

CHAUTAUQUA COUNTY LEGISLATURE

07/24/2024

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

Chautauqua County Legislature

6:30 p.m.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR BANKOSKI

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 06/26/2024

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 06/26/2024

COMMUNICATIONS:

1. Letters (2) – Appointment as Acting County Executive – Ana M. Morgan Esq & Jonathon DeAngelo
 2. Letter – Ashville Fire Department
 3. Affidavit of Publication (2) – Legal Notice – Local Law Intro 14-24 (Post Journal and Observer)
 4. Minutes – Conewango Watershed Commission – July 10th, 2024 Meeting
 5. Affidavit of Publication (2) – Legal Notice – CDBG Septic and Wells Public Hearing Notice (Post Journal and Observer)
 6. Affidavit of Publication (2) – Legal Notice – CDBG Septic and Wells Second Public Hearing Notice (Post Journal and Observer)
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PRESENTATIONS:

Chautauqua Lake Aquatic Ecosystem Restoration Effort

By

Marion Divers

Applications for Community Development Block Grant Funding through the
New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of
Community Renewal – RE: Chautauqua Septic and Wells

By

Jessica Wuerstle, Director of Environmental Health Services

6:35 P.M.

PUBLIC HEARINGS

A Public Hearing Regarding a Potential Application for 2024 Community
Development Block Grant Funding through the New York State Homes and
Community Renewal Housing Trust Fund Corporation's Office of Community
Renewal and the Uses of Said Funding

6:40 P.M.

A Public Hearing Regarding the Implementation of the Chautauqua
County 2021 Community Development Block Grant Funding program, "Chautauqua
Septic and Wells," funded by the New York State Homes and Community Renewal
Housing Trust Fund Corporation's Office of Community Renewal

**RENEW & AMEND RES. NO. 181-24 – To Accept New York State Department of Health Lead
Rental Registry Program**

RESOLUTIONS:

192-24 CONFIRM APPOINTMENTS OF ACTING COUNTY EXECUTIVE

193-24 CONFIRM APPOINTMENT – CHAUTAUQUA COUNTY FIRE ADVISORY BOARD

194-24 CHAUTAUQUA COUNTY FOOD POLICY COUNCIL DORMANCY

195-24 ACCEPTANCE OF CARTS 5311 2022 OPERATING ASSISTANCE AND 2022 CRRSAA
FUNDING

196-24 ACCEPTANCE OF CARTS 5311 2023 & 2024 OPERATING ASSISTANCE AND 2023
CRRSAA AND ARPA FUNDING

197-24 ACCEPTANCE OF CARTS 5311 2023 CONSOLIDATED GRANT

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- 198-24 AUTHORIZE STANDARDIZATION OF SCBA COMPRESSOR FOR OFFICE OF EMERGENCY SERVICES
- 199-24 AUTHORIZE ACCEPTANCE OF THE GUN INVOLVED VIOLENCE ELIMINATION (“GIVE”) GRANT FUNDS FOR 2024-2025
- 200-24 AUTHORIZE ACCEPTANCE OF NEW YORK STATE REIMBURSEMENT FOR THE RAISE THE AGE INITIATIVE
- 201-24 AMEND 2024 BUDGET TO IMPLEMENT THE CORONER VEHICLE PROJECT, USING FUNDING FROM THE AMERICAN RESCUE PLAN ACT (ARPA)
- 202-24 AMEND CHAUTAUQUA COUNTY DEPARTMENT OF PUBLIC HEALTH 2024 BUDGET TO INCLUDE NYSDOH PUBLIC HEALTH CORPS FELLOWSHIP PROGRAM FUNDING
- 203-24 NEW YORK STATE DEPARTMENT OF HEALTH NURSE FAMILY PARTNERSHIP GRANT
- 204-24 AUTHORIZE GRANT APPLICATION FOR 2024 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING THROUGH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL SEPTIC AND WELLS PROGRAM
- 205-24 REQUESTING AFPB TO REMOVE PARCELS FROM AGRICULTURAL DISTRICT 8
- 206-24 AUTHORIZING PUBLIC HEARING REGARDING THE POTENTIAL APPLICATION FOR 2024 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING THROUGH THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL AND THE USES OF SUCH FUNDING
- 207-24 AUTHORIZE PUBLIC HEARING TO ENTER INTO SOLAR LEASE AGREEMENT AT THE CHAUTAUQUA DUNKIRK AIRPORT (DKK) WITH NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA)
- 208-24 AUTHORIZE INTER-MUNICIPAL AGREEMENT WITH CITY OF DUNKIRK
- 209-24 AUTHORIZES USE OF CHAUTAUQUA COUNTY AMERICAN RESCUE PLAN ACT (ARPA) TO FUND THE EAST CHAUTAUQUA LAKE SEWER STUDY
- 210-24 AMEND 2024 BUDGET TO PROVIDE THE FEDERAL COST-SHARE FOR THE AQUATIC ECOSYSTEM RESTORATION FEASIBILITY STUDY FOR CHAUTAUQUA LAKE
- 211-24 AMEND 2024 BUDGET FOR VARIOUS DEPARTMENTS
- 212-24 SETTING SALARY FOR EMS EDUCATION COORDINATOR
- 213-24 REQUESTING FINANCIAL AUDIT OF THE CITY OF DUNKIRK BY NEW YORK STATE ATTORNEY GENERAL’S OFFICE
- 214-24 CONFIRMING THE FORMATION OF A SPECIAL COMMITTEE TO REVIEW THE CHAUTAUQUA COUNTY CHILD PROTECTIVE SERVICES PROGRAM

