

Agenda

Public Facilities Committee

August 17, 2026, 4:00 p.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (07/13/26)
- C. Privilege of the Floor
- 1. Local Law Intro. 12-26 — A Local Law Requiring Operators of Motor Vehicles to Maintain a Safe Distance of Three Feet When Overtaking Non-Motorists
- 2. Proposed Resolution — Authorizing New York State Department of Transportation Undertakings
- 3. Proposed Resolution — Authorize Execution of Lease Agreement with the Town of Chautauqua for Office Space for the Chautauqua County Public Defender Family Court Division
- 4. Other —

LOCAL LAW
INTRODUCTORY NO. 12-26
CHAUTAUQUA COUNTY

A LOCAL LAW REQUIRING OPERATORS OF MOTOR VEHICLES TO MAINTAIN A
SAFE DISTANCE OF THREE FEET WHEN OVERTAKING NON-MOTORISTS

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

1. Title. This Local Law shall be known and referred to as the “Chautauqua County Safe Passing Law.”

2. Purpose and Intent. The purpose of this Local Law is to require motor vehicle operators to maintain a safe distance of at least three feet when overtaking non-motorists on the side of the road. The Chautauqua County Legislature finds that it has a duty to protect the health, safety, and welfare of its residents. Many Chautauqua County residents ride bicycles for exercise, recreation, and as a primary mode of transportation. New York Vehicle and Traffic Law Section 1122-a requires motorists to pass bicyclists at a “safe distance,” but does not mandate a specific three-foot minimum. Many safety advocates and organizations like the New York Bicycling Coalition recommend a three-foot defined safe passing law.

Additionally, many other non-motorists utilize Chautauqua County roads or may be present on the side of the road, including but not limited to pedestrians, persons riding mounted animals, persons operating horse-drawn carriages or “horse and buggies,” emergency services personnel including firefighters, EMTs, and police, construction workers, and operators of tractors or other farm equipment. This Legislature finds that all such non-motorists are vulnerable to the actions of motor vehicle operators, and determines that motor vehicles passing such non-motorists from behind can pose a threat to the health and safety of such non-motorists if passing too closely. Therefore, this Legislature finds that a minimum passing distance should be established to protect all such non-motorists in Chautauqua County.

3. Definitions. “Non-Motorist” means any person traveling or present on the side of road who is not actively operating a motor vehicle, including but not limited to bicyclists, pedestrians, persons riding mounted animals, persons operating horse-drawn carriages or “horse and buggies,” first responders and emergency services personnel including firefighters, EMTs, and police, construction workers, and operators of tractors or other farm equipment.

4. Minimum Distance Requirements For Motor Vehicles Passing Non-Motorists. The operator of a motor vehicle that is approaching or overtaking from behind a non-motorist on the same side of the road as such motor vehicle shall pass to the left of the non-motorist at a distance of at least three (3) feet until safely clear thereof. The three-foot distance requirement shall not apply to the overtaking of bicyclists on roads with clearly marked bicycle lanes as defined by New York Vehicle and Traffic Law Section 102-a. If an operator of a motor vehicle does not have sufficient space to approach or pass a non-motorist at a distance of at least three feet, the operator must slow down and overtake the motorist in a safe manner.

5. Compliance With New York Vehicle and Traffic Laws. Nothing in this Local Law shall be deemed to authorize conduct in violation of any provision of the New York Vehicle and Traffic Law.

6. Penalties.

a. Any person failing to comply with this Local Law shall be guilty of a violation and subject to a fine not to exceed \$225 for a first offense, \$325 for a second offense, and \$425 for a third or any subsequent offense(s).

b. This section does not preclude a person from being charged with, convicted of, or punished for any other violation of law.

