

CHAUTAUQUA COUNTY LEGISLATURE

4/27/2022

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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 GOULD

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 3/23/2022

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 3/23/2022**

COMMUNICATIONS:

1. Letter – NYS Department of State – Acknowledgement of Local Law 2-22
2. Letter – NYS Department of State – Acknowledgement of Local Law 3-22
3. Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: 2022 CDBG – CV Funding (Observer and Post Journal)
4. Report – Finance Director Crow, Re: January 2022 Investment Report
5. Letter – Assemblyman Andy Goodell – Ack. Receipt of Motion No. 2-22 (Opposing Senate Bill S.7855 as it Relates to the Membership of the Board of Directors Of the Western Regional Off-Track Betting Corporation)
6. Reports – Quarterly reports – Small Business Development Center
7. Reports – Quarterly reports – Business Permit Center
8. Minutes – Conewango Watershed Commission – April 6th, 2022 Meeting

6:35 P.M.

PUBLIC HEARINGS

REGARDING A POTENTIAL APPLICATION FOR 2022 CDBG-CV FUNDING

RESOLUTIONS:

109-22 Confirm Appointment – Chautauqua County Planning Board

110-22 Standard Workday and Reporting Resolution

111-22 Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) for the Adoption of Chautauqua County Agricultural Development and Enhancement Strategy

CHAUTAUQUA COUNTY LEGISLATURE

4/27/2022

To View the Meeting on-line go to

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- 112-22 Authorizing Public Hearing Regarding Agricultural District State Environmental Quality Review Act (SEQRA) Cooperative Agreement with NYS Department of Agriculture & Markets**
- 113-22 Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Extend North Chautauqua Lake Sewer District Bounds in the Town of Chautauqua to Encompass the Mandolin Ridge Development, a Chautauqua Institution Property, and an Adjacent Property**
- 114-22 Amend 2022 Adopted Budget Due to Modified Grant Budget for Conflict Administration**
- 115-22 Close Additional Capital Projects – 2021 Year End Reconciliation**
- 116-22 Amend 2022 Budget Due to Debt Restructuring**
- 117-22 FEMA Hazard Mitigation Grant Program (HMGP)**
- 118-22 Amend 2022 Budget for Office of the Sheriff**
- 119-22 Authorize Agreement Renewal with Crown Castle International LLC for Lease of Space on Crown Castle’s Tower in the Town of Sherman**
- 120-22 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY22**
- 121-22 To Amend 2022 Budget to Implement the Community Contracts/ PH Emergency Response Planning & Preparation Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**
- 122-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal – Septic and Wells Program**
- 123-22 To Accept New York State Department of Health Childhood Lead Poisoning Prevention Program (CLPPP+) Grant and to Amend Chautauqua County Health & Human Services 2022 Adopted Budget**
- 124-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for National Association of County & City Health Officials (NACCHO) Vaccines Information Equity and Demand Creation (COVID) Project Funding**
- 125-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Increased ELC COVID Grant**
- 126-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for New York State Department of Health ELC Reopening Schools Award**
- 127-22 Authorizing the Submittal of a New York State CDBG-CV Grant to Establish and/or Fund Business Assistance Program(s)**
- 128-22 Authorizing Public Hearing Regarding a Potential Application for 2022 CDBG-CV Funding – COI Affordable Housing Unit Improvement Project**
- 129-22 Amend 2022 Budget for NYS Housing Trust Fund Corporation Community Development Block Grant Award – Microenterprise Assistance Program**
- 130-22 Canceling Outstanding Tax Balances on Duplicate and Discontinued Special Franchise Assessments**
- 131-22 Quit Claim Deeds**

CHAUTAUQUA COUNTY LEGISLATURE

4/27/2022

To View the Meeting on-line go to

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132-22 Resolution of the County Legislature of the County of Chautauqua electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

Members of the public may comment on any subject.

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.