ANNOUNCEMENTS

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PRIVILEGE OF THE FLOOR

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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.

RENEW AND AMEND

**CHAUTAUQUA COUNTY
RESOLUTION NO. 181-24**

TITLE: To Accept New York State Department of Health Lead Rental Registry Program

BY: FOR LEGISLATIVE USE ONLY

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.

WHEREAS, Chautauqua County has been awarded a New York State Department of Health (NYSDOH) Lead Rental Registry Program Award totaling \$3,006,500 (\$601,300 per year) for the five-year contract period 04/01/24 – 03/30/29; and

WHEREAS, the purpose of this grant funding is in response to New York State legislature amending the NYS Public Health Law to include a requirement for property owners of dwellings with two or more units, built prior to 1980, to register their rental units and certify units to be safe of lead hazards every three (3) years. Communities of Concern is defined as an area of high risk which the New York State Department of Health has designated as having a higher-than-average prevalence of children with elevated blood lead levels and a significant number of multi-family rental units constructed prior to 1980, as per the NYS Public Health Law. Chautauqua County's identified zip code is 14701; and

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

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

INCREASE APPROPRIATION ACCOUNTS:

<i>A.4090.----.1 Personal Services – Environmental Health</i>	<i>\$195,397</i>
<i>A.4090.----.2 Equipment – Environmental Health</i>	<i>\$121,900</i>
<i>A.4090.----.4 Contractual—Chautauqua County Health Department</i>	<i>\$601,300</i>
<i>- Environmental Health</i>	<i>\$177,742</i>
<i>A.4090.----.8 Employee Benefits – Environmental Health</i>	<i>\$106,271</i>
<i>Total:</i>	<i>\$601,300</i>

INCREASE REVENUE ACCOUNT:

A.4090.----.R348.9000	NYS Aid—Other Health	\$601,300
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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RES. NO. 192-24
Confirm Appointments of Acting County Executive

By Administrative Services Committee:

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

WHEREAS, pursuant to Section 3.04 of the Chautauqua County Charter, County Executive Paul M. Wendel, Jr. has submitted the appointment of County Attorney Ana M. Morgan to the position of Acting County Executive effective July 24, 2024; and

WHEREAS, the County Executive has further appointed Chief Information Officer Jonathan DeAngelo to be Acting County Executive during the absence or inability of the County Executive or the incumbent Acting County Executive to act, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the position of Acting County Executive as follows:

Effective July 24, 2024
Ana M. Morgan
143 S Erie St
Mayville, New York 14757

Effective July 24, 2024
Jonathan DeAngelo
214 Beechview Ave.
Jamestown, NY 14701

Signed: Scudder, Anthony, Heiser, Parker, Vanstrom

RES. NO. 193-24
Confirm Appointment – Chautauqua County Fire Advisory Board

By Public Safety Committee:

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

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

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

3rd Battalion

Matthew Stafford
3181 Burton Rd.
Jamestown, N.Y. 14701
Term Expires: 1/31/2025
Appointment
(Replacing Mike Gleason)
Signed: Niebel, Proctor, Nelson, Landy, Bankoski

RES. NO. 194-24
Chautauqua County Food Policy Council Dormancy

By Planning and Economic Development Committee:

