

CHAUTAUQUA COUNTY LEGISLATURE

08/25/2021

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This meeting is open to the public and subject to all current COVID-19 guidelines.

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR NIEBEL

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 07/28/2021

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.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 07/28/2021**

COMMUNICATIONS:

1. Minutes – Conewango Watershed Commission – August 11, 2021 Meeting
 2. Report – Bonadio & Co., LLP – Single Audit Report 2020
 3. Report – Small Business Development Center – Quarterly Report
 4. Report – Small Business Development Center – Business Permit Center – Quarterly Report
 5. Report – Chautauqua County Department of Health and Human Services – 2019-2020 Annual Report
 6. Report (4) – Bonadio & Co., LLP – Results of the 2020 Year-End Audit
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COMMENDATIONS:

**Department of Public Facilities
CARTS Employee
James Krzyanowicz
By
Chairman Pierre E. Chagnon
and
County Executive Paul M. Wendel, Jr.**

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PROCLAMATION:

**Declaring the Month of September as
“Childhood Cancer Awareness Month”**

By

Chairman Pierre E. Chagnon

and

County Executive Paul M. Wendel, Jr.

RESOLUTIONS:

- 167-21 Confirm Appointment – Southern Tier West Regional Planning & Development Board**
- 168-21 Amend 2021 Budget for DPF Parks Division**
- 169-21 Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Dunkirk Airport**
- 170-21 Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Jamestown Airport**
- 171-21 Acceptance of Funds from the FAA for Replacement of Snow Removal Equipment (Blower) at the Chautauqua County Dunkirk Airport**
- 172-21 Authorization of Fund Reallocation for Purchase of Replacement Grounds Maintenance Tractor at the Chautauqua County Dunkirk Airport**
- 173-21 Amend 2021 Budget for County Executive**
- 174-21 Amend 2021 Budget–District Attorney**
- 175-21 Accept New York State Department of Health Award to Support Nurse Family Partnership**
- 176-21 To Accept New York State Office of Children and Family Services (OCFS) Safe Summer NY 2021 Funding**
- 177-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased Preschool Transportation Costs**
- 178-21 Authorizing Public Hearing Regarding a Potential Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal and the Uses of Said Funding**
- 179-21 Authorizing and Approving a Settlement Agreement in an Action Relating to the Opioid Crisis (J & J)**
- 180-21 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds to Remove Debris from Goose Creek**
- 181-21 Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism**
- 182-21 Amend 2021 Budget – Kayaks Along Chautauqua**
- 183-21 Prospective Cancellation of Uncollectible Tax Liens**

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**184-21 Approving Labor Contract with Deputy Sheriffs' Association of
Chautauqua County (DSACC)**

185-21 Quit Claim Deeds

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

Individual comments are limited to 3 minutes and comments representing a group shall
be limited to 5 minutes.

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RES. NO. 167-21

Confirm Appointment – Southern Tier West Regional Planning & Development Board

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 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 Southern Tier West Regional Planning Board.

Rebecca Wurster
214 Pierce Avenue
Hamburg, NY 14075
Term Expires: 12/31/21
Replacing Joe Galati

Signed: Muldowney, Rankin, Starks, Ward, Lawton, Harmon

RES. NO. 168-21

Amend 2021 Budget for DPF Parks Division

By Public Facilities and Audit & Control Committees:

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

WHEREAS, some Public Facilities department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; 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 APPROPRIATIONS ACCOUNT:

A.7110.----.8	Employee Benefits-Parks	\$ 26,840
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DECREASE APPROPRIATION ACCOUNTS:

A.1440.----.1	Personal Services-Engineers	\$ 8,358
A.5610.5610.1	Personal Services-Chautauqua County Airport, Jamestown Airport	<u>\$ 18,482</u>
	Total	\$ 26,840

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

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RES. NO. 169-21

Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide
Economic Relief for Chautauqua County Dunkirk Airport

By Public Facilities and Audit & Control Committees:

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

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

WHEREAS, pursuant to Public Law 117-2 (ARPA), Federal funds were made available to U.S. public airports in the NPIAS to “provide economic assistance to airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received American Rescue Grant Program Plan Act (~~ARGP~~ ARPA) Grant Offer, Grant No. 3-36-0022-0XX-2021 in the amount of \$32,000 (hereinafter called “the Grant”) for the Chautauqua County Dunkirk Airport, and said funds will be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, and combating the spread of pathogens at the airport; and

