

CHAUTAUQUA COUNTY LEGISLATURE

05/24/2023

To View the Meeting on-line go to

<https://www.youtube.com/@ChautauquaCounty/streams>

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 DAVIS

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 04/26/2023

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 04/26/2023**

COMMENDATION:

Kathleen Dennison

By

Chairman Pierre E. Chagnon

And

County Executive Paul M. Wendel, Jr.

COMMUNICATIONS:

- 1. Letter – Senator George Borrello – Acknowledgement of Motion 8-23 (Donate Life Month)**
- 2. Report – Health and Human Services – Annual Report**
- 3. Affidavit of Publication (2) – Legal Notice – Local Law Intro 4-23 (Post Journal and Observer)**
- 4. Affidavit of Publication (2) – Legal Notice – Local Law Intro 5-23 (Post Journal and Observer)**
- 5. Report – NYS Small Business Development Center – Quarterly Report**
- 6. Report – NYS Small Business Development Center – Business Permit Center Quarterly Report**
- 7. Letter – Assemblyman Andy Goodell – Acknowledgement of Motions 4-23,5-23 and 6-23**
- 8. Letter – Chautauqua County Ethics Board – Ethics Trainings**
- 9. Letter – NYS Department of Taxation and Finance – 2023 State Equalization Rates**
- 10. Letter – County Executive Wendel – Local State of Emergency**

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LOCAL LAW INTRO. 6-23 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (Re: Payroll Manager for the Department of Finance)

RESOLUTIONS:

- 141-23 Confirm Appointments – Portland-Pomfret-Dunkirk Sewer District Board**
- 142-23 Confirm Appointments – Chautauqua County Emergency Medical Services Council**
- 143-23 Confirm Appointments – Chautauqua County Board of Health**
- 144-23 Calling a Public Hearing Pursuant to County Law §268 Upon a Proposal to Reduce Infiltration and Inflow in the North Chautauqua Lake Sewer District**
- 145-23 Confirming User Charges: South and Center Chautauqua Lake Sewer Districts**
- 146-23 Amend 2023 Budget to Implement the New Courthouse Roof Replacement Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 147-23 Amend 2023 Budget to Implement the Purchase of B&G Equipment Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 148-23 Designate Chautauqua County as Lead Agency Responsible for State Environmental Quality Review (SEQR) for the Obstruction Mitigation and Easement Acquisition Project at Chautauqua County Airport – Jamestown**
- 149-23 Supporting Passage of A.6581A & S.6626-“AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.”**
- 150-23 Supporting Passage of A.6692 & S.6206-“AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.”**
- 151-23 Authorize Agreement with Various School Districts for School Resource Officer Services 2023-2024**
- 152-23 Amend 2023 Budget to Implement the UTV Tracked Emergency Response Vehicle Project, Using Funding from the American Rescue Plan Act(ARPA)**
- 153-23 Amend 2023 Budget to Implement the Class B Foam Project for County Fire Departments, Using Funding from the American Rescue Plan Act (ARPA)**
- 154-23 Amend 2023 Budget to Implement the Dive Truck Replacement Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 155-23 Amend 2023 Budget to Implement the Building Emergency Alert System Project, Using Funding from the American Rescue Plan Act (ARPA)**
- 156-23 To Accept New York State Department of Health Strengthening Infrastructure, Workforce, & Data Systems Grant**

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- 157-23 To Authorize “Chautauqua County Health Department Mobile Health Vehicle(s)” Agreements with Chautauqua County Municipalities and other Governmental Entities**
- 158-23 Amend 2023 Adopted Budget Due to Office Relocations in the City of Dunkirk**
- 159-23 Amend 2023 Budget to Accommodate Acquisition of Near-shore Cleanup Equipment**
- 160-23 Authorizing Public Hearing Regarding a Potential Application for 2023 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding**
- 161-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C1 GPS Update**
- 162-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Ellery Sno-Cruisers, Inc. Trail C4A GPS Update**
- 163-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Chautauqua Lake Snowmobile Club, Inc. Trail C4B GPS Update**
- 164-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail S12 GPS Update**
- 165-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail S11A GPS Correction**
- 166-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C4 GPS Update**
- 167-23 Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C1A GPS Update**
- 168-23 Confirm Reappointment – Director of Human Resources**
- 169-23 Amend 2023 Budget for Chief Medical Officer**
- 170-23 Setting Salary for Internship Positions**

MOTIONS:

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- A. Proclaiming May Older Americans Month**
 - B. Support of Essential Caregivers Act**
 - C. Proclaiming June 19, 2023 as JUNETEENTH in Chautauqua County**
 - D. Opposing Waste Disposal Surcharges and Requesting an Exemption for Planning Units**

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ANNOUNCEMENTS

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A member of the legislature may speak on any subject.

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

LOCAL LAW
INTRODUCTORY NO. 6-23
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 13-22 PROVIDING FOR A
MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: PAYROLL MANAGER FOR THE DEPARTMENT OF FINANCE)

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan set forth in Local Law 13-22, and as amended, to set the salary for Payroll Manager for Department of Finance.

Section 2. Salary Levels.

The title of Payroll Manager for the Department of Finance shall be placed in Range 5 (\$53,674 - \$82,248) of the 2023 Management Salary Plan.

