

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 84-23

Confirm Appointment and Re-Appointments – Chautauqua
County Fire Advisory Board

By Public Safety Committee:

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

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment and re-appointments to the Chautauqua County Fire Advisory Board.

1st Battalion

Joshua Newark
8121 Route 60
Cassadaga, NY 14718
Term Expires: 1/31/2024
New-appointment

Lawrence Barter
9 Pine Dr.
Fredonia, NY 14063
Term Expires: 1/31/2024
Re-appointment

Mike Edwards
143 West 4th St
Dunkirk, NY 14048
Term Expires: 1/31/2024
Re-appointment

Joseph H. Kohler
PO Box 352/13 Lodi St
Forestville, NY 14062
Term Expires: 1/31/2024
Re-appointment

Brian Puroil
3681 New Road
Dunkirk, NY 14048
Term Expires: 1/31/2024
Re-appointment

Aaron Weiskerger
12155 Angell Rd Lot 77
Silver Creek, NY 14136
Term Expires: 1/31/2024
Re-appointment

2nd Battalion

Rusty Hardenburg
12 Maple Dr. West
Mayville, NY 14757
Term Expires: 1/31/2024
Re-appointment

Lyle Holland
47 Clinton St
Westfield, NY 14787
Term Expires: 1/31/2024
Re-appointment

Matthew Oehlbeck
159 Park St
Sherman, NY 14781
Term Expires: 1/31/2024
Re-appointment

Mark Smith
9437 E. Main Rd
Ripley, NY 14775
Term Expires: 1/31/2024
Re-appointment

Burl Swanson
6168 Wright Rd
Dewittville, NY 14728
Term Expires: 1/31/2024
Re-appointment

Ronald H. Trippy
6755 S. Portage Rd
Westfield, NY 14787
Term Expires: 1/31/2024
Re-appointment

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

3rd Battalion

Jordan Bailey
797 Fairmount Ave
Jamestown, NY 14701
Term Expires: 1/31/2024
Re-appointment

~~Randy Gleason
3314 Open Meadows Rd
Ashville, NY 14710
Term Expires: 1/31/2024
Re-appointment~~

Gregory Ireland
17 West Main St
Panama, NY 14767
Term Expires: 1/31/2024
Re-appointment

Nick Niles
15 Howard St
Frewsburg, NY 14738
Term Expires: 1/31/2024
Re-appointment

Charles Piazza
181 FrewRun Rd/PO Box102
Frewsburg, NY 14738
Term Expires: 1/31/2024
Re-appointment

Dan Sisson
1514 Bunce Rd
Frewsburg, NY 14738
Term Expires: 1/31/2024
Re-appointment

4th Battalion

David Bartkowiak
2575 Palm Rd
Jamestown, NY 14701
Term Expires: 1/31/2024
Re-appointment

Ryan Delahoy
205 N. Dow St
Falconer, NY 14733
Term Expires: 1/31/2024
Re-appointment

John Griffith
3659 Dean School Rd
Falconer, NY 14733
Term Expires: 1/31/2024
Re- appointment

Lance Hedlund
14 Dunn Ave
Jamestown, NY 14701
Term Expires: 1/31/2024
Re-Appointment

Jeff Molnar
30 Main St
Bemus Point, NY 14712
Term Expires: 1/31/2024
Re-appointment

Barry Swanson
4870 Bayview Rd
Bemus Point, NY 14712
Term Expires: 1/31/2024
Re-appointment

Signed: Niebel, Proctor, Nelson
(3-15-23 P.S. – Amended by strikethrough)

RES. NO. 85-23
Confirm Appointments and Re-Appointments-
Community Service Board

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointments to the Community Service Board.

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

Jon Anderson
5254 Sherman Mayville Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/26
(New Appointment)

Dr. Michael Faulk
3951 Fluvanna Townline Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/26
(New Appointment)

Dr. Joseph DiCarlo
11 Brook St
Lakewood N.Y. 14750
Term Expires: 12/31/26
(Re-appointment)

Ellen Maternowski
1662 Shadyside Rd.
Lakewood N.Y. 14750
Term Expires: 12/31/26
(Re-appointment)
Signed: Proctor, Torres, Rankin

RES. NO. 86-23

Confirm Appointment - Conewango Watershed Commission

By Planning and 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 Conewango Watershed Commission.

Thomas Smallback
7276 North Rd.
Cherry Creek N.Y. 14135
Term Expires: 12/31/25
(New Appointment)
Signed: Chagnon

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 87-23

Confirm Appointment – County of Chautauqua Industrial
Development Agency Board of Directors

By Planning and 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 County of Chautauqua Industrial Development Agency Board of Directors.