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

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than September XX, 2021 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution 84-21, the Chautauqua County Legislature accepted ~~the American Rescue Grant Program (ARGP)~~ Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA) Grant No. 3-36-0022-060-2021 in the amount of \$13,000 for the Chautauqua County Dunkirk Airport, but the resolution did not include any budget amendments necessitated by the grant; now therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the ARPA Grant Offer, Grant No. 3-36-0022-0XX-2021 in the amount of \$32,000 for the Chautauqua County Dunkirk Airport; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA in connection with this Grant; 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.5610.5612.1	Personal Services—Chautauqua County Airport, Dunkirk Airport	\$45,000
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INCREASE REVENUE ACCOUNT:

A.5610.5612.R458.9000	Federal Aid—Transportation	\$45,000
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Signed: Nazzaro, Hemmer, Davis, Gould, Niebel (P.F. Amended by Substitution. Carried with Legislator Scudder Voting “No”)

RES. NO. 170-21

Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Jamestown Airport

By Public Facilities and Audit & Control Committees:

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

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

WHEREAS, pursuant to Public Law 117-2 (ARPA), Federal funds were made available to U.S. public airports in the NPIAS to “provide economic assistance to airports to prevent, prepare for, and respond to the coronavirus disease 2019 (COVID-19) pandemic”; and

WHEREAS, the County submitted a grant application to the Federal Aviation Administration (FAA) and received American Rescue ~~Grant Program Plan Act (ARPA ARPA)~~ Grant Offer, Grant No. 3-36-0048-0XX-2021 in the amount of \$32,000 (hereinafter called “the Grant”) for the Chautauqua County Jamestown Airport, and said funds will be used for costs related to operations, personnel, cleaning, sanitization, janitorial services, and combating the spread of pathogens at the airport; and

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

WHEREAS, the County must accept the Grant and the FAA must obligate the funds no later than September XX, 2021 in order for the Grant to be valid; and

WHEREAS, pursuant to Resolution 85-21, the Chautauqua County Legislature accepted ~~the American Rescue Grant Program (ARGP Coronavirus Response and Relief Supplemental Appropriation Act 2021 (CRRSA)~~ Grant No. 3-36-0048-055-2021 in the amount of \$13,000 for the Chautauqua County ~~Dunkirk~~ Jamestown Airport, but the resolution did not include any budget amendments necessitated by the grant; now therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the ~~ARGP ARPA~~ Grant Offer, Grant No. 3-36-0048-0XX-2021 in the amount of \$32,000 for the Chautauqua County Jamestown Airport; and be it further

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

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

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INCREASE APPROPRIATION ACCOUNT:

A.5610.5610.1	Personal Services—Chautauqua County Airport, Jamestown Airport	\$45,000
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INCREASE REVENUE ACCOUNT:

A.5610.5610.R458.9000	Federal Aid—Transportation	\$45,000
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Signed: Nazzaro, Hemmer, Davis, Gould, Niebel, Harmon (P.F. Amended by Substitution.
Carried with Legislator Scudder Voting “No”)

RES. NO. 171-21

Acceptance of Funds from the FAA for Replacement of Snow Removal Equipment (Blower) 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: Replace Snow Removal Equipment (blower); Airport Improvement Program (AIP) Project 3-36-0022-XX-2021, (herein called the “Project”); and

WHEREAS, The FAA has approved the Project for the Chautauqua County/Dunkirk Airport consisting of replacement of a 1996 Oshkosh self-propelled blower with a similar rotary plow and carrier vehicle, 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 to Acquire Replacement Snow Removal Equipment under ACIP; and

WHEREAS, under provisions of the Department of Transportation Appropriations Act of 2021 and as further amended by the American Rescue Plan Act of 2021, the Federal funding share for the Project shall be 100 percent; more specifically, funding shares for the project are as follows:

Federal		\$582,300
State	\$	0
Local	\$	0

; and

WHEREAS, the Airport Commission has considered and recommend that the county seek this funding as the project is crucial for the safe and sustained operation of the Chautauqua County/Dunkirk Airport, now therefore be it