Section 3. Severability.

In the event any provisions or part of this Local Law shall for any reason be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Local Law.

Section 3. Effective Date.

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

Sponsor: Legislator Scudder

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RES. NO. 141-23
Confirm Appointments – Portland-Pomfret-Dunkirk
Sewer District Board

By Public Facilities Committee:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District was established as a County sewer district of the County of Chautauqua by Legislative Resolution 272-77; and

WHEREAS, a County Sewer Board consisting of eight (8) members was established as the administrative body of the District by Resolution 148-21; and

WHEREAS, two (2) Board members have passed away leaving vacancies; and

WHEREAS, District Sewer Board members recommend appointment to the Board of the individuals named below; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints the following members to the Board of the Portland-Pomfret-Dunkirk Sewer District effective immediately upon confirmation by the Legislature.

Joseph D. Smith
10476 Bayshore Drive Road
Dunkirk, NY 14048
Term to Expire: December 31, 2026

*Filling the unexpired term of
Kristian Lovern*

Donald Burdick
5206 West Lake Road
Dunkirk, NY 14048
Term to Expire: December 31, 2024
Signed: Hemmer, Davis, Heiser, Scudder, Parker

*Filling the unexpired term of
Richard Purol*

RES. NO. 142-23
Confirm Appointments – Chautauqua County Emergency
Medical Services Council

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 appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Emergency Medical Services Council.

At Large North
Joshua Newark
8121 Route 60
Cassadaga, NY 14775
Term Expires: 12/31/25
(New Appointment)

At Large South
Darlene Morrison
6716 Main Street
Cherry Creek, NY 14723
Term Expires: 12/31/25
(New Appointment)
Signed: Niebel, Proctor, Nelson, Hemmer, Bankoski

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RES. NO. 143-23
Confirm Appointments – Chautauqua County Board of Health

By Human Services Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Board of Health.

Richard Ketcham
22 Bennett Drive
Fredonia, NY 14063
Term Expires: 12/31/26
(New Appointment replacing Andrew O'Brien)

Matthew Hanley
14 Prather Avenue,
Jamestown, NY 14701
Term Expires: 12/31/24
(New Appointment replacing John Tallett)
Signed: Proctor, Gustafson, Torres, Rankin, Pavlock

RES. NO. 144-23
Calling a Public Hearing Pursuant to County Law §268
Upon a Proposal to Reduce Infiltration and Inflow in the
North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Resolution 37-76 established the North Chautauqua Lake Sewer District (NCLSD) in accordance with County Law Article 5-A; and

WHEREAS, some portions of NCLSD infrastructure were constructed in the early 1980s, and other portions acquired from another party date as far back as the 1950s; and

WHEREAS, the engineering firm of Barton & Loguidice, duly licensed in the State of New York, was engaged to perform a study of the collection system; and

WHEREAS, Barton & Loguidice prepared an engineering report documenting locations of inflow and infiltration (I&I) and making recommendations, and developed a Map and Plan for recommended I&I reduction (the Project) together with an estimate of Project costs; and

WHEREAS, County Law §268 requires that this Legislature call a public hearing on the Map and Plan; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building, 3 North Erie Street in the Village of Mayville, Chautauqua County, New York on June 28, 2023 at 6:35 PM, prevailing time, on the proposed Project as set forth in the Map and Plan; and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the below Notice of Public Hearing to be published once in the official newspapers of the County; and be it further

RESOLVED, That pursuant to County Law §254(2)(a), the Clerk of the Legislature is directed to cause a certified copy of the below Notice of Public Hearing to be filed with the New York State Comptroller on or about the date of the publication of such notice; and be it further

RESOLVED, That the Notice of Public Hearing shall be in substantially the following form:

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County Legislature of the County of Chautauqua, New York will meet in the Legislative Chambers, Gerace Office Building, 3 North Erie Street, Mayville, New York on June 28, 2023 at 6:35 PM, prevailing time, for the purpose of conducting a public hearing concerning the proposed reduction of inflow and infiltration in the North Chautauqua Lake Sewer District collection system. The proposed work includes rehabilitation of sewer main lines with CIPP liner, open-cut replacement of sewer main lines, rehabilitation or replacement of manholes and rehabilitation of pump stations, as detailed in the map and plan prepared by Barton & Loguidice which is on file for inspection in the office of the Clerk of the County Legislature, 3 North Erie Street, Mayville, New York, and available on-line at <https://chqgov.com/legislature/Legislature>.

The estimated cost of the rehabilitation Project is \$5,480,000.00. The County intends to finance the project through NYSEFC financing and other potential grants. The estimated annual cost to be assessed to properties for these improvements is \$120.00 if grant funding is received, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$660.00. If no grant is received the estimated annual cost to be assessed to properties for these improvements is \$160.00, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$700.00.

At such public hearing, the Chautauqua County Legislature will hear all persons interested in this matter.

