NCIWD, have all the powers conferred on, and be
subject to all the duties imposed on, heads of administrative units under New York State County
Law Article 5-a, including without limitation the power to execute contracts and effect real estate
transactions, including contracts and transactions with the NCCWD and other municipalities; and
be it further

RESOLVED, That the Operation and Maintenance Services Agreement between the
NCIWD and the North Chautauqua Lake Sewer District (20-28-01) which ends December 31,
2024, and the Water Purchase and Field Services Agreement between the NCIWD and CBI
Water Works (20-28-02) which ends December 31, 2023, are not affected by this Resolution,
and remain in effect subject to their terms and conditions; and be it further

RESOLVED, That Resolution 40-16 is amended to appoint as a NCCWD Board member,
in place of “Chairman, North County Industrial Water District No. 1, ex officio”

Brian Purol
3681 New Road
Dunkirk, New York 14048
Term to Expire 12/31/21

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

CHAUTAUQUA COUNTY LEGISLATURE

RES. NO. 136-21

Amend Resolution 315-17 Regarding Membership of Chautauqua Lake Protection and Rehabilitation Agency

By Planning & Economic Development Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, pursuant to Resolution 315-17, the County Legislature established the Chautauqua Lake Protection and Rehabilitation Agency (“the Agency”) to review and recommend to the County Legislature whether it is in the best interest of the County to create Chautauqua Lake Protection and Rehabilitation District(s) pursuant to Article 5-A of the County Law; and

WHEREAS, Resolution 315-17 provided that it was the intent of the County Legislature to periodically review the makeup of the membership of the Agency; and

WHEREAS, it would be advantageous to expand the membership of the Agency to include an elected official from each of the towns and villages bordering Chautauqua Lake; therefore be it

RESOLVED, That Resolution 315-17 is hereby amended to provide that the membership of the Agency shall be increased from nine (9) members to thirteen (13) members, as follows:

1. Two (2) County Legislators representing legislative districts bordering Chautauqua Lake to be appointed by the Chairman of the County Legislature;
2. ~~Five (5) Three (3)~~ Town elected officials representing each of the towns bordering Chautauqua Lake to be appointed by the County Executive;
3. ~~Four (4) Two (2)~~ Village elected officials representing each of the villages bordering Chautauqua Lake to be appointed by the County Executive;
4. One (1) property owner from the vicinity of Chautauqua Lake to be appointed by the County Executive; and
5. One (1) member representing Chautauqua Institution to be appointed by the County Executive; and be it further

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

RES. NO. 137-21

Approve Updated By-Laws for Southern Tier West Regional Planning and Development Board

By Planning & Economic Development Committee:

At the Request of Chairman Pierre Chagnon:

WHEREAS, the Southern Tier West Regional Planning and Development Board (Southern Tier West) was created by the mutual agreement of the counties of Allegany, Cattaraugus, and Chautauqua pursuant to Article 12-B of New York General Municipal Law; and

WHEREAS, pursuant to Section 239-h(3)(g) of General Municipal Law, the legislative body of each participating county must approve the by-laws of Southern Tier West; and

WHEREAS, the executive director of Southern Tier West forwarded to the Chairman of the County Legislature updated by-laws dated May 21, 2021 that have been recommended by the Southern Tier West Board, and which are on file with the Clerk of the County Legislature and which were circulated with legislative committee pre-files; therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

RESOLVED, That the Chautauqua County Legislature approves the aforementioned updated by-laws for the Southern Tier West Regional Planning and Development Board.
Signed: Starks, Ward, Lawton (Muldowney, Rankin voted “yes” by video conference)

RES. NO. 138-21

Authorize Use of Lake Erie Management Commission Capital Project H.8020.37011 Funds to Co-Fund Dunkirk Lighthouse and Veterans Park Museum Perimeter Fence

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 178-11, the Lake Erie Management Commission (LEMC) was created by the Chautauqua County Legislature to prioritize and select Lake Erie watershed projects for funding; seek additional funding for Lake Erie watershed projects; and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, over the last ten years, the LEMC has effectively identified, prioritized, and recommended and delivered 2% Occupancy Tax Funding to stakeholders and municipalities in the Lake Erie Watershed; and

WHEREAS, the Dunkirk Lighthouse was first established on Dunkirk Harbor in 1827, is a prominent historical landmark on the Great Lakes Navigation System, is the site of “the first shot being fired during the War of 1812,” and is visited by thousands of tourists each year; and

