

CHAUTAUQUA COUNTY LEGISLATURE

04/24/2024

RES. NO. 103-24

Confirm Appointment and Re-Appointments – Parks Commission

By Public Facilities Committee:

At the Request of Chairman Chagnon and Legislator Bob Scudder:

WHEREAS, the following appointment and re-appointments have been submitted for action by the Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment and re-appointments to the Parks Commission.

New Appointment

Twan Leenders
450 Valerie Lane,
Jamestown, NY 14701
Term Expires: 12/31/25

Re-Appointments

Jacob Bodway
5446 Crestwood Road
Bemus Point, N.Y. 14712
Term Expires: 12/31/25

Steven Sandberg
35 Ellis Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/25

Martha Anderson
3615 Belleview Rd.
Bemus Point, N.Y. 14712
Term Expires: 12/31/25

Tom Erlandson
26 Valley Drive
Frewsburg, N.Y. 14738
Term Expires: 12/31/25

Robert Franzen
393 Busti-Sugargrove Road
Jamestown, N.Y. 14701
Term Expires: 12/31/25

Signed: Heiser, Anthony, Nelson, Scudder

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RES. NO. 104-24
Amend 2024 Budget for Buildings and Grounds

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County is looking to improve building security and ensure safety of County employees and residents; and

WHEREAS, the County has the need to amend the current budget appropriations for the purchase of and installation of security doors at HRC; and

WHEREAS, the quoted costs for said purchase and installation total \$54,082; 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 \$54,082

; and be it further

RESOLVED, That the Director of Finance is hereby authorized make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1620.5020.4Contractual - Buildings & Grounds, Hall R Clothier Building \$54,082
Signed: Heiser, Anthony, Nelson, Scudder, Wilfong, Niebel, Pavlock

RES. NO. 105-24
Amend 2024 Budget for Real Property Tax Office

By Administrative Services and Audit & Control Committees:

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

WHEREAS, various equipment purchases are needed to replace existing furnishings; and
WHEREAS, funds for these furnishings were included in the Contractual Classification but should be in the Equipment Classification; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1330.----.2 Equipment – Real Property Tax \$4,732

DECREASED APPROPRIATION ACCOUNT:

A.1330.----.4 Contractual – Real Property Tax \$4,732

Signed: Scudder, Niebel, Wilfong, Pavlock

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RES. NO. 106-24
Amend 2024 Budget for the Tyler Civil Serve License 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 Tyler Civil Serve License Project ("Project") was identified as one of the priority projects recommended in Resolution No. 202-21 and, pursuant to Resolution No. 61-23, a budget of \$15,698 was established for the Project; and

WHEREAS, the Project was assumed to be completed and therefore closed, rolling the remaining balance of \$728 back to the ARPA fund; and

WHEREAS, it has since been discovered that the vendors invoice was inaccurate and the remaining \$728 is in fact needed and owed for payment in full; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.4	Contractual—Sheriff	\$728
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INCREASE REVENUE ACCOUNT:

A.3110.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$728
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Signed: Niebel, Pavlock, Nelson, Landy, Proctor, Scudder, Wilfong

RES. NO. 107-24
Amend 2024 Budget to Accept NYSDEC Grant Funds and Designate
Local Match for Bemus Creek Nonpoint Source Planning Grant

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

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

WHEREAS, Chautauqua County, after thorough consideration of tributary flooding associated with Bemus Creek watershed, has hereby determined that a Sediment and Debris Management Plan is desirable and is in the public interest (the Project); and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD) partnered with the Chautauqua Lake and Watershed Management Alliance (Alliance) to submit a grant application to the New York State Department of Environmental Conservation's (NYSDEC) Nonpoint Source Planning Grant program to assist with funding the development of a Sediment and Debris Management Plan for Bemus Creek, the total Project cost of which is \$55,000; and

WHEREAS, pursuant to Resolution 199-23, the Chautauqua County Legislature obligated \$5,000 from the 2% Occupancy Tax Reserve to fulfill the 10% local match requirement for the grant, but no amendments were made at that time and the match was not included in the 2024 Adopted Budget; and