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

RES. NO. 145-23

Confirming User Charges: South and Center
Chautauqua Lake Sewer Districts

By Public Facilities and Audit & Control Committees:

At the Request of Legislature Chairman Pierre E. Chagnon:

WHEREAS, in 2022 the Administrative Board of the South and Center Chautauqua Lake Sewer Districts (“the Districts”) determined a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 252-22 of the Chautauqua County Legislature; and

WHEREAS, construction of Phase 1 of the South Chautauqua Lake Sewer District extension is nearing completion; and

WHEREAS, the South and Center Chautauqua Lake Sewer District Board, which serves as the Administrative Head of the Districts, having held a public hearing on proposed user charges in accordance with Resolution 222-97, has requested that the County Legislature confirm the Board-determined user charges for Phase 1 customers; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua approves the Board-determined schedule of user charges for Phase I extension area customers, and Resolution 266-19 is hereby amended by substitution to add such charges as follows:

**CHARGES BY THE
SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICTS
SECTION I**

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

**SECTION II
DEFINITIONS**

As used herein, the following terms shall mean and include:

A. District: The South and Center Chautauqua Lake Sewer Districts, county sewer Districts of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. Administrative Head: The Administrative Head or body of the Districts as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. User: A parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

**SECTION III
UNITS PER PARCEL**

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

A. A single family dwelling which contains facilities which generate or are capable of generating wastewater associated with activities of a household, and defined as a structure that contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for a private or separate entrance and containing facilities to generate wastewater associated with activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, shall consist of one unit.

C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site. Charges with respect to such site shall not commence until the initial occupancy of the site by a facility which generates sewage as long as the sewer line extended to the site is sealed to prevent the entry of any water.

C-1. Notwithstanding Subparagraph C above, a site meeting the following requirements shall consist of one-half unit:

1. the site is served by on-premises public laundry facilities and public restrooms which are connected to a District sewer line, such on-premises facilities and restrooms being located either on the same parcel of property, or on an immediately adjacent parcel of property and available for use by the site;
 2. the site is improved by means of a concrete pad or other type of foundation, and/or is fitted for utility service;
 3. waste from the site is, or is required to be, deposited into a District sewer line;
- and

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4. the site is available exclusively for the long-term or transient location of a recreational vehicle, regardless of whether the site is occupied.

For purposes of this Section, recreational vehicles include camping trailers, fifth wheel trailers, motor homes, travel trailers, slide-in/truck campers, park model recreational vehicles, and house coaches which:

1. consist of 400 square feet or less in setup mode;
2. are designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use, whether having their own motor power or mounted on or towed by another vehicle;
3. are built on a single chassis and mounted on wheels; and
4. are not subject to regulation under the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards.

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

E. In the event any user's discharge to the sewer owned by District is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and

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maintenance of the facilities of the District, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Sewer Use Law including Chautauqua County Local Law 6-94, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

**SECTION IV
SCALE OF CHARGES**

Pursuant to Section 266 of the County Law, the annual per Unit charge for collection, conveyance, treatment and disposal of sewage is:

- A. For properties that are not within the South Chautauqua Lake Sewer District extension area - \$354;
- B. For properties in the South Chautauqua Lake Sewer District extension area that were previously served by the Town of North Harmony sewer district - \$364;
- C. For properties in the South Chautauqua Lake Sewer District Phase 1 extension area extending from the previously existing South Chautauqua Lake Sewer District bounds through the Hamlet of Stow, other than those in Paragraph B - \$930; and
- D. For properties in Paragraphs B and C that are buildable vacant lots, defined as separate parcels consisting of at least 0.25 acres and having sufficient road frontage for new house construction - \$100.

**SECTION V
BILLING**

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel connected or required to be connected to public sewers within the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof divided by four (4) and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The finance director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late

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payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VI

APPEALS

In accordance with Section 266 of the County Law and Resolution 222-97 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to South & Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Administrative Head shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Administrative Head shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to "Chairman, Chautauqua County Legislature, County Office Building, Mayville, New York 14757".

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint ad hoc committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Administrative Head by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Administrative Head of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature

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deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to either the South and Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 or the property owner at the address stated in his appeal.

**SECTION VII
SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

**SECTION VIII
EFFECTIVE DATE AND REPEALER**

This law shall be effective with respect to periods beginning after July 31, 2023. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after July 31, 2023.

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

RES. NO. 146-23

Amend 2023 Budget to Implement the New Courthouse
Roof Replacement 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

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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 New Courthouse Roof Replacement project fits within the guidelines for ARPA spending, is needed because of unforeseen catastrophic roof repairs necessary to prevent further damage to the Courthouse, 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.1620.25264.4	Contractual—New Courthouse Roof Replacement	\$500,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$500,000</u>
	Total	\$1,000,000

INCREASE REVENUE ACCOUNTS:

H. 1620.25264.R503.1000	Interfund Transfers—Interfund Transfer	\$500,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$500,000</u>
	Total	\$1,000,000

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

RES. NO. 147-23

Amend 2023 Budget to Implement the Purchase of B&G 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

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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 B&G Equipment project fits within the guidelines for ARPA spending, is needed to purchase a John Deere Z930M ZTrak in the amount of \$12,000; purchase of a John Deere X730 Tractor w/mower deck in the amount of \$12,000; and purchase (4) Winsor Sensor XP12 vacuums in the amount of \$2,800, 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.1620.25265.4	Contractual—B&G Equipment	\$26,800
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$26,800</u>
	Total	\$53,600