Daniel T. DeMarte, EdD
President of Jamestown Community College
11 Webster Street
Lakewood, NY 14750
Term Expires: 12/31/26
(New Appointment)
Signed: Chagnon

RES. NO. 88-23

A Resolution Temporarily Amending Portland Pomfret
Dunkirk User Charge Resolution 262-19

By Public Facilities and Audit & Control Committees:

At the Request of Legislature Chairman Pierre E. Chagnon:

WHEREAS, the Portland Pomfret Dunkirk Sewer District Board (Board) serves as Administrative Head of the Portland Pomfret Dunkirk Sewer District (District) and determines District customer user charges, subject to confirmation by the County Legislature; and

WHEREAS, Pursuant to Resolution 262-19, in the event the Board discovers that it omitted a charge, in whole or in part, on a customer's sewer bill, a bill for such charge shall be mailed promptly thereafter, with delayed bills not being issued beyond a one year time period; and

WHEREAS, it has come to the Board's attention that the mathematical formula being used for the calculation of commercial customer bills (Actual Formula) did not match the formula articulated in Resolution 262-19; and

WHEREAS, the Board has determined that (i) both the Board and its customers have relied on billing amounts resulting from application of the Actual Formula, (ii) Resolution 262-19 was adhered to in terms of charging commercial customers both a base rate and a water-based rate, and (iii) it would present a hardship to commercial customers, who are now being charged in accordance with Resolution 262-19, to receive delayed bills for the omitted charges; and

WHEREAS, the Board is seeking Legislative confirmation of their determination that delayed bills should not be issued for the difference between amounts due under the Actual Formula and those under the Resolution 262-19 formula; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RESOLVED, That commercial customers of the District not be issued delayed bills for the omitted charges.

Signed: Scudder, Davis, Parker, Heiser, Wilfong, Niebel, Pavlock

RES. NO. 89-23

Acceptance of Accelerated Transit Capital Grant

By Public Facilities and Audit & Control Committees:

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

WHEREAS, The County of Chautauqua has been approved for a grant of funds by the New York State Department of Transportation, Accelerated Transit Capital Grant Program for the renovation of the CARTS Hub/Junction at 215 E. 3rd Street, Jamestown, NY 14701; and

WHEREAS, funding for these projects are 100% State Funds; and

WHEREAS, the County of Chautauqua and the State of New York are entering into an agreement that authorizes the undertaking of the project and payment of the State funds for the project; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary agreements with the State of New York, and other such documents for the above named project; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Budget:

ESTABLISH AND INCREASE CAPITAL APPROPRIATIONS ACCOUNT:

H.5630.25261.4	Contractual---Bus Operations, Renovations of CARTS Hub	\$475,062
----------------	---	-----------

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5630.25261.R359.7000	NYS Aid-Transp Capital	\$475,062
------------------------	------------------------	-----------

Signed: Scudder, Davis, Parker, Heiser, Wilfong, Niebel, Pavlock

RES. NO. 90-23

Amend Funding Supplemental Agreement No.3 with NY State DOT for Performance of Federal Aid Project PIN 5761.82

By Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolutions 161-17, 68-21,18-22, 61-22 and 142-22, the Chautauqua County Legislature approved the Replacement of County Bridge 1082, Foote Ave (the Project) and committed to \$2,470,000 to cover 100% of the Project's Preliminary Engineering Design I-VI and Right-of-Way Incidental Phases and Construction/Construction Inspection Phases ; and

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

WHEREAS, the New York State Department of Transportation had issued Supplemental Agreement No. 3, with funding under title 23 U.S. Code, for the Construction/Construction Inspection Phases, which called for the apportionment of the costs of such program, estimated to be \$2,884,000, to be \$2,307,200 Federal Funds, \$304,500 State Marchiselli funds, and \$272,300 local funds; and

WHEREAS, the New York State Department of Transportation has issued a revised executed Supplemental Agreement No.3, with funding under title 23 U.S. Code, for the construction/Construction Inspection Phases, which now calls for the apportionment of the costs of such program to be \$2,884,000, to be \$2,307,200 Federal Funds, \$432,600 State Marchiselli funds, and \$144,200 local funds; and

WHEREAS, the local share is now calculated to decrease by \$128,100, and the sum of \$128,100 has been appropriated from D.5112.390 for the Replacement of County Bridge 1082, Foote Ave (The Project) and should be returned to D.5112.390; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

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

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2022 Adopted Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements, County Bridge Program	\$128,100
--------------	--	-----------

INCREASE REVENUE ACCOUNT:

D.9901.----.R503.1000	Interfund Transfer—Interfund Transfer	\$128,100
-----------------------	---------------------------------------	-----------

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

INCREASE REVENUE ACCOUNT:

D.5112.389.R358.9003 New York State Aid--Marchiselli Funds \$128,100

DECREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R503.1000 Interfund Transfer—Interfund Transfer \$128,100
Signed: Scudder, Davis, Heiser, Wilfong, Pavlock, Niebel, Parker

RES. NO. 91-23

Confirmation of Amendments to the Water Purchase/Supply Agreement between the City of Dunkirk, and the County of Chautauqua and its North Chautauqua County Water District (18-39-04 / 15-39-01)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, On November 17, 2015 the County of Chautauqua, on behalf of a county water district to be formed under County Law Article 5-A, entered into a Water Purchase / Supply Agreement with the City of Dunkirk, the North County Industrial Water District No. 1, the Village of Brocton, and the Towns of Portland, Pomfret, Dunkirk and Sheridan (Agreement); and

WHEREAS, the North Chautauqua County Water District (District) was established pursuant to County Law Article 5-A and Resolution 39-16; and