WHEREAS, the NYSDEC awarded Chautauqua County \$50,000 for 90% of the Project costs with a requirement for 10% local match of \$5,000; and

WHEREAS, the 2% Occupancy Tax Reserve has an undesignated balance of \$319,952; and

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) applies if an agency funds or directly undertakes an action; and

WHEREAS, in accordance with 6 NYCRR §617.2(v) Chautauqua County is the Lead Agency due to its decision to fund and undertake planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions; and

WHEREAS, the CCDPD has prepared the Short Environmental Assessment Form (SEAF) for development of a Sediment and Debris Management Plan for Bemus Creek and determined that the Action is classified as Type 2 Action under 6 NYCRR §617.5(c)(27); now therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSDEC Nonpoint Source Planning Grant award in the amount of \$50,000 and designates up to \$5,000 from the 2% Occupancy Tax Reserve for the Project; 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 \$5,000

; and be it further

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RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$55,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R308.9000 New York State Aid-Other State Aid \$50,000
Signed: Harmon, Larson, Pavlock, Chagnon, Penhollow, Scudder, Wilfong, Niebel

RES. NO. 108-24

Accept Grant Funding from the New York State Department of State for a Chautauqua County Countywide Resiliency Plan and Amend 2024 Budget

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

WHEREAS, Chautauqua County continues to see an increase in the frequency and severity of storm events, flooding, drought, and other weather hazards; and

WHEREAS, New York State Department of State Office of Planning and Development and Community Infrastructure offers grants to support the creation of countywide resiliency plans that primarily address extreme weather risks and vulnerabilities associated with an increase in frequency and severity of storm and precipitation events; sea-level rise; storm surge; flooding; drought; extreme heat; and other climate hazards; and

WHEREAS, the Chautauqua County Department of Planning and Development was awarded a \$144,000 grant (CFA #126891) from the New York State Department of State (NYS DOS) Smart Growth Program Countywide Resiliency Planning Program; and

WHEREAS, the cost of the project is estimated to be \$160,000, funded 90%, or \$144,000, from the NYSDOS Smart Growth Program Countywide Resiliency Planning Program and 10%, or \$16,000, from the Department of Planning and Development's budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYSDOS funding, and execute all agreements necessary to implement the Chautauqua County Countywide Resiliency Plan; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4 Contractual—Planning \$144,000

INCREASE REVENUE ACCOUNT:

A.8020.----.R308.9000 NYS Aid—Other State Aid \$144,000
Signed: Harmon, Larson, Chagnon, Penhollow, Scudder, Wilfong, Niebel, Pavlock

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RES. NO. 109-24
Amend 2023 Budget for Year End Reconciliations – Health Insurance Fund

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

WHEREAS, some Health Insurance Fund departmental expenditures have exceeded initial budgetary estimates, as well as some appropriations and revenues have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

M.1930.----.4	Contractual - Judgements & Claims	\$303,896
M.9089.8000.4	Contractual - Undistributed Benefits-Benefits Surcharge	<u>\$141,980</u>
	Total	\$445,876

DECREASE APPROPRIATION ACCOUNTS:

M.9089.8000.8	Employee Benefits - Undistributed Bene-Bene Surchg	\$10,676
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INCREASE REVENUE ACCOUNTS:

M.1932.----.R268.0000	Departmental Income-Stop Loss	\$391,237
M.9060.9999.R270.1000	Miscellaneous-Refunds: Prior Year Exp	<u>\$ 43,963</u>
	Total	\$435,200

Signed: Scudder, Wilfong, Niebel, Pavlock

RES. NO. 110-24
Amend 2023 Capital Project Account (DPF Large Equipment)

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

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

WHEREAS, additional funds are needed to complete large equipment purchases; now therefore it be

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

INCREASE APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual – Road Machinery, DPF Large Equipment (Annual)	\$267,339
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INCREASE REVENUE ACCOUNT:

H.5130.626.R266.5000	Sale of Property/Compensa—Sale of Equipment	\$267,339
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Signed: Heiser, Niebel, Anthony, Scudder, Nelson, Wilfong, Pavlock

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RES. NO. 111-24
Amend 2023 Budget due to 2023 Year End
Reconciliations – Capital Projects

By Audit & Control Committees:

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

WHEREAS, expenditures for some capital projects exceed initial budgetary estimates, as well as expenditures for some capital projects are less than initial budgetary estimates; and

WHEREAS, the some capital projects require less revenue than originally anticipated, as well as some project require additional revenues; and

WHEREAS, South and Center Chautauqua Lake Sewer District has received a grant in the amount of ~~\$5,000,000~~ **\$7,972,000** for Capital Project ESS.8130.27001 therefore the amount of the project funded with serial bonds can be reduced; now therefore be it

RESOLVED, That the amount of serial bonds for Capital Project ESS.8130.27001 be reduced by ~~\$5,000,000~~ **\$7,972,000** to ~~11,888,000~~ **\$8,866,000**; and be it further

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

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance--Reserve for Capital	\$ 10,747
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; and be it further

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.9950.----.9	Interfund Transfers - Transfer to Capital	\$ 10,747
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DECREASE APPROPRIATION ACCOUNTS:

H.6420.37008.4	Contractual – Promotion of Industry-Greenfield Development	\$ 100,000
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INCREASE REVENUE ACCOUNTS:

ESS.8130.27001.R399.0000	New York State Aid – Sewer Capital Projects	\$5,000,000
H.5610.25219.R503.1000	Interfund Transfers – Interfund Transfer	\$ 1
H.1680.20003.R503.1000	Interfund Transfers – Interfund Transfer	\$ 150,000
H.5130.25980.R503.1000	Interfund Transfers – Interfund Transfer	\$ 100,000
H.5610.25164.R503.1000	Interfund Transfers – Interfund Transfer	\$ 10,746
	Total	\$5,260,747
		<u>\$8,866,000</u>

DECREASE REVENUE ACCOUNTS:

H.5610.25219.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ 1
H.1680.20003.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$ 150,000
H.5130.25980.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$ 100,000

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H.5610.25164.R265.2000	Sale of Property/Compsa-Sale of Forest Products	\$ 4,536
H.5610.25164.R266.5000	Sale of Property/Compsa-Sale of Equipment	\$ 6,210
H.6420.37008.R208.9000	Departmental Income- Other Culture & Recreation Income	<u>\$ 100,000</u>
	Total	\$ 360,747

Signed: Pavlock, Scudder, Wilfong, Niebel
(4/18/24 AC – Amended with strikethrough and new text)

RES. NO. 112-24
Close Capital Projects – 2023 Year End Reconciliation

By Audit & Control Committee:

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

WHEREAS, the following capital projects have been completed and can be closed:

- H-1620-25253 - Capital Projects-BUILDINGS & GROUNDS-FLOOR SCRUBBER (2023)
- H-1620-25265 - Capital Projects-BUILDINGS & GROUNDS-B&G EQUIPMENT (2023)
- H-3010-14009 - Capital Projects-EMERGENCY SERVICES-COMMUNICATIONS (2022)
- H-3110-06006 - Capital Projects-SHERIFF-OAK HILL TOWER REMOVAL (2020)
- H-3110-06013 - Capital Projects-SHERIFF-PARKING LOT MAINTENANCE (2022)
- H-3110-06022 - Capital Projects-SHERIFF-TECH SERVCS MAN DOOR REPL (2023)
- H-5130-25212 - Capital Projects-ROAD MACHINERY-SHERMAN SHOP GENERATOR (2021)
- H-5130-25217 - Capital Projects-ROAD MACHINERY-SHERIDAN SHOP FUEL SYSTEM (2021)
- H-5610-25009 - Capital Projects-CHAUTAUQUA COUNTY AIRPORT-HANGAR DOOR-JHW (2018)
- H-5610-25219 - Capital Projects-CHAUTAUQUA COUNTY AIRPORT-SNOW REM EQUIP-BLOWER-DNK (2021)
- H-5610-25258 - Capital Projects-CHAUTAUQUA COUNTY AIRPORT-JHW ARTICULATING BOOM LIFT(2023)
- H-5610-25263 - Capital Projects-CHAUTAUQUA COUNTY AIRPORT-CRACK SEALING MACHINE (2023)
- H-5630-25226 - Capital Projects-BUS OPERATIONS-HYBRID TROLLEYS (2021)
- H-6420-37008 - Capital Projects-PROMOTION OF INDUSTRY-GREENFIELD DEVELOPMENT (2019)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of the closed capital projects, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Pavlock, Scudder, Wilfong, Niebel