WHEREAS, historically high Lake Erie water levels and severe weather events during 2019 and 2020 caused extensive erosion of the Lake Erie shoreline; and

WHEREAS, portions of the shoreline cliff at the historic Dunkirk Lighthouse and Veterans Park Museum at Dunkirk Harbor have collapsed and destroyed sections of the existing perimeter safety fence; and

WHEREAS, the Dunkirk Lighthouse and Veterans Park Museum has approached the LEMC with a plan to repair and upgrade the perimeter safety fence at a cost of approximately \$60,000; and

WHEREAS, on May 17, 2021, the LEMC unanimously approved a resolution to co-fund the Dunkirk Lighthouse and Veterans Park Museum’s effort to repair and upgrade the perimeter safety fence at a cost not to exceed \$10,000; and

WHEREAS, using 2% Occupancy Tax Funding, capital project H.8020.37011 Lake Erie Mgmt Comm (2020) was created to facilitate projects consistent with the goals of the LEMC, and the capital project has a budget of \$52,522; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the use of up to \$10,000 from capital project H.8020.37011 to reimburse the Dunkirk Lighthouse and Veterans Park Museum for the repair and upgrade of the perimeter safety fence that will provide safe viewing of Lake Erie and protect the sensitive shoreline cliff area; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all agreements necessary to implement the terms of this resolution.

Signed: Starks, Ward, Lawton, Nazzaro, Gould, Niebel (Muldowney, Rankin voted “yes” by video conference)

CHAUTAUQUA COUNTY LEGISLATURE

RES. NO. 139-21

Accept Environmental Assessment (SEQRA) of Proposed Agricultural District Modifications

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, pursuant to 6 NYCRR 617 of the implementing regulations pertaining to the New York State Environmental Quality Review Act (SEQRA) of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of modifying the County's agricultural district boundaries; and

WHEREAS, the modification of an agricultural district's boundaries is considered an unlisted action and as such the criteria of 6 NYCRR 617.7 must be used to determine the degree of environmental impact; and

WHEREAS, the County Department of Planning and Development has prepared an Environmental Assessment Form (EAF) for consideration by the County Legislature with said EAF indicating that the probability of any adverse impact of proposed modifications to the agricultural districts is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the EAF and supporting documentation, copies of which are attached; now therefore be it

RESOLVED, That the Chautauqua County Legislature has determined that the modification and consolidation of the agricultural district boundaries into Chautauqua County Agricultural Districts No. 1, 7, 8, and 10 will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action. Signed: Starks, Ward, Lawton (Muldowney, Rankin voted "yes" by video conference)

RES. NO. 140-21

Determination of Chautauqua County Legislature on Proposed Agricultural District Modifications

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 25AA of the New York State 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 Section 303-a of the New York State Agriculture and Markets Law, a comprehensive eight-year review of Chautauqua County's agricultural districts was conducted in 2021; and

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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 to modify and consolidate the agricultural district boundaries, and recommended to the Chautauqua County Legislature that the modification of the agricultural district boundaries serves the public interest; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act (SEQRA) have been considered and processes have been completed by Chautauqua County, and the Chautauqua County Agriculture and Farmland Protection Board report has been filed with the County Legislature; and

WHEREAS, the required public hearing was held on June 23, 2021, in order to gather input from landowners in the districts; now therefore be it

RESOLVED, That it is the determination of the Chautauqua County Legislature to modify and consolidate the Chautauqua County Agricultural Districts into Districts No. 1, 7, 8, and 10, in accordance with the recommendations of the Chautauqua County Agriculture and Farmland Protection Board and input gathered from the public hearing; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file this resolution, the Chautauqua County Agriculture and Farmland Protection Board report, and tax maps with the tax map identification numbers for each parcel, and all things necessary to be filed with the Commissioner of Agriculture and Markets for final certification.