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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 the 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 APPROPRIATAION ACCOUNT:

H.5610.25219.4	Contractual—Chautauqua County Airport, Snow Removal Equipment - Blower (2021)	\$582,300
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.5610.25219.R459.2000	Federal Aid-Airport Federal Capital Grants	\$582,300
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Signed: Gould, Nazzaro, Hemmer, Davis, Harmon, Niebel

RES. NO. 172-21

Authorization of Fund Reallocation for Purchase of Replacement Grounds Maintenance Tractor
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 Dunkirk Airport incurred an unanticipated capital equipment casualty loss on June 20, 2021 when a grounds maintenance tractor (D-25) was destroyed by fire; and

WHEREAS, a replacement tractor is needed to maintain aircraft movement surfaces and control vegetation on approximately 450 acres of surrounding grounds at the Chautauqua County Dunkirk Airport; and

WHEREAS, replacement cost for a comparably new replacement tractor is estimated at \$69,000 based on New York State contract pricing; and

WHEREAS, New York Municipal Insurance Reciprocal determined that fire damage to the tractor constituted a total loss and paid the County \$39,244 for the loss under terms of the County's Commercial Inland Marine insurance coverage; and

WHEREAS, the County's capital plan does not anticipate funding for replacement of the destroyed tractor until 2026; and

WHEREAS, the Airport Commission has considered and recommended that the County replace this equipment at the earliest practicable opportunity as it is necessary for the safe and sustained operation of the Chautauqua County Dunkirk Airport; now therefore be it

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RESOLVED, That the County Executive is hereby authorized to obligate funds and execute all necessary documents on behalf of Chautauqua County in connection with this equipment purchase; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.2 Equipment—Chautauqua County Airport, Dunkirk Airport
\$69,000

DECREASE APPROPRIATION ACCOUNT:

A.5610.5612.1 Personal Services—Chautauqua County Airport, Dunkirk Airport
\$29,756

INCREASE REVENUE ACCOUNT:

A.5610.5612.R268.0000 Sale of Property/Compensa--Insurance Recoveries
\$39,244

Signed: Gould, Scudder, Nazzaro, Hemmer, Davis, Harmon

RES. NO. 173-21
Amend 2021 Budget for County Executive

By Administrative Services and Audit & Control Committees:

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

WHEREAS, expenses of the Chautauqua County Ethics Board are paid out of the appropriation accounts of the County Executive department; and

WHEREAS, legal services for the Ethics Board are provided by the County Law Department, but in the event the Law Department has a conflict of interest on a particular matter, the Ethics Board may retain outside counsel to advise the Board; and

WHEREAS, the Ethics Board's retention of outside counsel has caused the County Executive department's 2021 contractual expenses to exceed initial budgetary estimates, while the department's personnel expenses are now projected to have a surplus; 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.1230.----.4 Contractual - County Executive \$6,788

DECREASE APPROPRIATION ACCOUNT:

A.1230.----.1 Personal Services - County Executive \$6,788

Signed: Muldowney, Vanstrom, Scudder, Davis, Starks, Niebel, Gould, Harmon

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RES. NO. 174-21
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 was awarded the Coronavirus Emergency Supplemental Funding Program grant through the United States Office of Justice Programs (OPJ) and the United States Department of Justice (DOJ) for a period of January 20, 2020 through January 31, 2022; and

WHEREAS, the funding was to assist the District Attorney’s office with increased incremental expenses related to the COVID-19 pandemic; and

WHEREAS, the District Attorney’s office did not incur any incremental increases due to the COVID-19 pandemic in 2021; and

WHEREAS, the District Attorney’s office is not able to make any claims for reimbursement for expenses in 2021 to the United States DOJ; now therefore it be

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	\$23,100
A.1165.----.4	Contractual - District Attorney	<u>\$2,756</u>
	Total	\$25,856

DECREASE REVENUE ACCOUNT:

	Federal Aid-OTHER PUBLIC SAFETY	
A.1165.----.R438.9000	AID	\$25,856

Signed: Bankoski, Niebel, Hemmer, Gould, Harmon

RES. NO. 175-21

Accept New York State Department of Health Award to Support Nurse Family Partnership

By Human Services and Audit & Control Committees:

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

WHEREAS, the New York State Department of Health (NYSDOH) has awarded funds to the Chautauqua County Department of Health and Human Services to support Nurse Family Partnership program expenses for the period of April 1, 2020 – March 31, 2022 in the amount of \$23,515; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary award-related documents for, the above-named award, for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County’s receipt of such funds.