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 109-22

Confirm Appointment – Chautauqua County Planning Board.

By Planning and Economic Development Committee:

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Planning Board

Mary Ellen Humphrey

4008 Stetson Road

Ripley, NY 14775

Term Expires: 4/27/25

(New Appointment)

Signed: Penhollow, Wilfong, Lawton, Harmon, Muldowney

RES. NO. 110-22

Standard Workday and Reporting Resolution

By Administrative Services Committee:

At the Request of Chairman Pierre Chagnon:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following standard work days for these titles, as set forth in the attached schedule, and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Name	Social Security Number	NYSLRS ID	Title	Current Term Begin & End Dates	Standard Work Day	Record of Activities Result	Not Submitted	Pay Frequency	Tier 1
Elected Officials:									
Appointed Officials:									
Steven Bourgeois			Deputy County Fire Coordinator	6/10/2021-12/31/2025	6	3.28		Quarterly	
Brendan P. Green			Assistant Public Defender	6/2/2021-12/31/2023	7	22.42		Bi-Weekly	
Josh N. Siliano			Assistant Public Defender	6/2/2021 – 12/31/2023	7	25.53		Bi-Weekly	

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

Christoph A. Starostik			Assistant District Attorney	7/14/2021 – 12/31/2024	7	24.78		Bi-Weekly	
Christopher Wichlacz			Deputy County Fire Coordinator	6/1/2021 – 12/31/2025	6	7.81		Quarterly	

Signed: Parker, Davis, Muldowney, Scudder, Vanstrom

RES. NO. 111-22

Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) for the Adoption of Chautauqua County Agricultural Development and Enhancement Strategy

By Planning & Economic Development Committee:

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

WHEREAS, Article 25AA Section 324 of the New York State Agriculture and Markets Law authorizes the County Agricultural and Farmland Protection Board to develop agricultural and farmland protection plans; and

WHEREAS, such plans must be submitted to the County Legislative body for its approval; and

WHEREAS, in accordance with Article 8 of the New York State Environmental Conservation Law the adoption of a municipality’s land use plan or a comprehensive resource management plan is subject to the provisions of the State Environmental Quality Review (SEQR); and

WHEREAS, the proposed action is classified as a Type I Action and shall require a lead agency to conduct an environmental review in accordance with SEQR; and

WHEREAS, the Chautauqua County Legislature is the local agency with the authority to approve and adopt by resolution the Chautauqua County Agricultural and Farmland Protection Plan entitled *Chautauqua County Agricultural Development and Enhancement Strategy*; and

WHEREAS, it is the responsibility of the sole agency which undertakes such an action to be the lead agency in the SEQR process; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for the adoption of *Chautauqua County Agricultural Development and Enhancement Strategy* as the Agricultural and Farmland Protection Plan for Chautauqua County.

Signed: Penhollow, Wilfong, Lawton, Harmon, Muldowney

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 112-22

Authorizing Public Hearing Regarding Agricultural District State
Environmental Quality Review Act (SEQRA) Cooperative Agreement with NYS
Department of Agriculture & Markets

By Planning & Economic Development Committee:

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

WHEREAS, the New York State Department of Agriculture and Markets (hereinafter referred to “AGM”) and Chautauqua County Legislature (hereinafter referred to “County”) are agencies as defined in Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act, hereinafter referred to “SEQRA”) and its implementing regulations (Title 6 of the New York Code of Rules and Regulations, Part 617), and SEQRA requires agencies to review environmental impact in its related planning and decision-making processes; and

WHEREAS, the Agricultural District Law, Article 25AA Agriculture and Markets Law (AML) established a process by which county legislative bodies may create, review, modify consolidate or terminate Agricultural Districts through the State, which the Commissioner of AGM then certifies; and

WHEREAS, the New York State Department of Environmental Conservation (hereinafter referred to “DEC”) has determined that the creation, modification, consolidation termination, and certification of an Agricultural District are all actions subject to review pursuant to SEQRA; and