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

RES. NO. 141-21
Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of Chairman Pierre Chagnon:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following standard work days for these titles, as set forth in the attached schedule, and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
ELECTED OFFICIALS								
Legislator	6	Kenneth Lawton	XXXX	XXXXXXXXXX		01/22/20 - 12/31/21	3.49	
Legislator	6	Charles Nazzaro	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	7.15	

CHAUTAUQUA COUNTY LEGISLATURE

Legislator	6	Mark Odell	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	6.20	
APPOINTED OFFICIALS								
Assistant Public Defender	7	Mark Duncanson	XXXX	XXXXXXXXXX		01/01/20 - 12/31/21	24.91	
Assistant Public Defender	7	Derek Gregory	XXXX	XXXXXXXXXX		12/10/20 - 12/31/21	22.92	
Second Assistant District Attorney	7	Amber Payne	XXXX	XXXXXXXXXX		12/30/19 - 12/31/20	22.49	
First Assistant District Attorney	7	Andrew Molitor	XXXX	XXXXXXXXXX		01/05/21 - 12/31/24	25.59	
Assistant District Attorney	7	Alexander Scherer	XXXX	XXXXXXXXXX		01/03/20 - 12/31/20	23.72	

Signed: Vanstrom, Starks, Scudder (Muldowney, Davis voted “yes” by video conference)

RES. NO. 142-21
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, of 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, 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 offerors 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 Amt.	Taxes Owning
PA-31-2018	City of Dunkirk	060300-79.16-1-40	Vincent C. Ricotta	Deborah A. Chalmers	\$100.00	\$12,030.36
PA-56-2018	City of Jamestown	060800-370.15-6-16	Crystal Borst	Jean Barlow	\$1.00	\$27,541.85

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PA-43-2019	City of Dunkirk	060300-79.57-1-66	Evelyn Molina	Fredonia Properties NY LLC	\$50.00	\$5,422.92
				Total	\$151.00	\$44,995.13

Signed: Gould, Vanstrom, Starks, Scudder, Nazzaro, Niebel (Muldowney, Davis voted “yes” by video conference)

RES. NO. 143-21

Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation

At the Request of County Executive Paul M. Wendel, Jr., Legislator Bob Scudder, Legislator Charles Nazzaro, and Legislator Kevin Muldowney

WHEREAS, pursuant to Resolution 65-12, Chautauqua County created one of the first five (5) authorized land bank corporations in New York State that was incorporated as the Chautauqua County Land Bank Corporation (“CCLBC”); and

WHEREAS, the mission of CCLBC is to “control and manage strategically selected dilapidated and abandoned residential and commercial properties acquired through the County tax foreclosure process, bank foreclosures and/or donations, and facilitate solutions aimed at stabilizing neighborhoods, encouraging private investment, and improving the quality of life throughout Chautauqua County;” and

WHEREAS, in the case of County tax foreclosure properties requiring demolition, and certain other vacant properties, CCLBC has performed demolitions and further assisted the County by marketing the vacant parcels under the County’s “side-lot” program which seeks to combine vacant lots with adjoining improved parcels and return them to the tax rolls; and

WHEREAS, in the past while the CCLBC demolitions and side lot marketing have been pending, the demolition and vacant side lot properties have remained in the name of the foreclosed owner and have accrued additional unpaid delinquent taxes guaranteed by the County, until such time as a transfer to a new owner can be completed; and


WHEREAS, in order to stop the accrual of additional unpaid delinquent taxes guaranteed by the County, it would be advantageous for the County to convey such demolition and vacant side lot properties to CCLBC which will immediately render the properties tax exempt; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties to CCLBC at no cost, and upon such other terms and conditions negotiated by the County Executive, to include the County contributing to the costs of routine grounds maintenance prior to sale:

<u>Auction #</u>	<u>City/Town</u>	<u>SBL</u>	<u>Address</u>
PA-4-2019	City of Dunkirk	060300-79.11-6-38	128 E Second St
PA-6-2015	City of Dunkirk	060300-79.11-5-7	209 Lake Shore Dr E
PA-21-2018	City of Dunkirk	060300-79.14-5-15	35 W Third St
PA-11-2019	City of Dunkirk	060300-79.14-5-16	33 W Third St
PA-14-2017	City of Dunkirk	060300-79.15-4-51	434 Deer St
PA-38-2018	City of Dunkirk	060300-79.19-1-49	524 Park Ave
PA-39-2018	City of Dunkirk	060300-79.19-2-27	96 Maple Ave
PA-33-2019	City of Dunkirk	060300-79.19-6-20	Leopard St
PA-34-2019	City of Dunkirk	060300-79.19-6-21	625 Main St
PA-38-2019	City of Dunkirk	060300-79.19-8-18	36 E Seventh St