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

WHEREAS, the Growing Foods Connections Partnership (“Partnership”) identified Chautauqua County as a Community of Opportunity, and formed the Growing Foods Connections (“GFC”) Committee in 2015; and

WHEREAS, based on recommendations made by the American Farmland Trust and the U. S. Department of Agriculture it was determined the formation of a food policy council to be a top priority for the County’s local food systems; and

WHEREAS, Chautauqua County Health Network, which had received funding to implement programming, and Chautauqua County, through the Division of Planning and Development (CCDPD) entered into an agreement to form a County Food Policy Council to strengthen and sustain the local food system; and

WHEREAS, established by Resolution 119-19, the Council has been active in assessing food policy issues in Chautauqua County, including during the recent pandemic; and

WHEREAS, the appointed members of the council have determined the current needs to aid the local food system are outreach, education, and direct action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby declares dormant the Chautauqua County Food Policy Council, hereinafter referred to as the FPC; and be it further

RESOLVED, That terms of office of the members of the FPC are hereby terminated and the members are released from any further duty or obligation related to the office; and be it further

RESOLVED, That the County Legislature may by resolution reactivate the Council and appoint such members by the procedure of the authorizing resolution at any such time the body should elect.

Signed: Harmon, Penhollow, Larson, Gustafson, Johnson

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RES. NO. 195-24

Acceptance of CARTS 5311 2022 Operating Assistance and 2022 CRRSAA Funding

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation, pursuant to Title 49 Section 5311 of the United States Code; and

WHEREAS, the County of Chautauqua has also been awarded funds under the Coronavirus Response Act Relief Supplemental Appropriation Act (CRRSAA):

2022 Operating Assistance	\$389,500.00
2022 Operating Assistance ADTAP	\$52,395.00
2022 Operating Assistance CRRSAA	\$885,093.00

; and

WHEREAS, supplemental CRRSAA funding may be used up at a federal share of 100% and may be used for any eligible activity authorized under the Formula Rural Area Program; and

WHEREAS, funding for Operating Assistance is shared at a rate of 50% federal and 50% local; and

WHEREAS, this funding was included in the 2022 Budget and has been accrued therefore an amendment to the budget is not needed; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents with the State of New York and other such documents for acceptance of the funds specified above.

Signed: Heiser, Niebel, Pavlock, Anthony, Buchanan, Nelson, Scudder, Johnson

RES. NO. 196-24

Acceptance of CARTS 5311 2023 & 2024 Operating Assistance and 2023 CRRSAA and ARPA Funding

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation, pursuant to Title 49 Section 5311 of the United States Code; and

WHEREAS, the County of Chautauqua has also been awarded funds under the Coronavirus Response Act Relief Supplemental Appropriation Act (CRRSAA); and

WHEREAS, the County of Chautauqua has also been awarded funds under the American Rescue Plan Act (ARPA):

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2023 ADTAP Operating Assistance	\$45,775.00
2023 Operating Assistance – CRSSA	\$84,907.00
2023 Operating Assistance Partial Core	\$16,000.00
2023 Operating Assistance ARPA	\$875,812.00
2024 Operating Assistance	\$381,500.00
2024 ADTAP Operating Assistance	\$46,807.00

; and

WHEREAS, supplemental CRRSAA funding may be used up at a federal share of 100% and may be used for any eligible activity authorized under the Formula Rural Area Program; and

WHEREAS, supplemental ARPA funding may be used up at a federal share of 100% and may be used for any eligible activity authorized under the Formula Rural Area Program; and

WHEREAS, funding for Operating Assistance is shared at a rate of 50% federal and 50% local; and

WHEREAS, this funding has already been included in the 2024 Adopted Budget and no amendment is needed; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents with the State of New York and other such documents to accept the grants set out above.