INCREASE REVENUE ACCOUNTS:

H. 1620.25265.R503.1000	Interfund Transfers—Interfund Transfer	\$26,800
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$26,800</u>
	Total	\$53,600

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

RES. NO. 148-23

Designate Chautauqua County as Lead Agency Responsible for State Environmental Quality Review (SEQR) for the Obstruction Mitigation and Easement Acquisition Project at Chautauqua County Airport – Jamestown

By Public Facilities Committee:

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

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York and the regulations of the Department of Environmental Conservation of the State of New York (collectively referred to hereinafter as “SEQRA”), the County Legislative body is required to make a determination whether the action to be taken may have a significant impact on the environment; and

WHEREAS, to aid the County Legislative body in determining whether undertaking the Project may have a significant impact upon the environment, the Airport Manager has prepared and submitted to the County an Environmental Assessment Form (the “EAF”) with respect to the Project, a copy of which is attached here as Exhibit A, with a copy of the EAF on file at the office of the Airport Manager; and

WHEREAS, the County Legislative body has examined the EAF in order to classify the Project; now therefore be it

RESOLVED, by the members of the County Legislative body as follows:

- (1) Based upon an internal review of the EAF prepared by the Airport Manager and the criteria contained in 6 NYCRR §617.4 the County Legislative body makes the following findings and determinations with respect to the Project pursuant to SEQRA:
 - (A) The Project constitutes a “Type I Action” (as said quoted term is defined in

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SEQRA); and

(B) As a consequence of the foregoing, the County hereby declares its intent to act as Lead Agency (as said term is defined in SEQRA) with respect to a coordinated review of the Project pursuant to SEQRA; and

(C) The Airport Manager on behalf of the County shall arrange for distribution of the County notice of intent to be “Lead Agency” and is hereby authorized to take such actions as are necessary and appropriate to assist the County Legislative body in fulfilling the requirements under SEQRA for the Project and to work with the County Legislative body in connection therewith.

; and be it 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 documents in connection with the project; and be it further

RESOLVED, The County Executive of Chautauqua County is hereby authorized to distribute copies of this resolution and perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Signed: Hemmer, Davis, Heiser, Scudder, Parker

RES. NO. 149-23

Supporting Passage of A.6581A & S.6626-“AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.”

By Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 108-23, the County Legislature made a home rule request for authority to continue through November 30, 2026 the 5% occupancy tax that allows additional funds to be dedicated to the enhancement of lakes and streams in the County; and

WHEREAS, the State Assembly and the State Senate now have legislative Bills before them to create said authority; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.6581A and New York Senate Bill No. S.6626 entitled “AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.”

Signed: Scudder, Niebel, Pavlock, Vanstrom, Harmon, Muldowney, Davis, Wilfong
(5-15-23 A.S. – Carried with Legislator Parker voting “No”)

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RES. NO. 150-23

Supporting Passage of A.6692 & S.6206-“AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.”

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the authority for the County’s additional one percent (1%) sales tax will expire on November 30, 2023; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to extend the additional one percent (1%) sales tax from December 1, 2023 through November 30, 2026; and

2025

WHEREAS, the authorization to impose an additional 1% sales tax requires the County to:

(1) continue to assist the towns, villages and cities to the same degree provided in current law by sharing three-twentieths (3/20) of the net collections from the additional 1% of sales tax with the towns, villages and cities through November 30, 2026; and

2025

(2) continue the existing residential energy exemption; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of the New York State Assembly Bill No. A.6692 and New York State Senate Bill No. S.6206 entitled “AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.”

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

RES. NO. 151-23

Authorize Agreement with Various School Districts for School Resource Officer Services 2023-2024

By Public Safety and Audit & Control Committees:

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

WHEREAS, various school districts have requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of July 1, 2023 through June 30, 2024 school year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with these entities for the period of July 1, 2023 through June 30, 2024 for an estimated cost not to exceed amounts listed, based on a per deputy rate of \$104,125:

Brocton Central School \$104,125
Frewsburg Central School \$104,125
Pine Valley Central School \$104,125
Silver Creek Central School \$104,125

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Forestville Central School \$104,125

BOCES Chau-Catt Erie II \$208,250* (1 deputy for each of 2 locations)

and

WHEREAS, this revenue is included in the 2023 Budget so no budget amendments are needed; now therefore be it

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

Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Scudder, Wilfong, Harmon, Pavlock

RES. NO. 152-23

Amend 2023 Budget to Implement the UTV Tracked Emergency Response Vehicle 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 UTV Tracked Emergency Response Vehicle project fits within the guidelines for ARPA spending, is needed to expand rescue capabilities beyond what is allowed by existing equipment, 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 ACCOUNT:

A.3010.2	Equipment — Emergency Services	\$50,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$50,000
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Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Scudder, Wilfong, Harmon, Pavlock

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RES. NO. 153-23

Amend 2023 Budget to Implement the Class B Foam Project for County Fire Departments, 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 Class B Foam Project for County Fire Departments project fits within the guidelines for ARPA spending, is needed because existing Class B foam is linked to cancer and environmental issues and the project will assist departments in getting new style foam, 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 ACCOUNT:

A.3010.4	Contractual— Emergency Services	\$57,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$57,000
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Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Scudder, Wilfong, Harmon, Pavlock

RES. NO. 154-23

Amend 2023 Budget to Implement the Dive Truck 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

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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 Dive Truck Replacement project fits within the guidelines for ARPA spending, is needed because the current vehicle is a 17 year old second hand ambulance and it needs to be replaced with a one ton pick-up truck, 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 ACCOUNT:

A.3010.2	Equipment— Emergency Services	\$75,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$75,000
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Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Scudder, Harmon, Wilfong, Pavlock

RES. NO. 155-23

Amend 2023 Budget to Implement the Building Emergency
Alert System 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

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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 Building Emergency Alert System project fits within the guidelines for ARPA spending; is needed to purchase a system that is capable of providing an emergency alert system that is app-based for our employees in high density population buildings, and allows temporary visitors to the building to receive messages and alerts while in the building/campus; 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 ACCOUNT:

A.3010.4	Contractual — Emergency Services	\$30,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$30,000
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Signed: Niebel, Hemmer, Bankoski, Proctor, Nelson, Scudder, Wilfong, Harmon, Pavlock

RES. NO. 156-23

To Accept New York State Department of Health Strengthening
Infrastructure, Workforce, & Data Systems Grant

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded a New York State Department of Health (NYSDOH) Strengthening Infrastructure, Workforce, & Data Systems Grant in the amount of \$778,572 for the period of December 1, 2022 through November 30, 2027; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements and execute all necessary award-related documents for the above-named award, and this authority shall last as 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 the County's receipt of such funds.

Signed: Proctor, Gustafson, Torres, Rankin, Pavlock, Scudder, Wilfong, Harmon, Niebel

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RES. NO. 157-23

To Authorize “Chautauqua County Health Department Mobile Health Vehicle(s)” Agreements with Chautauqua County Municipalities and other Governmental Entities

By Human Services Committee:

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

WHEREAS, General Municipal Law 119-o authorizes municipalities to cooperate in the performance of their activities; and

WHEREAS, Chautauqua County was awarded a New York State Department of Health (NYSDOH) ELC Reopening Schools Award, HRI Contract Number 6816-01, Chautauqua County Contract Number 21-32-10, approved by Emergency Resolution Number 144-21; and

WHEREAS, the Chautauqua County Health Department purchased a Mobile Health Vehicle in accordance with and for the purpose of carrying out the ELC Reopening of Schools Award; and

WHEREAS, the Chautauqua County Health Department Mobile Health Vehicle(s) seek to fill a gap in the continuum of care by providing medical services to rural and other target populations; and

WHEREAS, the Chautauqua County Health Department Mobile Health Vehicle, and any additional County clinic vehicles as may be funded in the future, shall provide a wide-array of health-related services to school districts in Chautauqua County and other target populations to be determined by the Public Health Director, or his designee, to include, but shall in no way be limited to: educational services; Public Health recruitment efforts; testing and screening services; lead testing for children; other pediatric services; referral services; clinical and non-clinical services to combat addiction and provide mental health services; medical services, including but not limited to, walk-in medical care for acute illness, treatment and diagnosis of chronic disease, other diagnostic services, vaccinations, preventative care, and other forms of care, services, and emergency services to be determined as necessary by the Public Health Director; and

WHEREAS, it is in the best interest of the County to enter into agreements with municipalities and other governmental entities for the use of the Chautauqua County Health Department Mobile Health Vehicle(s) within the boundaries of the municipalities and governmental entities; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into and execute any and all agreements, amendments, addenda, and all other necessary documents with each municipality and governmental entity within Chautauqua County for the purposes of utilizing and operating the Chautauqua County Health Department Mobile Health Vehicle(s) therein.

Signed: Proctor, Gustafson, Torres, Pavlock, Rankin

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RES. NO. 158-23

Amend 2023 Adopted Budget Due to Office
Relocations in the City of Dunkirk

By Human Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution No. 318-22, the County entered into a lease with Agricultural Land Holdings LLC for office space in the City of Dunkirk for use by the Chautauqua County Department of Social Services (CCDSS); and

WHEREAS, budget amendments are needed to: add a budget for the new location; reduce lease expense for the North County Office Building (NCOB) because CCDSS will only occupy NCOB for part of 2023; and add expense associated with the build out of the premises; and

WHEREAS, expenditures related to the build out will be incurred in 2023 and 2024 and will necessitate a temporary use of fund balance; and

WHEREAS, some of said expenditures will be reimbursed by New York State and/or federal sources, but the amount of the reimbursement is not known at this time, so an increase in the revenue budget for CCDSS is not included in this resolution; and

WHEREAS, the monthly lease expense for the new space is less than the monthly lease expense for NCOB, so the County will realize significant savings over the term of the lease; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----,----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$114,079
;and be it further

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

ESTABLISH & INCREASE APPROPRIATION ACCOUNT:

A.1620.6020.4 Contractual - Buildings & Grounds – Lucas Avenue \$219,222

DECREASE APPROPRIATION ACCOUNT:

A.1620.6080.4 Contractual - Buildings & Grounds –
North Co Office Building \$105,143