WHEREAS, AGM and the County wish to cooperate to the fullest extent to reduce duplication of efforts consistent with SEQRA and the Agricultural District Law; and

WHEREAS, the DEC has promulgated regulations pursuant to SEQRA which strongly encourage agencies to enter into cooperative agreements with other agencies regularly involved in carrying out or approving the same actions for the purpose of coordinating their procedure; and

WHEREAS, the DEC requires every agency that adopts or amends SEQRA procedure must hold a public hearing; therefore it be

RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposed during the regular meeting of the Chautauqua County Legislature on May 25, 2022 at 6:35 p.m. in the Legislative Chambers, Gerace Office building, Mayville, New York, where all interested parties shall be heard regarding entering into a cooperative agreement with AGM to utilize the agricultural district short form; and be it further

RESOLVED, That at least eight (8) days’ notice of such hearing shall be given by the Clerk of the Legislature by the due posting thereof in the Gerace Office Building and on the County’s website, and by publishing such notices at in the official newspapers of the County.
Signed: Penhollow, Wilfong, Lawton, Harmon, Muldowney

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 113-22

Calling a Public Hearing Pursuant to County Law §254

Upon a Proposal to Extend North Chautauqua Lake Sewer District Bounds in the Town of Chautauqua to Encompass the Mandolin Ridge Development, a Chautauqua Institution Property, and an Adjacent Property

By Public Facilities and Audit & Control Committees:

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

WHEREAS, property owners in the immediate vicinity of the North Chautauqua Lake Sewer District (NCLSD) have requested an extension of the bounds of the NCLSD to include their properties; and

WHEREAS, it is beneficial for properties in the Chautauqua Lake watershed to be served by public sewers, and increasing the number of NCLSD customers will result in reduced overall per-EDU effort; and

WHEREAS, pursuant to Resolution 280-21 the Chautauqua County Sewer Agency was established pursuant to Article 5-A of New York State County Law to review the proposed NCLSD extension and to make recommendations to the County Legislature concerning the proposed extension; and

WHEREAS, the Sewer Agency transmitted to this Legislature a March 2022 map and plan prepared by Barton and Loguidice, engineers licensed in the State of New York, entitled “North Chautauqua Lake Sewer District Extension No. 1” and a “Report and Resolution in the Matter of the Extension of the North Chautauqua Lake Sewer District (NCLSD),” in furtherance of the Extension of NCLSD bounds (hereinafter collectively referred to as the Map, Plan and Report); and

WHEREAS, County Law §254 requires that this Legislature call a public hearing on the Map, Plan and Report; 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 25, 2022 at 6:35 PM, prevailing time, on the proposed extension of the bounds of the NCLSD as set forth in the Map, Plan and Report; and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the below Notice of Public Hearing to be published once in the official newspapers of the County and to be transmitted by first class mail to each assessed owner of property within the proposed boundary extension area of NCLSD as their names and addresses appear on the current assessment roll not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

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

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

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

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 25, 2022 at 6:35 PM, prevailing time, for the purpose of conducting a public hearing concerning the proposed extension of the North Chautauqua Lake Sewer District (NCLSD) boundary in the Town of Chautauqua to include properties in the Mandolin Ridge Development (Development) and two nearby properties, at the requests of the property owners. This boundary extension will not involve construction of additional NCLSD infrastructure and no debt will be issued to finance the improvements. The extension will enable property owners who have the necessary infrastructure to receive NCLSD services, and will involve NCLSD acceptance, without charge, of ownership of existing Development infrastructure consisting of 25 manholes and approximately 6800 linear feet of eight-inch sewer main. At such public hearing, the Chautauqua County Legislature will hear all persons interested in this matter.