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RES. NO. 113-24
Authorize Execution of NYS Office of Homeland Security
Funding Grant Operation Stonegarden FY23

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 Operation Stone Garden; and

WHEREAS, the State of New York will provide funding for a FY23 grant in the amount of \$92,125, with no local funds, for a contract period of September 1, 2023 through August 31, 2026; and

WHEREAS, this grant is included in the 2024 Budget so no budget amendment is needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

Signed: Niebel, Nelson, Landy, Proctor, Scudder, Wilfong, Pavlock

RES. NO. 114-24
Authorize Lease Agreement between Chautauqua County and Western
New York Public Broadcasting Association for Tower Space

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 Western New York Public Broadcasting Association desires to continue a previous agreement with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the newly replaced County-owned tower located on Oak Hill Road in the Town of Carroll, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Western New York Public Broadcasting Association, and such tower space is not needed for public (governmental) purposes; and

WHEREAS, the parties have negotiated a tentative agreement for an initial term of ten (10) years which shall be renewable for one (1) additional successive term of ten (10) years and that, in consideration of costs incurred by WNYPBA in relocating their equipment, there shall be a waiver of rent for sixty (60) months and at month 61, rent will be due in the amount of \$12,000 per year. For any renewal term, rent will increase by the greater of 4% or the increase in the Consumer Price Index assessed at the time of renewal; and

WHEREAS, this lease will not generate revenue or expenditures in the year 2024 so no budget amendment is needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement for tower space on the Oak Hill Tower with the Western New York Public Broadcasting Association upon substantially the terms set out herein.

Signed: Niebel, Wilfong, Nelson, Landy, Proctor, Scudder, Pavlock

RES. NO. 115-24
South Chautauqua Lake Sewer District Lateral Restrictions for Agricultural
District Properties Situated within the District Phase 2 Boundary Extension

By Public Facilities Committee:

At the Request of Legislature Chairman Pierre E. Chagnon:

WHEREAS, pursuant to Resolution 162-22 the County Legislature approved the extension of the South Chautauqua Lake Sewer District (District) boundary from the Hamlet of Stow to the south bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake, referred to as SCLSD Extension Phase 2; and

WHEREAS, the SCLSD Extension Phase 2 is subject to regulatory requirements, including those of the New York State Department of Agriculture and Markets; and

WHEREAS, the Department of Agriculture and Markets has requested that the District impose lateral restrictions for properties within the SCLSD Extension Phase 2 area that are encompassed in an Agricultural District; and

WHEREAS, all properties within the SCLSD Extension Phase 2 area that are situated within an Agricultural District are located along New York Route 394 and Davis Road, as shown in the maps included with this Resolution; and

WHEREAS, at its April 11, 2024 meeting, the South and Center Chautauqua Lake Sewer District Board voted in favor of lateral restrictions as reflected herein; now, therefore, be it

RESOLVED, That the following Notice of Intent concerning Lateral Restrictions be adopted:

NOTICE OF INTENT CONCERNING LATERAL RESTRICTIONS:
CONDITIONS ON FUTURE SERVICE

The South Chautauqua Lake Sewer District imposes the following conditions on the management of sewer lines located along New York Route 394 and Davis Road within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of this Notice of Intent (NOI) by the County.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the County accepts the limitation

under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the County upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing septic system and clearly demonstrate the need for public sewer service. The County shall develop a hardship application to be filed with the County, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the County to remove his or her land from an agricultural district at the time of district review and the County legislative body refused to do so, lateral restrictions may be removed by the County if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a County-adopted, State certified agricultural district and the district has been reviewed by the County legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the County are no longer in effect for the parcels of land that have been removed from the agricultural district.