Signed: Whitney, Rankin, Lawton, Niebel, Gould, Harmon

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RES. NO. 176-21

To Accept New York State Office of Children and Family Services (OCFS) Safe Summer NY
2021 Funding

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County has been awarded New York State Office of Children and Family Services (OCFS) Safe Summer NY 2021 Funding in the amount of \$25,000 for the period of July 1, 2021 – December 31, 2021; and

WHEREAS, the purpose of this funding is to support positive youth development activities that attract youth ages 14-21 at risk of being perpetrators and victims of gun violence in high gun violence neighborhoods and census tracts throughout the state; and

WHEREAS, the City of Jamestown has been specified as a high gun violence area; and

WHEREAS, 2021 revenues for the Youth Bureau are now projected to be higher than the budgeted amount; and

WHEREAS, 2021 expenditures for the Youth Bureau are now projected to be in excess of the budgeted amount; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements for, and execute all necessary award-related documents for, the above-named award for so long as the County continues to be funded by this program; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it 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.7310.----.4 Contractual—Youth Programs \$ 25,000

INCREASE REVENUE ACCOUNT:

A.7310.R382.0000 New York State Aid—Youth Programs \$ 25,000

Signed: Whitney, Rankin, Lawton, Harmon, Niebel, Gould

RES. NO. 177-21

Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased
Preschool Transportation Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, 2021 expenditures for Preschool Transportation are now projected to be in excess of the budgeted amount; and

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WHEREAS, Preschool Transportation costs are funded at 59.5% by the State of New York;
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.2960.ADMN.4 Contractual—Educ: Handicapped Children, Administration	\$375,000
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INCREASE REVENUE ACCOUNT:

A.2960.ADMN.R327.7000 New York State Aid—Ed Handicapped Children	\$223,125
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DECREASE APPROPRIATION ACCOUNT:

A.6129.----.4 Contractual—State Training School Signed: Whitney, Rankin, Lawton, Niebel, Gould, Harmon	\$151,875
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RES. NO. 178-21

Authorizing Public Hearing Regarding a Potential Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal and the Uses of Said Funding

By Human Services Committee:

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

WHEREAS, the Office of Community Renewal is expected to release a Notice of Funding Availability (NOFA) for the 2021 Unified Funding Round of the Community Development Block Grant (CDBG) program, a federally funded program authorized by Title I of the Housing and Community Development Act of 1974, under its Housing Resources NOFA, during fall 2021; and

WHEREAS, the CDBG Program Housing Resources program provides funding to eligible communities for housing activities including housing rehabilitation, homeownership, manufactured housing rehabilitation or replacement, well and septic replacement, and lateral connection assistance that primarily benefit low- and moderate-income persons; and

WHEREAS, the County is considering applying for funding for the Chautauqua Septics and Wells Program, under this NOFA, for those residing in eligible, non-entitlement communities within Chautauqua County; and

WHEREAS, the County seeks public input on community development, housing needs, and proposed activities under the CDBG program, especially input from low- and moderate-income residents; therefore be it

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RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on September 22, 2021, at 6:40 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form as approved by the Chautauqua County Law Department.

Signed: Whitney, Rankin, Lawton

RES. NO. 179-21

Authorizing and Approving a Settlement Agreement in an Action Relating to the Opioid Crisis (J & J)

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

WHEREAS, there is pending litigation regarding the opioid addiction crisis on behalf of New York State and its local subdivisions, in which the County of Chautauqua is a named plaintiff in the action (the “Action”); and

WHEREAS, the Action is against several defendants, including manufacturers of opioids, distributors of opioids, and chain pharmacies; and

WHEREAS, the Action alleges several causes of action against defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (collectively “J & J”), based on claims that J & J contributed to the opioid epidemic by falsely promoting prescription opioids it manufactured and sold, and by falsely promoting the increased use of opioids directly and generally through various “front groups,” and failing to implement measures to prevent diversion of prescription opioids in connection with distribution of its products, all of which contributed to a public health crisis in Chautauqua County; and