WHEREAS, Resolution 40-16 established a District Board (Board) as the Administrative Body of the District, granted such Board authorization to operate and maintain constructed improvements consistent with the Agreement, and authorized the Board to enter into contracts as authorized by County Law Article 5-A within the scope of the District formation Map, Plan and Report and further authorizations provided by the County Legislature, such contracts to be signed by chairman of the Board pursuant to Board and Legislative authority; and

WHEREAS, an August 30, 2018 Notice issued by the Chairman of the District to the parties to the Agreement advised that construction was completed and indicated that the District was commencing operations on September 5, 2018, which pursuant to Paragraph 10 of the Agreement became the commencement date of the forty (40) year Agreement; and

WHEREAS, having operated under the Agreement for several years, the Board recommends that the manner of calculation of water rates charged by the City of Dunkirk to the District be modified for the year 2023 by replacing the calculation method in the contract with a three-cent increase over the 2022 water rate; now therefore be it

RESOLVED, That the Agreement, as heretofore amended, is ratified; and be it further

RESOLVED, That the Board is hereby authorized to execute a contract amendment with the City of Dunkirk and the other parties to the Agreement to suspend the contractual method for determining water rates charged by the City of Dunkirk to the District for the year 2023, and to instead have the rate equal to the rate of the previous year, plus three cents.

Signed: Scudder, Wilfong, Davis, Parker, Heiser, Niebel, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 92-23

Authorize Acceptance of Indigent Legal Services Grant for the period of January 1, 2023 to December 31, 2025

By Public Safety and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919.00 for the operational period of January 1, 2023 to December 31, 2025; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; and

WHEREAS, revenue from this grant was included in the 2023 Adopted budget so no budget amendment is necessary; now therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2023 to December 31, 2025 in the amount of \$269,919.00, or as amended; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents 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 Office of Indigent Legal Services.

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

RES. NO. 93-23

Emergency Services 2023 Budget Amendment for FY2020 Technical Rescue and Urban Search and Rescue Grant

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the amount of \$105,550; and

WHEREAS, pursuant to Resolution 328-22, the County Executive was authorized to execute an agreement to secure the grant funds with the NYS Division of Homeland Security; and

WHEREAS, the revenues and expenditures associated with this grant were not included in the 2023 operating budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2023 Adopted Budget:

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

INCREASE APPROPRIATION ACCOUNTS:

A.3625.----.2	Equipment - Technical Rescue Team	\$73,400
A.3625.----.4	Contractual – Technical Rescue Team	<u>\$32,100</u>
	Total	\$105,500

INCREASE REVENUE ACCOUNT:

A.3625.----.R430.5004	Federal Aid-Homeland Security	\$105,500
-----------------------	-------------------------------	-----------

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

RES. NO. 94-23

Authorize Agreement with NYS Office of Parks, Recreation & Historic Preservation for Marine Equipment Licenses

By Public Safety and Audit & Control Committees:

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

WHEREAS, the NYS Office of Parks, Recreation & Historic Preservation has requested that the Chautauqua County Office of the Sheriff enter into a licensing agreement that pertains to the marine equipment (3 NYS owned boats, stored at Holiday Harbor Marina) they lend the Office of the Sheriff; and

WHEREAS, the NYS Office of Parks, Recreation & Historic Preservation would like to enter into this Agreement, effective January 1, 2023; and

WHEREAS, this is provided free of charge so no budget amendment is needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the NYS Office of Parks, Recreation & Historic Preservation for marine equipment licensing as set forth above.

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

RES. NO. 95-23

Authorize Execution of NYS Office of Homeland Security Funding Grant for Domestic Terrorism Prevention FY22

By Public Safety and Audit & Control Committees:

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

WHEREAS, the County Sheriff's Office received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of Domestic Terrorism Prevention; and

WHEREAS, the State of New York will provide funding for a FY22 grant in the amount of \$172,413, with no local funds, for a contract period of September 1, 2022 through August 31, 2024; and

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

WHEREAS, this grant is not currently included in the current 2023 Adopted Budget so a 2023 budget amendment is needed at this time; now therefore be it

RESOLVED, The County Executive is authorized to execute an agreement with the NYS Division of Homeland Security and Emergency Services to secure the grant funding as set forth above; and also be it

RESOLVED, The Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.1	Personal Services – Sheriff, Sheriff Grants	\$53,797
A.3110.GRNT.8	Employee Benefits – Sheriff, Sheriff Grants	\$19,078
A.3110.GRNT.4	Contractual – Sheriff, Sheriff Grant	<u>\$13,331</u>
	Total:	\$86,206

INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R438.9000	Federal Aid—Other Public Safety Aid	\$86,206
-----------------------	-------------------------------------	----------

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

RES. NO. 96-23

Amend 2023 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 216-22, the County Executive was authorized to execute an agreement to secure grant funding from the NYS Division of Homeland Security for the Statewide Interoperability Communications Grant (SICG) Program for FY21 in the amount of \$1,284,018 for the performance period of January 1, 2022 through December 31, 2024; and