Signed: Heiser, Anthony, Scudder

RES. NO. 116-24

Authorize MOU with NYSERDA to Conduct a Feasibility Assessment
for the Development of a Utility-Scale Solar Photovoltaic
Renewable Energy Project At DKK

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport (“DKK”) in the Town of Sheridan in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, New York State Energy Research and Development Authority (“NYSERDA”) is pursuing the opportunity to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at the facility; and

WHEREAS, the Airport Commission has considered and agrees to an MOU with NYSERDA to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at DKK; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to approve a Memorandum of Understanding between Chautauqua County and the New York State Energy Research and Development Authority to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at the Chautauqua County Dunkirk Airport.

Signed: Heiser, Anthony, Nelson, Scudder, Wilfong, Niebel

RES. NO. 117-24

SEQRA Notice of Intent to Serve as Lead Agency for the
North Chautauqua County Water District Phase 3

By Public Facilities Committee:

At the Request of Legislative Chairman Pierre E. Chagnon:

WHEREAS, the North Chautauqua County Water District (District) is interested in making improvements to the water system that will enhance the system reliability and redundancy; and

WHEREAS, the proposed Phase 3 project will include:

The replacement of up to 6,300 linear feet of the existing 6-inch water main along NYS Route 5 in the Town of Portland between the Village of Brocton and the Town of Pomfret. The existing water main is undersized, and the replacement will enable the supply of water to the Town of Pomfret. The new 12-inch water main will also enhance the redundancy of the system by permitting flow from the Town of Pomfret under emergency conditions.

The installation of approximately 2,100 linear feet of new 8-inch water along Williams Street between South Roberts Road and Bennett Road. The new main will provide a critical interconnection in the system, allowing water to flow between the existing services areas should their regular supplies be interrupted.

The installation of approximately 3,500 linear feet of 12-inch water main along Bennett Road in the Towns of Pomfret and Dunkirk. The new main will provide a critical and redundant connection between the Town of Pomfret and Dunkirk systems, which currently only have a single source of supply.

The replacement of up to 4,500 linear feet of the existing 8-inch water main along NYS Route 5 in the Town of Dunkirk between the City of Dunkirk and the Town of Sheridan. The existing water main is undersized, and the new 12-inch water main will also enhance the redundancy of the system.

The installation of approximately 6,600 linear feet of new 12-inch water along NYS Route 5 in the Town of Portland. The new main will provide an interconnection with the supply from the Village of Westfield, allowing for emergency supply between the systems.

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New master meter pits will be installed at all municipal boundaries and at the boundary of the North County Industrial Water District. The master meters will be used for billing purposes, allowing the NCCWD to bill the participating municipalities directly. The new master meter will also enhance the ability to track and identify water losses in the system; and

WHEREAS, in accordance with the provisions of 6 NYCRR Part 617 (SEQRA), the County intends to serve as Lead Agency for SEQRA review of this Type 1 Action and will determine if the proposed action will have a significant affect on the environment; and

WHEREAS, the Lead Agency will undertake a coordinated review of this proposed action, and now therefore be it,

RESOLVED, That the County hereby designates its intention to serve as Lead Agency for the proposed action and will circulate Lead Agency Notice along with Part 1 of the Long Form Environmental Assessment Form and any other supporting documentation to all Involved Agencies. These agencies shall be given 30 days from the mailing of the Lead Agency Notice to consent. Interested Agencies will be given notice, but not required to consent pursuant to 6 NYCRR Part 617.6.