Signed: Proctor, Gustafson, Torres, Rankin, Pavlock, Scudder, Wilfong, Harmon, Niebel

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RES. NO. 159-23

Amend 2023 Budget to Accommodate Acquisition
of Near-shore Cleanup Equipment

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Resolution 291-22 authorized the use of 2022 2% Occupancy Tax Funds for the Acquisition of Near Shore Cleanup Equipment; and

WHEREAS, the purchase of the equipment was originally classified as a contractual expenditure but should be classified as an equipment expenditure; and

WHEREAS, in order to complete the purchase of the equipment, budgeted appropriations must be transferred from the contractual classification to the equipment classification; now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual-Planning, Watershed Administration \$140,000

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.2 Equipment- Planning, Watershed Administration \$140,000

Signed: Harmon, Gustafson, Penhollow, Rankin, Wilfong, Scudder, Niebel, Pavlock

RES. NO. 160-23

Authorizing Public Hearing Regarding a Potential Application for 2023 Community
Development Block Grant Funding through the New York State Office of Community
Renewal and the Uses of Said Funding

By Planning and Economic Development Committee:

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

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant to fund the purchase of machinery and equipment and working capital expenses in connection with the development of a juice production facility by Westfield Maid Cooperative, Inc. at 7505 E. Route 20, Westfield, New York (the “Project”); and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project and administration of the OCR Economic Development Grant; and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding community needs and the project proposal prior to submitting an application for CDBG funding; therefore be it

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RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 28, 2023, at 6:35 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 eight (8) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Harmon, Gustafson, Penhollow, Rankin, Wilfong

RES. NO. 161 -23

Accept State Environmental Quality Review (SEQR) Determination for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C1 GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. has modified trail C1 in the Towns of Arkwright and Villenova and moved the trail northwest of the existing trail at the request of a land owner; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C1 is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; and now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C1 will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

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RES. NO. 162 -23

Accept State Environmental Quality Review (SEQR) Determination for
the New York State Snowmobile Trail Grant-in-Aid Program for Ellery
Sno-Cruisers, Inc. Trail C4A GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Ellery Sno-Cruisers, Inc. has modified trail C4A in the Town of Ellery and moved the trail north towards Maple Grove Road at the request of a land owner; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C4A is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; and now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C4A will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

RES. NO. 163 -23

Accept State Environmental Quality Review (SEQR) Determination for
the New York State Snowmobile Trail Grant-in-Aid Program for Chautauqua Lake
Snowmobile Club, Inc. Trail C4B GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

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WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Chautauqua Lake Snowmobile Club, Inc. has modified trail C4B in the Town of Portland and moved the trail west towards Route 380 south of Burr Road at the request of a land owner; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C4B is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C4B will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

RES. NO. 164 -23

Accept State Environmental Quality Review (SEQR) Determination
for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry
Creek Sno-Goers, Inc. Trail S12 GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. has modified trail S12 in the Town of Cherry Creek and moved the trail northeast of the existing trail at the request of a land owner; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail S12 is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; and now therefore it be

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RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail S12 will not have a significant impact and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

RES. NO. 165 -23

Accept State Environmental Quality Review (SEQR) Determination
for the New York State Snowmobile Trail Grant-in-Aid Program for Cherry Creek
Sno-Goers, Inc. Trail S11A GPS Correction

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called “SEQR”) requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. has maintained trail S11A in the Town of Hanover, traveling through the Hamlet of Forestville; and

WHEREAS, the State funded trail ends at Academy Street, with the trail continuing classified as a non-funded trail through Forestville’s main street area and connecting to State funded trail C1A; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called “SEAF”) for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail S11A is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail S11A will not have a significant impact and the County Executive is hereby authorized to execute a “Negative Declaration” for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

RES. NO. 166 -23

Accept State Environmental Quality Review (SEQR) Determination for the New York State
Snowmobile Trail Grant-in-Aid Program for Cherry Creek Sno-Goers, Inc. Trail C4 GPS Update

By Planning and Economic Development Committee:

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

CHAUTAUQUA COUNTY LEGISLATURE

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WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. has modified trail C4 in the Town of Villenova and moved the trail north of Dybkas Road at the request of a land owner; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C4 is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; now therefore it be

RESOLVED, that the Chautauqua County Legislature has determined the modification to existing snowmobile trail C4 will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

RES. NO. 167 -23

Accept State Environmental Quality Review (SEQR) Determination
for the New York State Snowmobile Trail Grant-in-Aid Program for
Cherry Creek Sno-Goers, Inc. Trail C1A GPS Update

By Planning and Economic Development Committee:

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

WHEREAS, pursuant to Resolution No. 185-12, Chautauqua County acts as the local sponsor for the New York State Office of Parks, Recreation, and Historic Preservation New York State Snowmobile Trails Grant-in-Aid Program; and

WHEREAS, the State Environmental Quality Review (hereinafter called "SEQR") requires reroutes or expansions of the existing trail system to have an environmental assessment; and

WHEREAS, pursuant to Resolution 137-23, Chautauqua County Legislature designated Chautauqua County as the lead agency responsible for SEQR for State Funded Snowmobile Trails Modifications for 2023, and as lead agency must evaluate the environmental impacts of any modifications; and