WHEREAS, the timing of some of the grant purchases changed so not all of the revenues and expenditures associated with the 2023 grant purchases were included in the 2023 Adopted budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.2	Equipment – Sheriff, Sheriff Grants	\$550,470
A.3110.GRNT.4	Contractual – Sheriff, Sheriff Grants	<u>\$377,552</u>
	TOTAL	\$928,022

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9000	Federal Aid – Other Public Safety Aid	\$928,022
-----------------------	---------------------------------------	-----------

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 97-23

Authorize Execution of NYS DCJS Body Worn
Camera Funding FY2023

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Department of Criminal Justice Services approved the application for Body Worn Camera Funding Grant for the purchase and software related to Body Worn Cameras; and

WHEREAS, the State of New York will provide funding for the FY23 grant award in the amount of \$50,000, with no local funds, for the contract period from February 3, 2023 to December 31, 2023; and

WHEREAS, this revenue is not included in the 2023 Adopted Budget; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with NYS Department of Criminal Justice Services for Body Worn Cameras as set forth above; and also be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R338.9000	NYS Aid—Other Public Safety Aid	\$50,000
-----------------------	---------------------------------	----------

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.2	Equipment—Sheriff, Sheriff Grants	\$50,000
---------------	-----------------------------------	----------

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

RES. NO. 98-23

Amend 2022 Budget for Year End Reconciliations – Social Services

By Human Services and Audit & Control Committees:

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

WHEREAS, some Social Services departmental expenditures have exceeded initial budgetary estimates, and

WHEREAS, Social Services has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6055.----.4	Contractual - Day Care	\$139,244
A.6109.----.4	Contractual - Family Assistance	\$100,397

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

A.6123.----.4	Contractual - Juvenile Delinquent Care	\$20,684
A.6140.----.4	Contractual - Safety Net	<u>\$135,642</u>
	Total	\$395,967

INCREASE REVENUE ACCOUNTS:

A.6010.----.R361.0000	New York State Aid-Social Services Admin	\$54,462
A.6055.----.R365.5000	New York State Aid-Child Assistance	\$5,093
A.6055.----.R465.5000	Federal Aid-Child Assistance	\$134,151
A.6109.----.R460.9000	Federal Aid-EAF Foster Care	\$100,397
A.6140.----.R364.0000	New York State Aid-Safety Net	\$96,027
A.6140.----.R464.0000	Federal Aid-Safety Net	<u>\$5,837</u>
	Total	\$395,967

Signed: Proctor, Wilfong, Torres, Rankin, Niebel, Pavlock

RES. NO. 99-23

Amend 2022 & 2023 Budgets for Grant Revenue – Mental Hygiene

By Human Services and Audit & Control Committees:

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

WHEREAS, various purchase orders for grant-funded expenditures were prepared in 2022 for the Chautauqua County Department of Mental Hygiene (CCMH), but the purchases were not completed in 2022; and

WHEREAS, 2022 revenue for CCHM is short of budget partially because grant revenue could not be earned since corresponding equipment and contractual items were not purchased; and

WHEREAS, the 2022 expenditure budget for the purchases was encumbered so it automatically rolled forward into the 2023 budget, but the corresponding revenue budget for the purchases did not automatically roll forward into the 2023 budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2022 Amended Budget:

DECREASE REVENUE ACCOUNT:

A.4320.----.R349.0000	NYS Aid-Mental Health	\$105,409
-----------------------	-----------------------	-----------

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2023 Amended Budget:

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000	NYS Aid-Mental Health	\$105,409
-----------------------	-----------------------	-----------

Signed: Proctor, Niebel, Wilfong, Torres, Rankin, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 100-23

Amend 2023 Budget to Implement the Renovations of CARTS Hub/Junction Project, Using Funding from the American Rescue Plan Act (ARPA)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the renovations of CARTS Hub/Junction project fits within the guidelines for ARPA spending, is needed to provide the citizens and visitors of Chautauqua County with a safe place out of the weather to wait for buses, and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

H.5630.25261.4	Contractual—Renovations of CARTS Hub	\$100,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	\$100,000
	Total	\$200,000

ESTABLISH & INCREASE REVENUE ACCOUNTS:

H. 5630.25261.R503.1000	Interfund Transfers—Interfund Transfer	\$100,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$100,000
	Total	\$200,000

Signed: Scudder, Davis, Parker, Wilfong, Pavlock, Heiser, Niebel

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 101-23

Amend 2023 Budget to Implement the Storage Assessment Project, Using Funding from the American Rescue Plan Act (ARPA)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Storage Assessment project fits within the guidelines for ARPA spending, is needed to review the storage needs and building conditions of the Highway Maintenance Facilities to make recommendations to repair or replace facilities, and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.5130.25261.4	Contractual—Storage Assessment	\$29,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$29,000</u>
	Total	\$58,000

INCREASE REVENUE ACCOUNTS:

H. 5130.25261.R503.1000	Interfund Transfers—Interfund Transfer	\$29,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$29,000</u>
	Total	\$58,000

Signed: Scudder, Parker, Wilfong, Davis, Heiser, Niebel, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 102-23