Signed: Heiser, Anthony, Scudder, Nelson

RES. NO. 118-24

Authorizing Public Hearing Regarding Third Modification to Map and Plan
for Improvements in the North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:

At the Request of Legislative Chairman Pierre E. Chagnon:

WHEREAS, pursuant to General Municipal Law Article 5-C including §118, any County on behalf of a county water district may, in addition to all other powers possessed with respect to the development and distribution of water, provide for the development of a supply of water in excess of its own needs for the purpose of sale to a public corporation or improvement district, and any provision of law to the contrary notwithstanding, may contract indebtedness for such purpose; and

WHEREAS, pursuant to Resolutions 260-15, 39-16, and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, subsequent to the adoption of Resolutions 260-15, 39-16 and 81-16, the County Legislature on August 23, 2017 adopted Resolution 231-17 to modify the initial capital improvements due to changes in the structure of the financial assistance to be received from New York State's funding agencies, and changes in the timing of projects to be completed in the District's development; and

WHEREAS, as of January 2019, the District found it again necessary to modify the initial capital improvements as previously modified in August 2017, which is due to further changes in

the structure of the financial assistance to be received from New York State’s funding agencies, and additional changes in the timing of projects to be completed in the District’s development; and

WHEREAS, as of April 2024, the District has found it again necessary to modify the initial capital improvements as previously modified to add municipal master meters as originally contemplated by paragraph 7 of Agreement 16-01-02 titled “Water Purchase / Supply Agreement,” and to enable increased flows, emergency water supplies and redundancy; and

WHEREAS, the Chautauqua County Legislature has received from the District Board a modified Map and Plan entitled “North Chautauqua County Regional Water System Map and Plan-Amendment #3” dated April 2024 (hereinafter referred to as the “Map and Plan”) prepared by engineers at Clark Patterson Lee (CPL) that are duly licensed by the State of New York, with the request by the District Board that this Legislature call a public hearing thereon consistent with County Law § 253-b and § 254; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on May 22, 2024 at 6:35 o’clock PM, prevailing time, on the question of the adoption of Map and Plan Amendment #3 that includes changes to the improvements, and to take such action thereon as is required or authorized by law; and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers of the County and to be transmitted by first class mail to each purchaser of District water using the address in the contract between District and the purchaser or such other address as has been provided by such purchaser, not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

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

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, Mayville, New York on May 22, 2024 at 6:35 o’clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the adoption of the third modified Map and Plan for the construction of improvements for the North Chautauqua County Water District in said county that modifies the Map and Plan previously approved by the Chautauqua County Legislature on December 16, 2015, which was first modified on August 23, 2017 and subsequently modified pursuant to Resolution 82-19 adopted on March 27, 2019, such third modification being posted here:

_____ and generally consisting of:

- (1) the replacement of up to 6,300 linear feet of existing 6-inch water main with 12-inch water main, along NYS Route 5 in the Town of Portland between the Village of Brocton and the Town of Pomfret;
- (2) installation of approximately 2,100 linear feet of new 8-inch water main along Williams Street between South Roberts Road and Bennett Road;
- (3) installation of approximately 3,500 linear feet of 12-inch water main along Bennett Road in the Towns of Pomfret and Dunkirk;

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- (4) replacement of up to 4,500 linear feet of existing 8-inch water main with 12-inch water main, along NYS Route 5 in the Town of Dunkirk between the City of Dunkirk and the Town of Sheridan;
- (5) installation of approximately 6,600 linear feet of new 12-inch water main along NYS Route 5 in the Town of Portland; and
- (6) installation of new master meter pits at municipal boundaries and at the boundary of the North County Industrial Water District No. 1.