WHEREAS, the New York State Attorney General’s office has approved a settlement agreement and release form with J & J (the “Agreement”) to settle the claims of the State and its subdivisions, and pursuant to the Agreement, J & J shall pay the State and its subdivisions a minimum of approximately \$98.5 million and a maximum of approximately \$229.8 million, with the County’s share between approximately \$426,798.33 and approximately \$996,051.42 over ten (10) years, and J & J shall agree to cease the manufacture, sale, and promotion of opioids and opioid products in the State of New York, for ten (10) years; and

WHEREAS, the Agreement provides that approximately 21% of the County’s final settlement proceeds will be unrestricted as to their use, and approximately 79% of the County’s final settlement proceeds may only be used for Approved Uses, which are defined to include the following categories: Treating Opioid Use Disorder; Supporting People in Treatment and Recovery; Connecting People who Need Help to Help; Addressing the Needs of Criminal-Justice Involved Persons; Addressing the Needs of Pregnant or Parenting Women and Their Families, Including Babies with Neonatal Abstinence Syndrome; Preventing Over-Prescribing and Ensuring Appropriate Prescribing and Dispensing of Opioids; Preventing Misuse of Opioids;

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Preventing Overdose Deaths and Other Harms; Supporting Law Enforcement and First Responders; Supporting Opioid Abatement Research; Supporting Post-Mortem Efforts (such as toxicology tests, autopsies, investigations, indigent burial, and epidemiologic data); and

WHEREAS, it is in the best interest of the County to resolve the Action with J & J without further litigation, and enter into the proposed Agreement as it shall settle all allegations against J & J and avoid protracted litigation; therefore be it

RESOLVED, That the County Executive is authorized and empowered on behalf of the County of Chautauqua to execute the Agreement with J & J to settle the Action of the County against J & J relating to the opioid addiction crisis, and execute such other documents as may be necessary and appropriate to effectuate said settlement with J & J.

Signed: Whitney, Rankin, Lawton, Harmon, Niebel, Gould

RES. NO. 180-21

Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds to Remove Debris from Goose Creek

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, Goose Creek is a tributary to Chautauqua Lake and a large tree has fallen into Bemus Creek as a result of streambank erosion; and

WHEREAS, the fallen tree has the potential to cause flood damage to residential properties, threaten public transportation infrastructure, and will inevitably increase the cost of in-lake maintenance for Chautauqua Lake; and

WHEREAS, the Chautauqua County Watershed Coordinator recommends a remedy whereby the fallen tree and associated debris be removed from Goose Creek, thereby mitigating potential property and infrastructure damage at less cost than removing the debris once it is deposited in Chautauqua Lake; and

WHEREAS, the Town of North Harmony has secured access agreements from property owners and mobilized equipment and labor suitable to implement the remedy at a cost not to exceed \$3,000; and

WHEREAS, the 2% Occupancy Tax Program Reserve has a balance of \$238,634 for projects of special opportunity and need; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$3,000 from the 2% Occupancy Tax Program Reserve to be dispersed to the Town of North Harmony for implementation of the remedy to remove debris from Goose Creek; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That the Fund Balance be appropriated as follows:

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INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$3,000

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$3,000
Signed: Muldowney, Rankin, Starks, Ward, Lawton, Harmon, Gould, Niebel

RES. NO. 181-21

Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the New York State Legislature has authorized the New York State Department of Commerce to match funds expended by local and regional organizations promoting tourist travel, resorts, and vacation businesses in this State; and

WHEREAS, the New York State Legislature has made appropriations for such purposes; and

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation as the local tourist promotion agency for the Matching Fund Program sponsored by the New York State Division of Tourism; therefore, be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism and authorizes the Chautauqua County Visitors Bureau to apply for matching tourism funds, to receive such matching funds, and to represent the County of Chautauqua in tourism promotion efforts; and be it further

RESOLVED, That in making the aforesaid designation, the Chautauqua County Legislature hereby certifies that Chautauqua County Visitors Bureau has been in operation for at least three (3) years immediately prior to making this year's application; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau comply with the following criteria for implementing the Matching Funds Program:

1. A dedicated bank account shall be maintained for the purposes of matching and disbursing Matching Funds provided by the New York State Division of Tourism and the corresponding local share in accordance with the Program guidelines;

2. All interest earned from the Matching Funds Program monies shall be expended for generic County advertising according to the New York State guidelines for the Program;

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3. All discounts and refunds be maintained in the Matching Fund program account and be expended for generic County advertising according to the Program guidelines; and

4. Account(s) shall be reconciled monthly and at the end of the Program, and the required quarterly and annual reports be provided to the New York State Division of Tourism in accordance with the Program guidelines; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the period from January 1, 2022 through December 31, 2022.