The area to be included within the proposed extension of NCLSD is set forth as follows:

Commencing at a Point of Beginning, said point being the intersection of the Existing North Chautauqua Lake Sewer District boundary and the northern boundary of Parcel 297.01-1-58; thence proceeding southwesterly along the northern boundaries of Parcel 297.01-1-58, 297.01-1-38, 297.01-1-37, 297.01-1-36, 297.01-1-35, 297.01-1-34, 297.01-1-33, 297.01-1-32, 297.01-1-31, 297.01-1-30, 297.01-1-29, 297.01-1-28, 297.01-1-27 to the northwest corner of Parcel 297.01-1-27; thence continuing southerly along the western boundaries of Parcel 297.01-1-26, 297.01-1-25, 297.01-1-24, 297.01-1-23, 297.01-1-22, 297.01-1-21, 297.01-1-20, 297.01-1-19, 297.01-1-18, 297.01-1-17, 297.01-1-16, to the southwest corner of Parcel 297.01-1-16; thence continuing easterly along the southern boundaries of Parcel 297.01-1-16, 297.01-1-15, 297.01-1-14, 297.01-1-13, 297.01-1-12, 297.01-1-11, 297.00-1-48 to its intersection with the eastern boundary of Chautauqua Stedman Road; thence continuing northerly along the eastern boundary of Chautauqua Stedman Road to the southwest corner of Parcel 297.00-1-19; thence continuing easterly along the southern boundary of Parcel 297.00-1-19 to the southeast corner of said Parcel; thence continuing northeasterly along the eastern boundary of Parcel 297.00-1-19 to the northeast corner of said Parcel; thence continuing northwesterly along the northern boundary of Parcel 297.00-1-19 to the northwest corner of said Parcel; thence continuing northerly along the eastern boundary of Chautauqua Stedman Road to its intersection with the Existing North Chautauqua Lake Sewer District boundary; thence continuing northwesterly along the Existing North Chautauqua Lake Sewer District boundary to the Point of Beginning.

A map showing tax parcels within the extension area is included as Figure 1, and a list of EDU assessments is included as Appendix B, to the "North Chautauqua Lake Sewer District Extension No. 1" Map, Plan and Report (MPR) prepared by Barton & Loguidice and on file for inspection in the office of the Clerk of the County Legislature, 3 North Erie Street, Mayville, New York, and available on-line at <https://chqgov.com/legislature/Legislature>. As shown in MPR Appendix B, residential and commercial properties will be assessed on an equivalent dwelling unit (EDU) basis. The annual EDU charge will be \$540, with a single family home constituting one EDU and a two family home constituting two EDUs. Properties assessed at greater than 1 EDU will pay some multiple of \$540 annually, and parcels that are not connected

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

and not required to be connected will not be charged. EDU charges may be changed from time to time by the County Legislature after a public hearing whenever the County Legislature shall determine that such changes are necessary in the public interest. Property owners will be responsible for all costs of connecting to the District’s infrastructure. Each new user is responsible for the cost of installing a sewer line from their dwelling or building to the property line (for gravity connections) or to a grinder pumping station installed near the dwelling. Costs will vary depending on the type of service and subsurface conditions. A cost of \$2,500 for the exterior connection is a reasonable budget. Current connection permit fees are \$50 for residential properties and \$100 for commercial properties. Reconfiguration of existing plumbing within the dwelling or building may also be required. Property owners may be eligible to apply for a grant or loan to assist with the connection cost through the United States Department of Agriculture Rural Development.