The estimated maximum cost of the improvements as modified would increase from \$19,399,500 to \$27,599,500, and the estimated annual District debt service payment would increase from \$395,050 to \$562,394. All District costs are anticipated to be paid by municipalities receiving water from the District under contract, with no assessments by the District upon properties within the District. The estimated cost to the typical property from assessments or other charges to be made by the District upon such properties is zero. Any costs of the improvement not paid by such municipalities will be assessed as nearly as may be to the benefit which each lot or parcel will derive therefrom. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

Signed: Heiser, Anthony, Scudder, Nelson

RES. NO. 119-24

Affirmation of Determinations in Relation to Reduction of Infiltration and Inflow in the Portland-Pomfret-Dunkirk Sewer District

By Public Facilities and Audit & Control Committees:

At the Request of Legislative Chairman Pierre E. Chagnon:

WHEREAS, Pursuant to Resolution 201-22 the Chautauqua County Legislature determined in accordance with County Law §268 that it is in the public interest to construct proposed improvements in the Portland-Pomfret-Dunkirk Sewer District for the reduction of I & I as described in a Map and Plan report and in a Notice of Public Hearing, for a maximum amount to be expended of \$1,612,000.00 (the Project); and

WHEREAS, the District Board is now satisfied with the amount of grant and loan funding available for the project and is ready to proceed; now therefore be it

RESOLVED, That Resolution 201-22 is hereby affirmed in its entirety; and be it further

RESOLVED, That pursuant to County Law §259 the Clerk of the Legislature shall cause a certified copy of this Resolution to be recorded within ten days in the office of the County Clerk of the County of Chautauqua.

Signed: Heiser, Niebel, Anthony, Nelson, Scudder, Wilfong, Pavlock

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RES. NO. 120-24

Authorizing Application to the NYS Office of the State Comptroller
in Relation to the Repair and Replacement of Apparatus and Equipment
of the Portland-Pomfret-Dunkirk 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, the Chautauqua County Legislature adopted Resolution 201-22 that approved the replacement of apparatus and equipment in the Portland-Pomfret-Dunkirk Sewer District at a maximum cost of \$1,612,000.00; and

WHEREAS, pursuant to County Law §268(3) it is required that the proposed replacement of apparatus and equipment be approved by the NYS Office of the State Comptroller; and

WHEREAS, the County Law Department and the Director of the North Chautauqua Lake Sewer District have prepared the necessary application for submission to the Office of the State Comptroller; now therefore be it

RESOLVED, That the Chairman of the Chautauqua County Legislature is authorized and directed to apply to the Comptroller of the State of New York for consent to such expenditure, and it is affirmatively stated as required by 2 NYCRR §85.3(b) in connection with such application:

1. The attached application was prepared at the direction of the Legislature.
2. The Legislature believes the contents of the application to be accurate.
3. The Legislature has determined that the proposed replacement of apparatus and equipment is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof.
4. All real property to be assessed the costs of the proposed improvements will be benefitted by such improvements and no benefitted property has been excluded.

Signed: Heiser, Niebel, Anthony, Nelson, Scudder, Wilfong, Pavlock

RES. NO. 121-24

Designate Chautauqua County as Lead Agency Responsible for State
Environmental Quality Review of State Funded Snowmobile Trail Updates for 2024

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 (NYS OPRHP) New York State Snowmobile Trails Grant-in-Aid Program (Program); and

WHEREAS, the Program requires individual participating snowmobile clubs to update the Global Positioning System (GPS) data for their trails at a minimum of every three years; and

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WHEREAS, the Program recommends that snowmobile clubs stagger their GPS data collection efforts, resulting in updates every year to be processed by the Chautauqua County Department of Planning and Development; and

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

WHEREAS, the following trails are required to be updated with anticipated SEQR to be completed if reroutes were made to the existing trails; and