7. Applicability. This law shall apply to all actions occurring on or after the effective date.

8. Severability. If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

9. Effective Date. This local law shall take effect upon filing with the Secretary of State.

Sponsor: Legislator Nelson

**CHAUTAUQUA COUNTY
RESOLUTION NO.**

TITLE: Authorizing New York State Department of Transportation Undertakings

BY: Public Facilities Committee:

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

WHEREAS, the Chautauqua County Department of Public Facilities from time to time conducts activities and operations upon highways and/or within highway rights-of-way controlled by the State of New York for such purposes as obstruction removal, installation, construction, maintenance, and/or operation of infrastructure; and

WHEREAS, such activities require entry into undertaking agreements with the New York State Department of Transportation; and

WHEREAS, there is no monetary exchange associated with pending agreements, so an amendment to the budget is not needed; now, therefore, be it

RESOLVED, that the County Executive be and hereby is authorized within budget appropriations to execute agreements with the New York Department of Transportation, and to execute related documents, for the removal of obstructions and for the installation, construction, maintenance, relocation, removal and operation of County infrastructure.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Execution of Lease Agreement with the Town of Chautauqua for Office Space for the Chautauqua County Public Defender Family Court Division

BY: Public Facilities, Public Safety, and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua desires to lease approximately 2484 square feet of office space in the “C” Wing of the Chautauqua Municipal Building, located at 2 Academy Street, Mayville, New York (“Premises”) for use by the Chautauqua County Public Defender Family Court Division; and

WHEREAS, negotiations have been undertaken mutually beneficial to the County of Chautauqua and the Town of Chautauqua to execute a ten (10) year lease agreement for 2484 square feet, more or less, of office space in the “C” Wing of the Chautauqua County Municipal Building; and

WHEREAS, as part of the negotiations the County of Chautauqua agreed to pay \$600,000 towards the expense of the leasehold improvements incurred by the Town of Chautauqua to bring the Premises into compliance with code and to customize the leased Premises to the needs of the County; and

WHEREAS, the 2026 Adopted Budget does include appropriations for rent and other occupancy costs associated with the Premises, as well as a revenue budget for reimbursement of those costs from the New York State Office of Indigent Legal Services; and

WHEREAS, the 2026 Adopted Budget does not include appropriations for the Chautauqua County Public Defender’s pro-rata share of the leasehold improvements, based upon square footage, chargeable to the Chautauqua County Public Defender’s budget, in the amount of \$324,420, as well as a revenue budget for reimbursement of those costs from the New York State Division of Criminal Justice Services and New York State Office of Indigent Legal Services; now therefore, be it

RESOLVED, that the Director of Finance is hereby authorized and directed to make the following changes to the 2026 Budget:

<u>INCREASE APPROPRIATION ACCOUNT:</u>			
A.1170.1176.4	Contractual - Public Defender		\$324,420
<u>INCREASE REVENUE ACCOUNT:</u>			
A.1170.1176.R302.5000	New York State Aid-Indigent Legal Srvs Fund		\$258,498
A.1170.1176.R308.9000	New York State Aid-Other State Aid		<u>\$65,922</u>
	Total		\$324,420

; and be it further

RESOLVED, that the County Executive is hereby authorized and empowered to execute a lease agreement with the Town of Chautauqua upon the following terms and conditions:

1. Premises: Approximately 2484 square feet of office space in the “C” Wing of the Chautauqua Municipal Building, 2 Academy Street, Mayville, New York.

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VETOES (VETO MESSAGE ATTACHED)

2. Term: The term of the lease shall commence on or about September 1, 2026 and run from the effective date for ten (10) years through August 31, 2036.
3. Rent: The rent shall be as follows:
\$24,840 per annum payable at \$2,070 per month commencing on the effective date of the lease through August 31, 2036.
4. Leasehold Improvements: County shall disburse grant funds payable by the County of Chautauqua to the Town of Chautauqua upon receipt of satisfactory substantiation for the leasehold improvements to the Premises from the Town of Chautauqua in the amount of \$324,420.
5. Utilities: Landlord shall be responsible for all utilities, including heat, electric, and cleaning services. County shall be responsible for the cost of phones and internet service.
6. Other: As negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date