Signed: Muldowney, Rankin, Starks, Ward, Lawton, Harmon, Niebel, Gould

RES. NO. 182-21
Amend 2021 Budget – Kayaks Along Chautauqua

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

WHEREAS, the Department of Planning and Development was awarded the Local Waterfront Revitalization Program grant through the New York State Department of State (DOS) in the amount of \$73,155.00; and

WHEREAS, total projects costs include the approved bid, signage, and permit fees in the amount of \$109,631.80; and

WHEREAS, funding for the local match was obtained through the five project partners in the amount of \$27,476.80 and through Lake Erie Management Commission (LEMC) funding in the amount of \$9,000.00; and

WHEREAS, revenues and expenditures associated with the total project costs were not entirely included in the 2021 Capital 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:

H.8020.37006.4 Contractual—Planning, Kayaks Along Chautauqua (2019) \$16,807

INCREASE REVENUE ACCOUNT:

H.8020.37006.R208.9000 Departmental Income—Other Cultural &
Recreation Income \$16,807

Signed: Muldowney, Rankin, Starks, Ward, Lawton, Harmon, Niebel, Gould

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RES. NO. 183-21
Prospective Cancellation of Uncollectible Tax Liens

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr. and Legislator Bob Scudder:

WHEREAS, the enforcing officer of any tax district may withdraw a parcel of real property tax from a pending foreclosure proceeding pursuant to Section 1138 of the Real Property Tax Law where it is inadvisable the tax district take title to a property, and

WHEREAS the governing body of a tax district pursuant to RPTL Section 1138 may find there is no practical method to enforce the collection of delinquent tax liens arising in the future against a particular parcel; and

WHEREAS, the governing body may direct the enforcing officer to issue a certificate of prospective cancellation, setting forth the relevant facts, and the parcel shall thereby become exempt from taxation until the governing body determines that the parcel should be restored to the taxable portion of the assessment roll; therefore be it

RESOLVED, That pursuant to section 1138 of the Real Property Tax Law, the Chautauqua County Legislature hereby determines there is no practical method to enforce the collection of delinquent tax liens arising in the future against the parcels listed below; and be it further

RESOLVED, That pursuant to section 1138 of the Real Property Tax Law, the Chautauqua County Legislature hereby directs the County's enforcing officer to issue a certificate of prospective cancellation against said parcels:

Muni	Parcel ID	Location	Assessed Owner	Amount Owing	Reason for Prospective Cancellation
Carroll	062400-406.00-2-15	Falconer St	Keywell LLC	\$1,304.48	Vacant, Bankrupt owner, Environmental Issues
Carroll	062400-406.00-2-16	300 Falconer St	Keywell LLC	\$281.25	Vacant, Bankrupt owner, Environmental Issues
Carroll	062400-406.00-2-17	300 Falconer St	Keywell LLC	\$483,628.5	Vacant, Bankrupt owner, Environmental Issues
Carroll	062400-406.00-2-18	Falconer St	Keywell LLC	\$10,115.74	Vacant, Bankrupt owner, Environmental Issues
Carroll	062400-406.00-2-19	200 Falconer St	Keywell LLC	\$9,249.63	Vacant, Bankrupt owner, Environmental Issues

Signed: Muldowney, Vanstrom, Scudder, Davis, Starks, Niebel, Gould, Harmon

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RES. NO. 184-21

Approving Labor Contract with Deputy Sheriffs' Association of Chautauqua County (DSACC)

By Administrative Services, Public Safety, and Audit & Control Committees:

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

WHEREAS, the County's negotiating team and the Deputy Sheriffs' Association of Chautauqua County (DSACC) have negotiated a tentative agreement for terms and conditions of employment from January 1, 2022, through December 31, 2025; and