Signed: Heiser, Niebel, Pavlock, Anthony, Buchanan, Nelson, Scudder, Johnson

RES. NO. 197-24

Acceptance of CARTS 5311 2023 Consolidated Grant

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation, pursuant to Title 49 Section 5311 of the United States Code for the following projects:

1. Purchase of Computer Equipment	\$2,000.00
2. Purchase Replacement Tablets	\$19,803.00
3. Purchase 13 Replacement Lot G Buses	\$2,158,882.00
4. New Radios/Comm	\$9,153.00
5. 2023 Mobility Management	\$119,583.00
6. Purchase Support Vehicle	\$37,000.00
7. New Other Equipment (Cameras for the buses)	\$200,000.00

; and

WHEREAS, funding for purchase of computer equipment is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

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WHEREAS, funding for the purchase replacement tablets is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, funding for purchase 13 replacement lot G buses is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, funding for purchase new radios/comm is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, funding for Mobility Management is shared at the rate of 80% Federal, 10% State, and 10% local dollars and revenues and expenditures for this program were included in the current budget and will be included in all future budgets; and

WHEREAS, funding for purchase support vehicle is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, funding for New Other Equipment (cameras for the buses) is shared at the rate of 80% Federal, 10% State, and 10% local dollars; and

WHEREAS, the appropriate funding has been included in the 2024 Adopted Budget so no budget amendment is needed; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for all projects.

Signed: Heiser, Niebel, Pavlock, Anthony, Buchanan, Scudder, Nelson, Johnson

RES. NO. 198-24

Authorize Standardization of SCBA Compressor
for Office of Emergency Services

By Public Safety Committee:

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

WHEREAS, the Office of Emergency Services currently has two (2) Bauer Self Contained Breathing Apparatus (SCBA) compressors; and

WHEREAS, the current Bauer compressors are used to fill SCBA air bottles for firefighting as well as Self Contained Underwater Breathing Apparatus (SCUBA) air bottles for the dive team; and

WHEREAS, in order to keep conformity of training, use of units, and contracts for service and preventative maintenance of units, it is determined that Bauer brand SCBA compressor be set as the sole SCBA compressor for the Office of Emergency Services; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua finds that standardization of Bauer SCBA Compressors for the Office of Emergency Services is in the best interest of the Agency and the County of Chautauqua.

Signed: Niebel, Proctor, Nelson, Landy, Bankoski

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RES. NO. 199-24

Authorize Acceptance of the Gun Involved Violence
Elimination (“GIVE”) Grant funds for 2024-2025

By Public Safety and Audit & Control Committees:

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

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$682,014 to Chautauqua County through multiple agencies for the Gun Involved Violence Elimination (“GIVE”) initiative. The agencies involved form the GIVE Task Force to reduce gun violence, drug offenses, and other violent crimes in the primary jurisdiction of the City of Jamestown and throughout Chautauqua County; and

WHEREAS, the funded GIVE partnership consists of the City of Jamestown Police Department, and the Chautauqua County agencies of the District Attorney, Office of the Sheriff and the Probation Department; and

WHEREAS, the City of Jamestown Police Department has been awarded \$261,315 of the total GIVE funding and will sign and administer a separate contract with New York State DCJS for its portion of said funding; and

WHEREAS, Chautauqua County’s portion of the funds is \$420,699, the agencies will share the remaining funds as follows: \$298,584 to the District Attorney’s office; \$95,815 to the Chautauqua County Office of the Sheriff; and \$26,300 to the Probation Department; and

WHEREAS, the amounts received in this term of the grant exceeded the amounts budgeted by offices of the District Attorney and the Sheriff in the 2024 Adopted Budget for each department; and

WHEREAS, the office of the District Attorney, Sheriff and Probation will include the balance to be spent in 2025 in their proposed 2025 budgets; and

WHEREAS, this program will run from July 1, 2024 through June 30, 2025; now therefore be it

RESOLVED, That the County of Chautauqua accepts the grant funds and authorizes the County Executive to execute the GIVE Grant contracts with the New York State DCJS in the total amount of \$420,699 for the term of July 1, 2024 to June 30, 2025; and be it further

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

District Attorney:

INCREASE APPROPRIATION ACCOUNT:

A.1165.----.1	Personal Services - District Attorney	\$37,427
A.1165.----.4	Contractual - District Attorney	\$19,600
A.1165.----.8	Employee Benefits - District Attorney	<u>\$31,492</u>
	Total	\$88,339

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INCREASE REVENUE ACCOUNT:

A.1165.----.R308.9006 New York State Aid-OTH ST AID: GIVE \$88,339

Sheriff:

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.1	Personal Services - Sheriff--Grants	\$23,990
A.3110.GRNT.4	Employee Benefits - Sheriff--Grants	\$9,069
A.3110.GRNT.8	Contractual - Sheriff--Grants	<u>\$35,320</u>
	Total	\$68,379

INCREASE REVENUE ACCOUNT:

New York State Aid-OTH PUBL SAFTY:
A.31110.GRNT.R338.09GIV GIVE GRANT \$68,379
Signed: Niebel, Proctor, Nelson, Landy, Bankoski, Scudder, Johnson, Pavlock

RES. NO. 200-24
Authorize Acceptance of New York State Reimbursement
for the Raise the Age Initiative

By Public Safety and Audit & Control Committees:

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

WHEREAS, the State of New York implemented Raise the Age Legislation and provides ongoing reimbursement funding to counties for costs related to implementation; and

WHEREAS, costs covered with no local share include additional probation staffing and community services required by probation departments to effectively meet the goals of the Raise the Age legislation; and

WHEREAS, these funds are included in the 2024 budget; now therefore be it

RESOLVED, That the County of Chautauqua accepts this funding and authorizes the County Executive to execute the Raise the Age grant contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$365,084 for the term of April 1, 2023 to March 31, 2024.

Signed: Niebel, Proctor, Nelson, Landy, Bankoski, Scudder, Johnson, Pavlock

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RES. NO. 201-24

Amend 2024 Budget to Implement the Coroner Vehicle Project,
Using Funding from the American Rescue Plan Act (ARPA)

By Human Services 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 Coroner Vehicle project fits within the guidelines for ARPA spending, is needed to support coroner responses to death investigations, house necessary equipment, transport decedents to the morgue and/or Erie County Medical Examiner's Office, 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 2024 Adopted Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.1185.----.4 Contractual—Med Examiners & Coroners \$75,000

INCREASE REVENUE ACCOUNT:

A.1185.----.R408.9ARP Federal Aid—Oth Fed Aid ARPA Funds \$75,000

Signed: Proctor, Gustafson, Pavlock, Parker, Landy, Scudder, Johnson, Niebel

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RES. NO. 202-24

Amend Chautauqua County Department of Public Health 2024 Budget to Include
NYSDOH Public Health Corps Fellowship Program Funding

By Human Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 98-22, the Chautauqua County Department of Public Health was awarded funding in the amount of \$2,019,068 for the period of September 1, 2021 to July 31, 2023 for the Public Health Fellowship Program; and

WHEREAS, NYSDOH has granted an extension through June 30, 2024, for use of unused funding from the Public Health Fellowship Program Funding; and

WHEREAS, this grant was not included in the 2024 budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.4010. ----.4	Contractual-Public Health Admin	\$715,775
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INCREASE REVENUE ACCOUNTS:

A.4010. R440.1002	Federal Aid-Public Health Grant	\$715,775
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Signed: Proctor, Gustafson, Pavlock, Parker, Landy, Scudder, Johnson, Niebel

RES. NO. 203-24

New York State Department of Health Nurse Family Partnership Grant

By Human Services and Audit & Control Committees:

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

WHEREAS, the New York State Department of Health has awarded a legislative grant to the Chautauqua County Health Department to support Nurse Family Partnership activities for the period 4/1/23- 3/31/24 in the amount of \$13,064; and

WHEREAS, the Nurse Family Partnership program is a voluntary, cost effective, and evidence-based nurse home visitation program designed to improve pregnancy outcomes, child health and development, and self-sufficiency for eligible first time parents, and

WHEREAS, the 2024 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; now therefore be it

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

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INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.4	Contractual - Public Health Admin	\$11,130
A.4010.----.4	Contractual - Public Health Admin	<u>\$ 1,934</u>
	Total:	\$13,064

INCREASE REVENUE ACCOUNTS:

A.4010.----.R340.1FOU	New York State Aid-Publ Hlth: Nurse Family Partnership	\$13,064
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Signed: Proctor, Gustafson, Pavlock, Parker, Landy, Scudder, Johnson, Niebel

RES. NO. 204-24

Authorize Grant Application for 2024 Community Development
Block Grant Funding through the New York State Office of
Community Renewal – Septic and Wells Program

By Human Services Committee and Audit & Control Committees:

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

WHEREAS, the County desires to submit a 2024 Community Development Block Grant (CDBG) application to the New York State Office of Community Renewal seeking \$275,000.00 for a private water and wastewater assistance project (the Project), designed to assist low and moderate income persons with repair and replacement of their water and wastewater systems; and

WHEREAS, pursuant to Resolution 190-24 the Chautauqua County Legislature will hold a public hearing on July 24, 2024, to obtain public input relevant to the proposed Project; and

WHEREAS, the Project grant application requires the applicant to certify that the governing body has authorized and directed certain actions by a designated representative of the County; therefore be it

RESOLVED, The Public Health Director, Lacey Wilson, is hereby designated as the official representative of the County to act in connection with the submission of this CDBG Project application; and be it further

RESOLVED, The Public Health Director is authorized and directed to submit a Project application for CDBG funding and all understandings and assurances contained therein, and to provide such additional information as may be required; and be it further

RESOLVED, The County Executive is authorized to execute any agreements and associated documents necessary to receive such funding.