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

RES. NO. 114-22

Amend 2022 Adopted Budget Due to Modified Grant Budget for Conflict Administration

By Administrative Services and Audit & Control Committees:

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, pursuant to Resolution No. 79-19, the Chautauqua County Office of the Public Defender was awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$15,539,474.61, for the operational period of April 1, 2018 through March 31, 2023; and

WHEREAS, said award includes funding for an assigned counsel plan, also known as a conflict administration plan; and

WHEREAS, the budget for the assigned counsel plan for the operational period corresponding to calendar year 2022 was recently modified and expanded to improve the quality of representation and the efficiency of the program; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.1	Personal Services—Conflict Administration	\$ 1,200
A.1162.1120.4	Contractual—Conflict Administration	\$174,874
A.1162.1120.8	Employee Benefits—Conflict Administration	\$ 94
	Total	\$176,168

INCREASE REVENUE ACCOUNT:

A.1162.1120.R308.9000	New York State Aid—Other State Aid	\$176,168
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Signed: Scudder, Muldowney, Parker, Davis, Vanstrom, Gould, Niebel, Harmon, Pavlock, Wilfong

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 115-22

Close Additional Capital Projects – 2021 Year End Reconciliation

By Administrative Services and Audit & Control Committees:

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

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

H-1620-25170 - Capital Projects-BUILDINGS & GROUNDS-COURTHOUSE ELEVATOR ROOF (2020)

H-1620-25215 - Capital Projects-BUILDINGS & GROUNDS-AAON UNIT CONTROLLER (2021)

H-5610-25817 - Capital Projects-CHAUTAUQUA COUNTY AIRPORT-REHAB TAXIWAY B SOUTH-DUNK (2016)

H-6010-31002 - Capital Projects-SOCIAL SERVICES ADMIN-HRC TELECONFERENCING (2019)

; and

WHEREAS, the final reconciliation of capital projects to be closed necessitates some amendments to the 2021 Adopted Budget; 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; 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	\$9,154
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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 2021 Adopted Budget:

DECREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfers - Transfer to Capital	\$9,154
	Contractual - Chautauqua County Airport, Batwing	
H.5610.25202.4	Mower-DNK (2021)	\$29,000
	Contractual - Social Services Admin, HRC	
H.6010.31002.4	Teleconferencing (2019)	<u>\$9,318</u>
	Total	\$47,472

INCREASE REVENUE ACCOUNTS:

H.5610.25003.R503.1000	Interfund Transfers-Interfund Transfer	\$48,067
H.6010.31002.R503.1000	Interfund Transfers-Interfund Transfer	\$3,200
H.8020.37994.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$205</u>
	Total	\$51,472

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

DECREASE REVENUE ACCOUNTS:

H.5610.25003.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$48,067
H.5610.25202.R503.1000	Interfund Transfers-Interfund Transfer	\$29,000
H.6010.31002.R368.9001	New York State Aid-Soc Servs Capital Funding	\$2,636
H.6010.31002.R468.9001	Federal Aid-Soc Servs Capital Funding	\$9,882
H.8020.37994.R389.7000	New York State Aid-Culture & Rec Capital Grants	<u>\$205</u>
	Total	\$89,790

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

RES. NO. 116-22
Amend 2022 Budget Due to Debt Restructuring

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

WHEREAS, a recent restructuring of bonds issued by Chautauqua County necessitated unbudgeted transactions in the Debt Service Fund (V Fund); now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

V.9991.----.4	Contractual—	
	Repay to Escrow – Refund Bonds	\$8,005,470

INCREASE REVENUE ACCOUNT:

V.9991.----.R579.1000	Proceeds L/T Obligations—	
	Advance Refunding Bonds	\$8,005,470

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

RES. NO. 117-22
FEMA Hazard Mitigation Grant Program (HMGP)

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$85,333.00, with a twenty-five percent (25%) in kind match from the County in the amount of \$21,333.00; and

WHEREAS, the award is to update the Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan (HMP) and the award performance period runs from July 28, 2021 through June 17, 2024, or as maybe amended; and

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

WHEREAS, pursuant to Resolution No. 191-21 the County Executive was authorized to sign and execute the necessary agreements to accept the award and subsequent changes to the work plans; and

WHEREAS, the award was increased to a total amount of \$120,000.00, with an in-kind match from the County in the amount of \$37,500.00; now therefore be it