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PA-58-2018	City of Jamestown	060800-370.16-7-36	392-394 Falconer St
PA-80-2019	City of Jamestown	060800-370.20-3-25	202 Falconer St
PA-81-2019	City of Jamestown	060800-370.20-3-49	Falconer St
PA-86-2019	City of Jamestown	060800-387.05-2-12	524 Hallock St
PA-87-2019	City of Jamestown	060800-387.05-2-13	Hallock St
PA-105-2019	City of Jamestown	060800-387.06-7-10	Spring St
PA-106-2019	City of Jamestown	060800-387.06-7-11	857 Spring St
PA-107-2019	City of Jamestown	060800-387.06-7-13	851 Spring St
PA-149-2019	City of Jamestown	060800-387.14-4-11	224 McKinley Ave
PA-150-2019	City of Jamestown	060800-387.14-4-12	230 McKinley Ave
PA-101-2017	City of Jamestown	060800-387.14-5-49	198 McKinley Ave
PA-181-2014	City of Jamestown	060800-387.41-3-28	8 Institute St
PA-202-2019	City of Jamestown	060800-387.42-1-11	Foote Ave
PA-203-2019	City of Jamestown	060800-387.42-1-12	19 Foote Ave
PA-224-2019	City of Jamestown	060800-404.06-6-35	51 Elliott Ave
PA-225-2019	City of Jamestown	060800-404.06-6-36	Elliott Ave
PA-181-2018	Busti/Lakewood	062201-368.20-2-60	156 E Terrace Ave
PA-230-2018	Ellicott/Celoron	063801-369.18-1-3	83 W Chadakoin St



CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Promoting the Safe Use of Legal Sparkling Devices in Chautauqua County

AT THE REQUEST OF: Legislators Rankin, Whitford, Odell:

WHEREAS, per New York State Homeland Security, only "sparkling devices" as defined by law are allowed to be used or sold to consumers in New York. All other types of consumer fireworks, including firecrackers, bottle rockets, roman candles, spinners and aerial devices, remain illegal statewide in New York; and

WHEREAS, *Sparkling Devices* are ground based or handheld devices that produce a shower of colored sparks and or a colored flame, audible crackling or whistling noise and smoke. The law limits the type, size and construction of Sparkling Devices and requires that these devices must be hand held or mounted on a base or spike and be limited in sizes that range from 1 to 500 grams of pyrotechnic composition; and

WHEREAS, Sparking Devices are legal statewide, with some counties opt out of selling them. However, Chautauqua County allows the use and sale of sparkling devices; and

WHEREAS, many New Yorkers buy consumer fireworks out-of-state and illegally use them on various holidays. Use and possession of small amounts of fireworks is a violation (not a crime), and it is a challenge for law enforcement to enforce the law especially on the holidays when there are large numbers of illegal users; and

WHEREAS, in 2012, U.S. hospital emergency rooms treat an estimated 8,700 people for fireworks-related injuries. Nearly two-thirds of fireworks-related injuries are caused by backyard fireworks, including firecrackers and bottle rockets. The most severe injuries are typically caused by powerful fireworks, such as M-80's, rockets, and cherry bombs; and

WHEREAS, direct marketing and quick easy access to fireworks is growing at an alarming rate. Fireworks retailers are now aggressively marketing their products to New Yorkers though mail order flyers and internet sites, while vendors just across the state's borders are selling from roadside stands; and

WHEREAS, this easy access doesn't make fireworks any safer or any less illegal. Fireworks are illegal in New York State to prevent needless serious injury and fires. People must refrain from using fireworks, not just to avoid arrest, but to ensure everyone has a safe and accident free holiday. Each year thousands of people nationwide are seriously injured as a result of playing with fireworks; and

WHEREAS, in addition to safety issues, nuisance noise as a result of illegal and inappropriate firework use is a serious issue. Complaints about use of fireworks have risen in recent years, surpassing 420 last year in the city of Jamestown alone; now therefore bit it

KNOWN, That as a legislative body, we urge people to only participate in legal firework activities, to be considerate of neighbors and avoid needless injuries and fire damage by leaving fireworks to the professionals; and be it further

MOVED, That the Chautauqua County Legislature urges all residents to attend a public fireworks display as a safe, enjoyable and legal way to celebrate Independence Day.