Trail	Snowmobile Club	Municipality
C4	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua, Clymer, French Creek, Sherman, Sherman (V)
C4B	Chautauqua Lake Snowmobile Club, Inc.	Portland
C4D	Chautauqua Lake Snowmobile Club, Inc.	French Creek, Mina, Sherman
C4E	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua, Ellery
C4F	Chautauqua Lake Snowmobile Club, Inc.	French Creek, Mina
C4Q	Chautauqua Lake Snowmobile Club, Inc.	Clymer
S41	Chautauqua Lake Snowmobile Club, Inc.	Clymer, Harmony, North Harmony
S45	Chautauqua Lake Snowmobile Club, Inc.	French Creek, Mina
S46	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua
S47	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua
S48	Chautauqua Lake Snowmobile Club, Inc.	Sherman
S48A	Chautauqua Lake Snowmobile Club, Inc.	Clymer, French Creek
S48B	Chautauqua Lake Snowmobile Club, Inc.	Clymer
S48C	Chautauqua Lake Snowmobile Club, Inc.	Clymer
S49	Chautauqua Lake Snowmobile Club, Inc.	Chautauqua, Mayville (V), Westfield, Westfield (V)
S52	Chautauqua Lake Snowmobile Club, Inc.	Harmony, North Harmony, Sherman, Sherman (V)
S16A	Cherry Creek Sno-Goers, Inc.	Cherry Creek

WHEREAS, NYS OPRHP recommends obtaining a SEQR determination prior to receiving approval for trails submitted as part of Phase I of the Program to avoid delays or rejection; and

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WHEREAS, the environmental assessment is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; and

WHEREAS, final SEQR determination(s) would be required to be reviewed by the Chautauqua County Legislature prior to authorization by the County Executive for specific proposed action; therefore be it

RESOLVED, That Chautauqua County does hereby agree to act as the SEQR Lead Agency for the 2024-2025 Program year and as such is authorized to comply with all SEQR requirements for all snowmobile trails within Chautauqua County applying for State funding including any reroutes or updates to an existing trail receiving State funding.

Signed: Harmon, Larson, Chagnon, Penhollow

RES. NO. 122-24

Accept State Environmental Quality Review of Proposed
2024 Agricultural District Inclusions

By Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts; and

WHEREAS, pursuant to Resolution No. 150-22, Chautauqua County is authorized to conduct a coordinated review for purposes of conducting State Environmental Quality Review (SEQR) for actions taken under the Agricultural District Law, and the use of the short environmental assessment form for agricultural districts; and

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

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

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

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

RESOLVED, That the Chautauqua County Legislature has determined that the modification of the agricultural district boundaries in Chautauqua County Agricultural Districts No. 1 and 8 will not have a significant impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Harmon, Larson, Chagnon, Penhollow

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RES. NO. 123-24
Determination of Chautauqua County Legislature on
Proposed 2024 Agricultural District Inclusions

By Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts; and

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

WHEREAS, pursuant to Resolution No. 280-03, the Chautauqua County Legislature designated January 2 through January 31 as Chautauqua County's annual period for landowners to submit a request for inclusion of their land in a State-certified Agricultural District; and

WHEREAS, in accordance with NYS Agriculture and Markets Law Section 303-b, an inclusion of viable agricultural land in Chautauqua County's agricultural districts was conducted in 2024; and

WHEREAS, the Chautauqua County Legislature received a request to include the proposed inclusion parcels listed below into an existing agricultural district; and

Ag. District	Parcel #	Landowner	Acres
1	260.00-2-32	Ramm, A. & K.	45.10
8	439.00-2-18	Smith, T. & J.	30.55
8	420.00-3-21	Swan, C.	7.20
8	279.00-2-41	Chautauqua Bee Company, Inc.	3.5
8	279.00-2-55	Chautauqua Bee Company, Inc.	10.00
8	279.00-2-56	Chautauqua Bee Company, Inc.	25.30
8	279.00-2-57	Chautauqua Bee Company, Inc.	21.50

WHEREAS, the Chautauqua County Agricultural and Farmland Protection Board reviewed submitted inclusion requests and recommended to the Chautauqua County Legislature that the modification of the agricultural district boundaries serves the public interest; and

WHEREAS, the requirements of the New York State Environmental Quality Review Act (SEQR) have been considered and processes have been completed by Chautauqua County; and

WHEREAS, the required public hearing was held on April 24, 2024, in order to gather input from landowners in the districts; now therefore be it

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

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

Signed: Harmon, Larson, Chagnon, Penhollow