WHEREAS, the Cherry Creek Sno-Goers, Inc. has modified trail C1A in the Town of Hanover and moved the trail north of the existing trail at the request of a land owner; and

WHEREAS, the Chautauqua County Department of Planning and Development has prepared a Short Environmental Assessment Form (hereinafter called "SEAF") for consideration

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by the Chautauqua County Legislature with said SEAF indicating that the probability of any adverse impact of modifications to existing snowmobile trail C1A is very low; and

WHEREAS, the Chautauqua County Legislature has reviewed the SEAF and supporting documentation; and now therefore it be

RESOLVED, That the Chautauqua County Legislature has determined the modification to existing snowmobile trail C1A will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Muldowney, Gustafson, Penhollow, Harmon, Rankin, Wilfong

RES. NO. 168 -23

Confirm Reappointment – Director of Human Resources

By Administrative Services and Audit & Control Committees:

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

WHEREAS, County Executive Paul M. Wendel, Jr. has reappointed Deborah Makowski, 1759 Thornton Road, Cherry Creek, New York as Director of Human Resources, subject to confirmation by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the reappointment of Deborah Makowski as Chautauqua County Director of Human Resources effective June 1, 2023 in Range 14 of the Management Salary Plan, for the term ending May 31, 2029, as provided in New York Civil Service Law and New York Public Officers Law.

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

RES. NO. 169 -23

Amend 2023 Budget for Chief Medical Officer

By Human Services and Audit & Control Committees:

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

WHEREAS, the Chief Medical Office of Chautauqua County services several departments within the County; and

WHEREAS, the responsibilities by department were not known when the 2023 Budget was adopted so the budget does not reflect the actual distribution of costs associated with the position of Chief Medical Officer; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1185.----.1	Personal Services - Med Examiners & Coroners	\$21,226
A.1185.----.8	Employee Benefits - Med Examiners & Coroners	\$2,291
A.3989.----.1	Personal Services - Emergency Medical Service	\$41,791
A.3989.----.8	Employee Benefits - Emergency Medical Service	<u>\$7,404</u>
	Total	\$72,712

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DECREASE APPROPRIATION ACCOUNTS:

A.6010.----.1	Personal Services - Social Services Admin	\$63,017
A.6010.----.8	Employee Benefits - Social Services Admin	<u>\$9,695</u>
	Total	\$72,712

Signed: Proctor, Gustafson, Torres, Rankin, Pavlock, Scudder, Wilfong, Harmon, Niebel

RES. NO. 170 -23

Setting Salary for Internship Positions

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the title of Intern is included under the Chautauqua County CSEA Unit 6300 Non-Graded Salary Range with a pay rate of \$9.00 per hour; and

WHEREAS, the position of an Intern is used to address temporary work projects while providing valuable work experience; and

WHEREAS, the current pay rate for the tile of Intern was set in 2016 at \$9.00 per hour and has not changed thereby creating hardships in recruitment efforts; therefore be it

RESOLVED, That the pay rate for the tile of Intern under the Chautauqua County CSEA Unit 6300 Non-Graded Salary Range be set at a rate equal to the current New York State Minimum Wage; and be it further

RESOLVED, That rate of pay for the tile of Intern shall be adjusted annually to remain equal to the New York State Minimum Wage.

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

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Proclaiming May Older Americans Month

AT THE REQUEST OF: Legislators Harmon, Gustafson, Rankin, Bankoski, Proctor & Vanstrom:

WHEREAS, Older Americans Month (OAM) was established in 1963 and is celebrated every May as a time to acknowledge the contributions and achievements of older Americans, highlight important trends, and strengthen our commitment to honor our older citizens; and

WHEREAS, May 2023 is the 60th anniversary of Older Americans Month wherein the theme is *Aging Unbound*, which offers an opportunity to explore a wide range of aging experiences and to promote the importance of enjoying independence and fulfillment by paving our own paths as we age; and

WHEREAS, Chautauqua County includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, Chautauqua County recognizes the need to create a community that offers the services and supports older adults may need to make choices about how they age; and

WHEREAS, Chautauqua County remains committed to building a better community for our older residents by exploring and combating stereotypes, emphasizing the many positive aspects of aging, inspiring older adults to push past traditional boundaries, and embracing our community's diversity; therefore be it

KNOWN, The Chautauqua County Legislature, with great pride, hereby proclaims May 2023 Older Americans Month in Chautauqua County; and let it be

MOVED, that the County Legislature urges all residents to celebrate our older citizens, help to create an inclusive society, and accept the challenge of flexible thinking around aging.