Amend 2023 Budget to Implement the Conewango Dams Sediment Removal and Valve Rehabilitation Project, Using Funding from the American Rescue Plan Act (ARPA)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Conewango Dams Sediment Removal and Valve Rehabilitation project fits within the guidelines for ARPA spending; is needed for continued compliance with NYSDEC, as well and operational and maintenance requirements with National Resource Conservation Services; and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.1440.25974.4	Contractual—Engineers, Conew Wtshd Dam 33 Sed Rem (2017)	\$ 640,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$ 640,000</u>
	Total	\$1,280,000

INCREASE REVENUE ACCOUNTS:

H.1440.25974.R503.1000	Interfund Transfers—Interfund Transfer	\$ 640,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$ 640,000</u>
	Total	\$1,280,000

Signed: Scudder, Parker, Heiser, Wilfong, Niebel, Pavlock, Davis

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 103-23

Amend 2023 Budget to Implement the Purchase of Heavy Equipment Project, Using Funding from the American Rescue Plan Act (ARPA)

By Public Facilities and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the purchase of Heavy Equipment project fits within the guidelines for ARPA spending; is needed to purchase a Sign Truck in the amount of \$80,000; purchase a Heavy Haul Road Tractor in the amount of \$200,000; purchase a Welding Truck in the amount of \$55,000; and purchase a 12 Ton Goose Neck Trailer in the amount of \$35,000; and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.5130.626.4	Contractual—Road Machinery	\$370,000
	DPF Large Equipment (Annual)	
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$370,000</u>
	Total	\$740,000

INCREASE REVENUE ACCOUNTS:

H.5130.626.R503.1000	Interfund Transfers—Interfund Transfer	\$370,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$370,000</u>
	Total	\$740,000

Signed: Scudder, Parker, Heiser, Wilfong, Niebel, Davis, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 104-23

Amend 2023 Budget to Increase Funding for the District Attorney Office
Expansion Project within the Chautauqua County American
Rescue Plan Act (ARPA) Spending Plan

By Public Safety and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA working group consisting of the County Executive, several legislators, and several department heads worked for many months to create an ARPA Spending Plan (Plan) consisting of priority projects to address the key strategic categories as defined by the Department of Treasury, to be sustainable, and to have a County-wide impact; and

WHEREAS, the Plan, consisting of the priority projects, was thoroughly reviewed by the ARPA working group, the County Executive, and the County Legislature and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, the District Attorney Office Expansion Project ("Project") was identified as one of the priority projects recommended in Resolution No. 202-21 and, pursuant to Resolution No. 298-21, a budget of \$70,000 was established for the Project; and

WHEREAS, the estimated cost for the Project is \$100,000, which is \$30,000 over the original approved budget, so budget amendments are necessary to authorize additional spending for the Project and ensure its complete implementation; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.1165.03001.4	Contractual—District Attorney, Dist Atty Office Exp (2022)	\$30,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$30,000</u>
	Total	\$60,000

INCREASE REVENUE ACCOUNTS:

H. 1165.03001.R503.1000	Interfund Transfers—Interfund Transfer	\$30,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$30,000</u>
	Total	\$60,000

Signed: Niebel, Proctor, Nelson, Wilfong, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 105-23

Amend 2023 Budget to Implement the Dispatch Furniture Replacement Project,
Using Funding from the American Rescue Plan Act (ARPA)

By Public Safety and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Dispatch Furniture Replacement Project fits within the guidelines for ARPA spending, and is needed because the current furniture in the Mayville Dispatch Center is over 15 years old, and replacement parts are no longer supported. The “back-up” center, located in Jamestown, was put into service, using used furniture, during Covid and currently remains open; and

WHEREAS, budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.3020.DISP.2	Equipment—Publ Safety Communication, Consolidated Dispatching	\$342,301
---------------	--	-----------

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3020.DISP.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$342,301
-----------------------	------------------------------------	-----------

Signed: Niebel, Proctor, Nelson, Pavlock, Wilfong

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 106-23

Amend 2023 Budget to Implement the Chautauqua Lake and Watershed Coordinated Workplan,
Using Funding from the 2% Occupancy Tax Program Reserve

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake is an invaluable resource to Chautauqua County and New York State; and

WHEREAS, the environmental health of Chautauqua Lake is threatened by excessive weed and algae growth; and

WHEREAS, the Chautauqua Lake and Watershed Management Alliance has developed the 2023 Chautauqua Lake and Watershed Coordinated Workplan for lake maintenance activities; and

WHEREAS, Chautauqua County's Charitable Foundations have contributed \$683,332.00 to partly fund the implementation of the Workplan; and

WHEREAS, an additional \$200,000.00 is required to fully fund the implementation of the Workplan; and

WHEREAS, the 2% Occupancy Tax Program Reserve has a balance of ~~\$472,652~~ **\$916,017** for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$125,000.00 from the 2% Occupancy Tax Program Reserve to the Chautauqua Lake and Watershed Management Alliance for the implementation of the Workplan; 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 A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$125,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$125,000

Signed: Pavlock, Wilfong

(3-16-23 AC – Amended by strikethrough and new text)

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 107-23

Authorize Use of Chautauqua County 3% Occupancy Tax Reserve
Funding for Tri-County Arts Council