WHEREAS, pursuant to Section 2.05(g) of the Chautauqua County Charter, the County Legislature must approve all labor contracts; now therefore be it

RESOLVED, That the County Legislature hereby approves the tentative agreement between the County and DSACC to include ~~modifications to a step-increment~~ increases to the Step 8 increment of 2% in 2022, 1.5% in 2023, 1.5% in 2024 and 1.5% in 2025 (which are in addition to the annual wage increases set forth below), modifications to longevity, modifications to employer and employee cost share of the health plan, modifications to the retiree cash-out benefit, and a three percent (3%) wage increase in 2022, a three percent (3%) wage increase in 2023, a two and one-half percent (2.5%) wage increase in 2024, and a two and one-half percent (2.5%) wage increase in 2025; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate a new labor agreement with DSACC.

Signed: Muldowney, Vanstrom, Scudder, Davis, Starks, Bankoski, Niebel, Hemmer, Gould, Harmon (A.C. Amended by strikeout and new language indicated by underline)

RES. NO. 185-21
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:

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

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

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

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

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the

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Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-12-2018	City of Dunkirk	060300-79.12-5-10.2	Elias Gutierrez	John & Betty sharp	\$100.00	\$358.56
*PA-56-2019	City of Jamestown	060800-370.15-2-44	Deborah Wiles	Scott Weidrich	\$2,000.00	\$496.12
*PA-56-2019	City of Jamestown	060800-370.15-2-44	Lorraine Miley	Scott Weidrich	\$1,500.00	\$496.12
PA-61-2019	City of Jamestown	060800-370.18-2-37	Guillermo Torres	Royal Housing LLC	\$200.00	\$152.82
PA-103-2019	City of Jamestown	060800-387.06-6-52	William & Renee Little	Alcon LLC	\$350.00	\$5,246.85
PA-104-2018	City of Jamestown	060800-387.12-2-56	JKTS LLC	Taylor Bennett	\$700.00	\$646.57
*PA-108-2018	City of Jamestown	060800-387.13-10-65	Hillcrest Baptist Church	Beverly Parish	\$1,250.00	\$1,346.01
*PA-108-2018	City of Jamestown	060800-387.13-10-65	Ernest Laemmerhirt	Beverly Parish	\$101.50	\$1,346.01
PA-102-2016	City of Jamestown	060800-387.15-8-18	Joe Costanzo	William Soto	\$200.00	\$2,217.52
PA-175-2019	City of Jamestown	060800-387.25-4-55	Margaret Hallberg	Royal Housing LLC	\$1.00	\$840.20
PA-160-2018	City of Jamestown	060800-387.39-1-8	Chad Carlson	William Leach	\$100.00	\$198.25
PA-163-2018	City of Jamestown	060800-387.42-2-36	Maurice Paterniti	Ethel Peters	\$1.00	\$2,002.16
PA-221-2019	City of Jamestown	060800-388.17-4-2	Richard Franzen	Samuel Blackmar	\$100.00	\$5,630.22
PA-188-2018	Busti/Lakewood	062201-385.12-5-28	Linda Case	Gary & Betty Thomas	\$1.00	\$1,614.14
PA-268-2019	Cherry Creek	063000-237.11-2-23.2	Heather Maille & Devlin Byrne	Arthur & Ashley Hubabrd	\$500.00	\$8,717.55
*PA-287-2019	Ellicott	063801-369.19-5-48	Roger Lampe	Harry Fairley	\$50.00	\$830.72
*PA-287-2019	Ellicott	063801-369.19-5-48	Linda Derby	Harry Fairley	\$1,500.00	\$830.72
PA-238-2017	Hanover/Silver Creek	064603-49.05-1-20	Kyle Moore	Eleanor & Fiegl Bartlett	\$1.00	\$190.46
*PA-428-2019	Westfield	067201-193.13-2-44	Knight Family LLC	Daniel Lloyd	\$100.00	\$194.99

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*PA-428-2019	Westfield	067201-193.13-2-11	Thomas & Bernadette Zachary	Daniel Lloyd	\$500.00	\$195.00
				Total	\$9,255.50	\$33,550.99
* Denotes Multiple Offers						

Signed: Muldowney, Vanstrom, Scudder, Niebel, Davis, Starks, Harmon, Gould (A.S. Amended to accept highest offers)