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Proclaiming June 19, 2023 as JUNETEENTH in Chautauqua County

AT THE REQUEST OF: Legislators Parker, Bankoski, Nelson and Rankin:

WHEREAS, our Juneteenth National Independence Day, otherwise known simply as Juneteenth and celebrated each year on June 19th, is a national celebration of the freeing of our country's enslaved people by way of Abraham Lincoln's Emancipation Proclamation; and

WHEREAS, President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863 as a strategic wartime effort to cripple the Southern economy and recruit much-needed "Freedmen" soldiers as Union troops; and
Whereas, the Emancipation Proclamation did not free all the people enslaved in the United States, but only those enslaved in the eleven Confederate states (and the areas within those states not under Union Army control); and

WHEREAS, the people enslaved in Texas were made unaware of the Emancipation Proclamation and their freedom until June 19, 1865 when Union troops arrived in Texas two and a half years following the Proclamation's effective date and two months after the Civil War ended in April 1865; and

WHEREAS, human enslavement remained otherwise legal and within the "loyal" Union enslaving states of Maryland, Delaware, Kentucky, and Missouri throughout the Civil War and did not end in the whole of the United States until passage of the 13th Amendment to the United States Constitution on December 6, 1865; and

WHEREAS, Juneteenth has become a day of profound weight and power; a day in which we remember the moral stain and terrible toll of human enslavement on our country — what is so often called America's original sin — a long legacy of systemic racism, inequality, and inhumanity; and

WHEREAS, Juneteenth's profound weight and power also recognizes and celebrates the strength and indomitable human spirit of Black Americans especially and is a day of opportunity for all Americans to recommit ourselves to the work of equity, equality, and justice and continue to make real the ideals of our founding documents; and

WHEREAS, Juneteenth has been celebrated formally in Chautauqua County since 1996, declared a New York State Holiday in 2020, and declared a National Holiday in 2021; now therefore

LET IT BE KNOWN That the Chautauqua County Legislature, hereby recognizes and celebrates and proclaims June 19, 2023 as Juneteenth in Chautauqua County; and be it further

LET IT FURTHER BE KNOWN, That the Chautauqua County Legislature urges all residents to remember our country's history represented in this day and celebrate and recommit ourselves to the work of equity, equality, and justice that Juneteenth represents.

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Opposing Waste Disposal Surcharges and Requesting an Exemption for
 Planning Units

AT THE REQUEST OF: Legislators Pavlock, Rankin, Bankoski, Proctor & Davis:

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) requires, and relies upon, Local Solid Waste Management Planning Units (including Chautauqua County) to provide comprehensive waste reduction, recycling, and disposal services to communities throughout the state; and

WHEREAS, Local Solid Waste Management Planning Units have collectively invested billions of dollars in their comprehensive solid waste management systems and are responsible for setting rates to support such systems, including the implementation of their Local Solid Waste Management Plans that are approved by the NYSDEC; and

WHEREAS, Local Solid Waste Management Planning Units, including Chautauqua County, face constant pressures by the local communities they serve to operate as efficiently as possible, such that they have the lowest possible operating costs, including the waste disposal fees charged to waste haulers and residents; and

WHEREAS, the Climate Action Council’s Final Scoping Plan recommends (on page 338) that the State “enact legislation in 2023 to establish a disposal disincentive (fee per ton) on all waste generated in New York to provide financial support for reduction, reuse, and recycling;” and

WHEREAS, most Local Solid Waste Management Planning Units already implement fee structures that support their waste reduction, reuse, and recycling programs and disincentivize disposal because recycling programs are generally offered at no cost or at a fee significantly lower than disposal fees; and

WHEREAS, the implementation of statewide per ton fees essentially undermines and penalizes the efforts by Local Solid Waste Management Planning Units to provide cost-effective comprehensive systems; and

WHEREAS, waste disposal surcharges, or per ton fees, will not achieve the intended goals of waste reduction, as back-end fees do not change consumers’ purchasing decisions or incentivize producers to make products that are easier to recycle;

NOW, THEREFORE, BE IT KNOWN, that Chautauqua County opposes the implementation of any type of waste disposal surcharge; and

BE IT FURTHER KNOWN that Chautauqua County hereby requests that Local Solid Waste Management Planning Units including Chautauqua County receive an exemption or an opt out option from such surcharges should the State choose to implement them at other disposal facilities; and

BE IT MOVED, that the Clerk of the Chautauqua County Legislature is directed to forward copies of this motion to Governor Kathy Hochul, the New York State Legislature, NYSDEC Commissioner Basil Seggos, and all others deemed necessary and proper by the Chairman of the Legislature.

CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Support of Essential Caregivers Act

AT THE REQUEST OF: Legislators Harmon, Rankin, Bankoski, Proctor & Gustafson:

WHEREAS, during the public health emergency, caused by the COVID pandemic, caregivers were denied access to patients in nursing homes and facilities; and

WHEREAS, in 2021, a resolution was introduced in the United States House of Representatives by Claudia Tenney, a Representative from the State of New York regarding caregiver access; and

WHEREAS, the bill allowed essential caregivers access to long-term care facilities to provide care and support to a facility resident during any public health emergency; and

WHEREAS, the new federal Essential Caregivers Act is due to be introduced soon by representative Tenney; and

WHEREAS, the proposed bill safeguards a resident's civil rights and rights under Federal Law while taking into account public health concerns; and

WHEREAS, the Chautauqua County Legislature realizes the critical role that family members and caregivers play in the support and well-being of residents in the numerous long-term care facilities throughout Chautauqua County; therefore be it

KNOWN, That the Chautauqua County Legislature does hereby unanimously support the Essential Caregivers Act; and let it be

MOVED, That the Clerk of the Legislature shall forward copies of this motion supporting the Essential Caregivers Act to Congressman Nick Langworthy and all others deemed necessary and proper.