Signed: Proctor, Gustafson, Pavlock, Parker, Landy, Scudder, Johnson, Niebel

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RES. NO. 205-24

Requesting AFPB to Remove Parcels from Agricultural District 8

By Planning and Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislative is responsible for Chautauqua County Agricultural District 8 encompassing the Towns of Busti, Carroll, Chautauqua, Ellery, Ellicott, Kiantone, Poland, and Stockton and the City of Jamestown; and

WHEREAS, Article 25AA section 303-a of the New York State Agriculture and Markets Law authorizes the continuance and modifications of agricultural districts within the County of Chautauqua, in accordance with the procedures set forth therein; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, municipalities and land owners within the district may propose a modification of the district;

WHEREAS, S/B/L 198.00-1-36 is an one acre parcel in the Town of Stockton owned by the County of Chautauqua, currently utilized as the site of a radio tower managed by the Sheriff's Office – Technical Services and is no longer being utilized for agricultural production and should be removed from Agricultural District #8; and

WHEREAS, S/B/L 312.00-1-5 is an one acre parcel in the Town of Chautauqua owned by the County of Chautauqua, currently utilized as the site of two lean-to camping structures known as the Westside Camping Site on the Fred J. Cusimano Westside Overland Trail managed by the Department of Public Facilities - Parks and is no longer being utilized for agricultural production and should be removed from Agricultural District #8; now therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Chautauqua County Agricultural and Farmland Protection Board (AFPB) to remove parcels 198.00-1-36 and 312.00-1-5 from Chautauqua County Agricultural District #8 as part of the eight-year review of the District.

Signed: Harmon, Penhollow, Larson, Gustafson, Johnson

RES. NO. 206-24

Authorizing Public Hearing Regarding the Potential Application for
2024 Community Development Block Grant Funding through the New York
State Office of Community Renewal and the Uses of Such 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 furnishings, fixtures, equipment and

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working capital expenses in connection with an expansion by Busti Tap House, LLC at 792 Busti Sugar Grove Road, Busti, 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; now therefore be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on August 28, 2024, 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, Penhollow, Larson, Gustafson, Johnson

RES. NO. 207-24

Authorize Public Hearing to Enter into Solar Lease Agreement
at the Chautauqua Dunkirk Airport (DKK) with New York State
Energy Research and Development Authority (NYSERDA)

By Public Facilities Committee:

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

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport 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, NYSERDA, for the sole purpose of developing the Premises for the construction, installation, use, maintenance and operation of solar generating equipment and related appurtenances, improvements, facilities and equipment (collectively, the "Facilities") by the winner of a competitive bid process to be implemented pursuant to New York State Energy Research and Development Authority's ("NYSERDA") Build Ready Program (Title 9-B of Article 8 of the NYS Public Authorities Law); and

WHEREAS, the Airport Commission has considered and recommends leasing property to NYSERDA for the solar purpose of revenue generation and solar development; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; now therefore be it

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RESOLVED, That, pursuant to General Municipal Law, a public hearing on the proposed lease agreement of the Chautauqua County Dunkirk Airport with NYSERDA to include substantially the following terms and conditions, shall be held at 6:35 p.m. during the meeting of the Chautauqua County Legislature to occur on August 28, 2024, in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757:

1. Term. Ten year period with option
2. Premises. 71+/- acres of property at the Chautauqua County Dunkirk Airport (DKK)
3. Payment. Mutually-agreed rate equivalent to Full Market Value
4. Other. As negotiated by the County Executive.

; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

(7/15/24 P.F. - Carried with Legislator Scudder Voting "No")

Signed: Heiser, Anthony, Buchanan, Nelson

RES. NO. 208-24

Authorize Inter-Municipal Agreement with City of Dunkirk

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Dunkirk Harbor on City of Dunkirk waterfront is an invaluable resource to Chautauqua County and New York State; and

WHEREAS, the Marina in Dunkirk Harbor requires periodic maintenance dredging to maintain functionality; and

WHEREAS, the City of Dunkirk was awarded \$30,000 from the 2024 Round of the 2% Occupancy Tax to undertake engineering design and environmental studies to obtain the required New York State Department of Environmental Conservation and United States Army Corps of Engineers permit for maintenance dredging; and

WHEREAS, the 2024 Budget includes \$243,467 for the implementation of the 2024 Round of the 2% Occupancy Tax to improve the attractiveness and usability of the County's lakes so a budget amendment is not needed; and

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WHEREAS, Chautauqua County wishes to enter into an inter-municipal agreement with the City of Dunkirk to obtain the required permit for maintenance dredging of the marina at a cost not to exceed \$30,000; therefore be it

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

Signed: Harmon, Penhollow, Larson, Gustafson, Johnson, Scudder, Niebel, Pavlock

RES. NO. 209-24

Authorizes use of Chautauqua County American Rescue Plan Act (ARPA) to Fund the East Chautauqua Lake Sewer Study

By Planning and Economic Development 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 \$24,600,000 in ARPA funding, of which \$18,219,169 is available for general county spending based on the Treasury Department's revenue loss formula and other guidance, and the remaining \$6,380,831 in funding can only be spent on designated ARPA categories including premium pay; water, sewer, and broadband projects; and responding to the COVID-19 pandemic and its associated economic impacts; 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, 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 East Chautauqua Lake Sewer Study project fits within the guidelines for ARPA spending, is needed because the completion of a municipal wastewater collection system around Chautauqua Lake is consistent with the recommendations of the USEPA and NYSDEC's Total Maximum Daily Load for Phosphorous (TMDL) for Chautauqua Lake, and will have a

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positive impact on public health and the environmental health of Chautauqua Lake; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the use of \$40,000 from ARPA Spending Plan for the East Chautauqua Lake Sewer Study; 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 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 \$40,000

INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R408.9ARP Federal Aid—Oth Fed Aid ARPA Funds \$40,000
Signed: Harmon, Penhollow, Larson, Niebel, Pavlock, Gustafson, Johnson, Scudder

RES. NO. 210-24

Amend 2024 Budget to Provide the Federal Cost-Share for the Aquatic Ecosystem Restoration Feasibility Study for Chautauqua Lake

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened excessive weed growth and Harmful Algal Blooms (HABs); and

WHEREAS, excessive weed growth and HABs are caused by external nutrient loading from the watershed and internal nutrient loading from legacy sediment accumulations within the lake; and

WHEREAS, Chautauqua County successfully advocated to our Congressional Representatives for a Federal Authorization in America's Water Infrastructure Act of 2018 for the United States Army Corps of Engineers (USACE) to undertake the cooperative Aquatic Ecosystem Restoration (AER) Feasibility Study for Chautauqua Lake; and

WHEREAS, Chautauqua County successfully advocated to our Congressional Representatives to include federal funding for the AER Feasibility Study for Chautauqua Lake in the Federal Fiscal Year 24-25 Energy and Water Appropriations Bill, which was signed into law by President Biden in 2024; and

WHEREAS, Chautauqua County desires to partner with USACE and is willing and able to participate as the Non-Federal Sponsor of the proposed AER Feasibility Study for Chautauqua Lake, which has a total cost not to exceed \$3 million dollars; and

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WHEREAS, Chautauqua County desires to enter into a Federal Cost Share Agreement (FCSA) with USACE to advance the AER Feasibility Study for Chautauqua Lake, which establishes Chautauqua County's cost-share commitment at a cost not to exceed \$1.5 million dollars over the three year term of the FCSA; and

WHEREAS, to initiate the AER Feasibility for Chautauqua Lake, Chautauqua County will commit \$600,000 from the 2024 County Budget to fulfill its cost share for Federal Fiscal Year 24-25 and execute the FCSA before September 30, 2024; now therefore be it

RESOLVED, That Chautauqua County will amend the 2024 Budget to obligate \$600,000 from the Fund Balance to satisfy its federal cost-share for Federal Fiscal Year 24-25; 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 Director of Finance is authorized and directed to make the following amendments to the 2024 Adopted Budget:

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$600,000

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$600,000
(7/17/24 PED – Amended by Substitution)