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, the Tri County Arts Council ("the Council") is an organization representing more than 60 artisans in Chautauqua, Cattaraugus, and Allegany Counties, with around one-third of those artisans being from Chautauqua County; and

WHEREAS, the Council's mission it to improve the quality of life across the region by elevating arts and culture in our area through education, advocacy, and events; and

WHEREAS, the New York State Council on the Arts has denied a grant request in the amount of \$49,500 to fund the Council's programming; and

WHEREAS, these resources would have been used to continue its programming within the three counties; and

WHEREAS, the Council has requested funding from Chautauqua County in the amount of \$11,500, which is the same annual amount that Cattaraugus County will be providing in 2023; and

WHEREAS, as of February 2023, the balance of the 3% Occupancy Tax Reserve Account was \$417,144 ~~\$733,054~~; therefore be it

RESOLVED, That \$11,500 from the 3% Occupancy Tax Reserve is hereby allocated to the Tri County Arts Council; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements with the Tri County Arts Council to implement this resolution; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.883 Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax \$11,500

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$11,500

Signed: Pavlock, Wilfong, Niebel

(3-16-23 AC – Amended by strikethrough and new text)

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 108-23

Requesting Amendment of State Legislation Regarding
Imposition of Occupancy Tax

By Administrative Services and Audit & Control Committees:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, pursuant to Chapter 58 of the Laws of 2020 adopted by the New York State Legislature, the County was authorized to continue to impose a 5% occupancy tax for the period of December 1, 2020 through November 30, 2023, with three-fifths of the net collections are dedicated to the promotion of tourism and two-fifths of the net collections to be dedicated solely to the enhancement and protection of the lakes and tributary streams of Chautauqua County; and

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

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose an occupancy tax; and be it further

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to impose an 8% occupancy tax for the period of December 1, 2023 through November 30, 2026, with three-eighths of the net collections dedicated to the promotion of tourism and five-eighths of the net collections to be dedicated solely to the enhancement and protection of the lakes and tributary streams of Chautauqua County; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator George Borrello and Assemblyman Andrew Goodell.

Signed: Scudder, Davis, Vanstrom, Parker, Wilfong, Niebel, Pavlock

(3-13-23 AS – Amended by adding a resolved clause)

RES. NO. 109-23

Requesting Continuation of State Legislation Authorizing
1.0% Additional Sales Tax

By Administrative Services and Audit & Control Committees:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, pursuant to Chapter 58 of the Laws of 2020 adopted by the New York State Legislature, the County was authorized to continue the additional sales tax of 1% for the period of December 1, 2020 through November 30, 2023, with three-twentieths of the net collections from the additional 1% allocated to the cities, towns and villages in the county on the basis of their respective populations, and the remainder of the net collections from the additional 1% eligible to be allocated by the County as follows: (1) to pay the County's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

purposes of capital projects and repaying any debts incurred for such capital projects that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the general municipal law; and

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

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to continue to impose an additional sales tax of 1% subject to the same requirements in Chapter 58 of the Laws of 2020, to take effect on December 1, 2023, and continuing through November 30, 2026; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator George Borrello and Assemblyman Andrew Goodell.
Signed: Scudder, Davis, Vanstrom, Parker, Niebel, Wilfong, Pavlock

RES. NO. 110-23

Authorize Public Hearing on a Local Law Adopting the Volunteer
Firefighter and Volunteer Ambulance Worker Exemption

By Public Safety and Audit & Control Committees:

At the Request of Legislators Niebel, Davis:

WHEREAS, Pursuant to New York State Real Property Tax Law, certain enrolled members of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or spouses are eligible for a partial exemption from real property taxes; and

WHEREAS, The Chautauqua County Legislature, recognizing the important contributions of these volunteers, as well as the recruiting crisis currently affecting local departments, wishes to consider adopting the tax exemption as set out in Real Property Tax Law 466-a; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes a public hearing pursuant to Section 10 of the New York State Municipal Home Rule Law to be held on a local law adopting the tax exemption as set out in Real Property Tax Law 466-a, to be prepared and finalized by the County Law Department; and be it further

RESOLVED, That the Clerk of the Chautauqua County Legislature is hereby authorized and directed to publish notices of said public hearing in the official newspapers of Chautauqua County upon at least five (5) days' notice as required by the Municipal Home Rule Law; and be it further

RESOLVED, That such notices of public hearings shall specify that the public hearing on the local law adopting the tax exemption as set out in Real Property Tax Law 466-a shall be held at 6:35 PM during the regular meeting of the Chautauqua County Legislature to be held on Wednesday, April 26, 2023.

Signed: Niebel, Davis, Vanstrom, Parker, Scudder, Nelson, Wilfong, Proctor, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RES. NO. 111-23

Authorize Lease Agreement with Warwick Plaza, LLC for Chautauqua County Department of Mental Hygiene-Mobile Crisis Team Office Space

By Audit & Control Committee:

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has been seeking additional office space to suit the operations of the Mobile Crisis Team; and

WHEREAS, Warwick Plaza, LLC has additional space available for Chautauqua County Mental Hygiene to lease that will meet the needs of this team; and

WHEREAS, expenses associated with this lease are already approved in the 2023 Adopted Budget for Chautauqua County Department of Mental Hygiene; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement with Warwick Plaza, LLC for office space on the following terms and conditions:

1. Premises: Approximately 1120+/- square feet located at 567 Fairmount Avenue, Jamestown, NY.
2. Term: Limited from April 1, 2023 – March 31, 2024
3. Rent: \$1,200 per month.
4. Utilities: Warwick Plaza, LLC shall be responsible for connection and service charges for gas, electric, water and other utilities servicing the premises. Alterations, additions, improvements, fixtures, and trade fixtures which may be installed at the premises may be done by either the Lessor or Tenant.
5. Other: As negotiated by the County Executive.