Signed: Harmon, Pavlock, Niebel, Scudder, Penhollow, Larson, Gustafson, Johnson

RES. NO. 211-24
Amend 2024 Budget for Various Departments

By Administrative Services and Audit & Control Committees:

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

WHEREAS, some departmental expenditures have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, various departments have received revenues in excess of budget; now therefore be it

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

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INCREASE APPROPRIATION ACCOUNTS:

ESN.9740.----.7	Interest – Debt Service/Capital Notes	\$ 12,730
ESS.9710.----.7	Interest – Debt Service/Serial Bonds	32,095
EWN.9740.----.7	Interest – Debt Service/Capital Notes	42,710
A.9950.----.9	Interfund Transfers – Transfer to Capital	3,253,748
	Total	\$3,341,283

DECREASE APPROPRIATION ACCOUNTS:

ESN.9730.9732.7	Interest – NCLSD Debt Service	\$ 12,730
ESS.9730.----.7	Interest – Debt Service/BANS	32,095
EWN.9730.----.7	Interest – Debt Service/BANS	42,710
	Total	\$ 87,535

INCREASE REVENUE ACCOUNTS:

A.9950.----.R408.9ARP	Federal Aid- Oth Fed Aid ARPA Fund	\$3,253,748
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Signed: Scudder, Niebel, Pavlock, Anthony, Heiser, Parker, Vanstrom, Johnson

RES. NO. 212-24

Setting Salary for EMS Education Coordinator

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

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

WHEREAS, the Director of Emergency Services and Workplace Safety has requested that salary be set for a new position involving responsibility for ensuring and maintaining the education standards in the Chautauqua County Department of Emergency Services,

WHEREAS, an incumbent in this class will be responsible for the oversight of the Continuing Medical Education (CME) program and assisting employees with maintaining all their required ancillary courses that are necessary in conjunction with their current Emergency Medical Technician level,

WHEREAS, the Human Resources Department has classified the position as EMS Education Coordinator and supports the request that the salary be set at Grade 15; therefore, be it

RESOLVED, That the title of EMS Education Coordinator be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 15.

Grade 15 2024: (\$25.18 - \$32.77) per hour

Signed: Scudder, Proctor, Niebel, Johnson, Pavlock, Anthony, Heiser, Vanstrom, Parker, Nelson, Landy, Bankoski

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~~EMERGENCY~~ RES. NO. 213-24

Requesting Financial Audit of the City of Dunkirk by
New York State Attorney General's Office

By Audit and Control Committee:

At the Request of County Executive Paul M. Wendel, Jr. and Legislator Daniel W. Pavlock:

WHEREAS, the City of Dunkirk is in financial crisis with an estimated deficit of \$16 million dollars; and

WHEREAS, the County of Chautauqua has been asked on multiple occasion to assist the City of Dunkirk in this financial crisis; and

WHEREAS, the City of Dunkirk Fiscal Recovery Act, Assembly Bill A9589, is in Assembly Committee, and no New York State Comptroller direct financial oversight has yet been authorized by law; now therefore be it

RESOLVED, County of Chautauqua calls on the New York State Attorney General's Office to investigate the budget process and audit the applicable financial documents for the City of Dunkirk for the years of 2014 through 2024.

(7/18/24 A.C. – Amended by strikethrough)

Signed: Chagnon

RES. NO. 214-24

Confirming the Formation of a Special Committee to Review the
Chautauqua County Child Protective Services Program

At the Request of Legislator Susan Parker:

WHEREAS, the Chautauqua County Legislature provides funding for the Department of Social Services, including the Department's Child Protection Services; and

WHEREAS, the County's Child Protective Services investigates reports of child abuse or maltreatment to protect children from harm and provides rehabilitative services to children, parents, and other family members involved; and

WHEREAS, the Chautauqua County Legislature and Human Services Committee has been informed of ongoing operational and programmatic concerns impacting the County's Child Protective Services program; and

WHEREAS, the Legislature wishes to ensure that the County's Child Protective Services are functioning as intended by the Legislature; and

WHEREAS, the Legislature may create a special committee of the Human Services Committee consisting of 3 Legislators from the Human Services Committee to review County programs and make policy and funding recommendations to the Legislature: now, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby creates a time-limited Human Services Special Committee to review the County's Child Protective Services program in cooperation with the County Executive and the Director of Social Services and make policy and

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funding recommendations, if any, to the Human Services Committee and Legislature, and is to conclude its review and recommendations by December 31, 2024.

Signed: Parker