Signed: Niebel, Wilfong, Pavlock

RES. NO. 112-23

Establishing a County Salary Commission

By Audit & Control Committee:

At the Request of Legislators Pavlock and Bankoski:

WHEREAS, Section 4.05 of the Chautauqua County Charter provides that there shall be an appointed bi-partisan County Salary Commission to review and recommend the salaries of all elected officials except those whose salaries are established, directly or indirectly, by State Law; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby establishes a bi-partisan County Salary Commission consisting of seven (7) citizens to be appointed by the County Legislature; and be it further

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

RESOLVED, That the County Salary Commission shall recommend to the County Executive and County Legislature salary adjustments for elected offices at least one (1) year prior to the general election in which that office is scheduled to be filled; and be it

Signed: Pavlock, Wilfong, Niebel

RES. NO. 113-23

Authorize Settlement of Opioid Litigation with CVS

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

WHEREAS, the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by CVS; and

WHEREAS, the State of New York is engaged in an investigation of CVS and certain New York Subdivisions are engaged in litigation, seeking to hold CVS accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of New York and the New York Subdivisions share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance, and malfeasance of CVS throughout the State of New York; and

WHEREAS, in January 2022, CVS announced an agreement, along with other pharmacy chains and manufactures, that would require CVS to pay up to \$4.90 billion dollars nationwide over 10 years; and

WHEREAS, the State of New York has entered into a settlement agreement with CVS, and New York Subdivisions have the opportunity to participate in this settlement to receive payment subject to certain terms and conditions as to their use; and

WHEREAS, it is in the best interest of the County to enter into the CVS New York Payment Opioid Settlement Sharing Agreement as it shall avoid protracted litigation and provide for a just settlement; therefore be it

RESOLVED, The County Executive and the County Attorney are authorized and empowered on behalf of the County of Chautauqua to executive the CVS New York Payment Opioid Settlement Sharing Agreement relating to the opioid addiction crisis, and executive such other documents as may be necessary and appropriate to effectuate said settlement with CVS.

Signed: Chagnon

RES. NO. 114-23

Authorize Settlement of Opioid Litigation with Walgreens

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

WHEREAS, the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by Walgreens; and

WHEREAS, the State of New York is engaged in an investigation of Walgreens and certain New York Subdivisions are engaged in litigation, seeking to hold Walgreens accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

CHAUTAUQUA COUNTY LEGISLATURE

3/22/2023

WHEREAS, the State of New York and the New York Subdivisions share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance, and malfeasance of Walgreens throughout the State of New York; and

WHEREAS, on or about January 2022, Walgreens announced an agreement, along with other pharmacy chains and manufactures, that would require Walgreens to pay up to \$5.52 billion dollars nationwide over 15 years; and

WHEREAS, the State of New York has entered into a settlement agreement with Walgreens, and New York Subdivisions have the opportunity to participate in this settlement to receive payment subject to certain terms and conditions as to their use; and

WHEREAS, it is in the best interest of the County to enter into the Walgreens New York Payment Opioid Settlement Sharing Agreement as it shall avoid protracted litigation and provide for a just settlement; therefore be it

RESOLVED, The County Executive and the County Attorney are authorized and empowered on behalf of the County of Chautauqua to executive the Walgreens New York Payment Opioid Settlement Sharing Agreement relating to the opioid addiction crisis, and executive such other documents as may be necessary and appropriate to effectuate said settlement with Walgreens.

Signed: Chagnon

RES. NO. 115-23

Authorize Settlement of Opioid Litigation with Walmart

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

WHEREAS, the people of the State of New York and its communities have been harmed by misfeasance, nonfeasance, and malfeasance committed by Walmart; and

WHEREAS, the State of New York is engaged in an investigation of Walmart and certain New York Subdivisions are engaged in litigation, seeking to hold Walmart accountable for the damage caused by their misfeasance, nonfeasance, and malfeasance; and

WHEREAS, the State of New York and the New York Subdivisions share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance, and malfeasance of Walmart throughout the State of New York; and

WHEREAS, on or about January 2022, Walmart announced an agreement, along with other pharmacy chains and manufactures, that would require Walmart to pay up to \$2.74 billion dollars nationwide over 6 years; and

WHEREAS, the State of New York has entered into a settlement agreement with Walmart, and New York Subdivisions have the opportunity to participate in this settlement to receive payment subject to certain terms and conditions as to their use; and

WHEREAS, it is in the best interest of the County to enter into the Walmart New York Payment Opioid Settlement Sharing Agreement as it shall avoid protracted litigation and provide for a just settlement; therefore be it

RESOLVED, The County Executive and the County Attorney are authorized and empowered on behalf of the County of Chautauqua to executive the Walmart New York Payment Opioid Settlement Sharing Agreement relating to the opioid addiction crisis, and executive such other documents as may be necessary and appropriate to effectuate said settlement with Walmart.

Signed: Chagnon

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Proclaiming March 20st-24th Agricultural Literacy Week in Chautauqua County

AT THE REQUEST OF: Legislators John Hemmer, Rankin, and Proctor:

WHEREAS, Agricultural Literacy Week in New York State is celebrated March 20st-24th;

WHEREAS, in Chautauqua County over 40 volunteers from the agricultural community will read to elementary classrooms in an effort to increase Agricultural Literacy; and

WHEREAS, students and teachers will benefit from hands-on lessons and receive follow-up activities; and

WHEREAS, 40 books will be donated to school libraries in Chautauqua County for future reference and reading; and

WHEREAS, Agricultural Literacy Week in Chautauqua County is organized by Cornell Cooperative Extension of Chautauqua County's 4-H Youth Development Program; and

WHEREAS, as of the 2017 USDA Census of Agriculture, Chautauqua County ranks third in New York State for number of farms – with over 1200 farms that produce a total market value of agricultural products sold of over \$160 million, making agriculture the county's largest industry; and

WHEREAS, in Chautauqua County over 150 dairy farms produce enough milk to meet the dietary needs of nearly 800,000 people, 307 vineyards growing on 16,953 acres of grapes, and 62 Maple producers make over 37,000 gallons of maple syrup; and

WHEREAS, for every dollar of income created by the agricultural industry in Chautauqua County, \$2.29 is generated in the community; now, therefore

LET IT BE KNOWN, That the Chautauqua County Legislature, with great pride, hereby proclaims March March 20st-24th 2023 as Agricultural Literacy Week in Chautauqua County; and be it further

MOVED, That the Chautauqua County Legislature urges all residents to celebrate our county's rich agricultural heritage and recognize and appreciate agriculture as our largest industry.

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Proclaiming April as Donate Life Month in Chautauqua County

AT THE REQUEST OF: Legislators Rankin and Proctor:

WHEREAS, through their membership in the New York State Association of Counties (NYSAC), New York's Counties have come together to collectively support several important causes; and

WHEREAS, in New York State there are approximately 8,100 people waiting for an organ transplant which represents the third highest need in the nation; and there are an estimated 400 New Yorkers that die every year while waiting for an organ transplant; and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 75 others; and

WHEREAS, organ, eye and tissue donation are life-giving and healing acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, New York State's County governments play a key role in raising awareness of the need for organ, eye and tissue donation through the interactions County officials have with the public with regard to this subject through local DMV offices, local boards of elections, departments of health, naturalization ceremonies and veterans' programs; and

WHEREAS, such interactions by Chautauqua County officials with the public provide opportunities for the provision of information on how individuals can help their fellow New Yorkers by signing up as organ and tissue donors; and

WHEREAS, counties across New York State are proclaiming the month of April 2023 as "Donate Life Month," and engaging in various awareness activities designed to promote an increase in the number of registered organ, eye and tissue donations; and

WHEREAS, the Chautauqua County Clerk's Office, through its Department of Motor Vehicles, wish to promote the month of April 2023 as "Donate Life Month" in Chautauqua County; now, therefore, be it

MOVED, that the Chautauqua County Legislature hereby proclaims the month of April 2023 as "Donate Life Month" in Chautauqua County, and encourages those Chautauqua County departments and agencies involved in providing information on organ and tissue donations and enrolling in the New York State Donate Life Registry to engage in activities throughout the month to increase the number of organ and tissue donors and promote awareness of the need for organ and tissue donations in Chautauqua County; and be it

FURTHER MOVED, that the Clerk to the Legislature shall forward copies of this resolution to Governor Kathleen Hochul, Senator George Borrello, and Assemblyman Andrew Goodell and the New York State Association of Counties and all others deemed necessary and proper.

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Proclaiming March Women’s History Month

AT THE REQUEST OF: Legislators Vanstrom, Harmon, Rankin and Proctor:

WHEREAS, on March 3, 1913, thousands of women gathered in Washington, D.C. to call for a constitutional amendment guaranteeing women the right to vote, culminating in a parade up Pennsylvania Avenue consisting of over five thousand suffragettes, 20 parade floats, nine bands, and four mounted brigades; and

WHEREAS, American women of every culture, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing a majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the labor movement, the civil rights movement, and in other causes which create a more fair and just society for all; and

WHEREAS, Chautauqua County remains committed to achieving equality for women and to ensuring their rights, freedoms, economic strengths, and opportunities for advancement in the workplace, as we remember women of the past and present who have influenced, thrived, and succeeded in all areas of professional endeavor; therefore be it

KNOWN, The Chautauqua County Legislature, with great pride, hereby proclaims March 2023 Women’s History Month in Chautauqua County; and let it be

MOVED, that the County Legislature urges all residents to proudly join to recognize the many women who have contributed and continue to contribute to our country and our local communities in countless recorded and unrecorded ways.