RESOLVED, That the County Executive is hereby authorized to sign and execute all necessary agreements to accept the increased award and any subsequent changes to end dates and work plans; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.1	Personal Services--Emergency Services	\$ 7,500
A.3010.----.4	Contractual--Emergency Services	<u>\$112,500</u>
	Total	\$120,000

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5008	Federal Aid--FEMA - Pre-Disaster Mitigation	\$120,000
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Signed: Niebel, Whitford, Hemmer, Proctor, Niebel, Harmon, Pavlock, Wilfong

RES. NO. 118-22
Amend 2022 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:

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

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates; and

WHEREAS, the Office of the Sheriff will receive revenues to offset said expenses; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.2	Equipment – Sheriff Grants	\$71,217
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INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9000	Federal Aid – Other Public Safety Aid	\$47,444
A.3110.GRNT.R438.9BMB	Federal Aid – Other Public Safety Aid, Bomb Detection	<u>\$23,773</u>
	Total	\$71,217

Signed: Niebel, Whitford, Hemmer, Proctor, Gould, Harmon, Pavlock, Wilfong

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 119-22

Authorize Agreement Renewal with Crown Castle International LLC for Lease of Space on Crown Castle's Tower in the Town of Sherman

By Public Safety and Audit and Control Committees:

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

WHEREAS, the County has had an agreement for lease of space on the Town of Sherman Tower since October 12, 1999; and

WHEREAS, the County and Crown Castle International LLC desire to continue the use and lease of the space; and

WHEREAS, the Office of the Sheriff has negotiated with Crown Castle International LLC for a renewal of its existing agreement at a rate of \$16,680 per year for a term of September 10, 2022 through September 9, 2027; and

WHEREAS, this renewal includes no cost increase to the County, therefore the expense associated with this agreement is included in the 2022 Budget and requires no amendment; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement renewing the lease between Crown Castle International LLC and the County for use of space on the tower in the Town of Sherman.

Signed: Niebel, Whitford, Hemmer, Proctor, Gould, Harmon, Pavlock, Wilfong

RES. NO. 120-22

Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY22

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Town of Hanover and the Village of Silver Creek have requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographical boundaries of the Town of Hanover and the Village of Silver Creek for the 2022 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Town of Hanover and the Village of Silver Creek for the period from January 1, 2022 through December 31, 2022 for an estimated cost not to exceed \$497,368; and

WHEREAS, this revenue is included in the 2022 Adopted Budget so no budget amendments are needed; now therefore be it

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

Signed: Niebel, Whitford, Hemmer, Proctor, Gould, Harmon, Pavlock, Wilfong

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 121-22

To Amend 2022 Budget to Implement the Community Contracts/ PH Emergency Response Planning & Preparation Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

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 \$24,600,000 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, the Implement the Community Contracts/ PH Emergency Response Planning & Preparation project, identified as one of the priority projects recommended in Resolution 202-21, is ready to proceed, and budget amendments are necessary to authorize spending for the project; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget in order to implement the Implement the Community Contracts/ PH Emergency Response Planning & Preparation project:

INCREASE REVENUE ACCOUNT:

A.4010.----.R408.9ARP Federal Aid—Oth Fed Aid ARPA Funds \$200,000

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual- Public Health Admin \$200,000

Signed: Pavlock, Proctor, Torres, Gould, Niebel, Harmon, Wilfong

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 122-22

Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal – Septic and Wells Program

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded a Community Development Block Grant (CDBG) award for the Chautauqua Septics and Wells 2021 project in the amount of \$238,000 for the period December 9, 2021 through December 8, 2023; and

WHEREAS, the application for said award was approved by the Chautauqua County Legislature pursuant to Resolution 194-21, which was adopted on September 22, 2021; and

WHEREAS, revenues and appropriations associated with this award were not included in the 2022 Adopted Budget; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.4090.---- R478.9WSA Federal Aid— Wastewater & Well Assist \$ 59,500

INCREASE APPROPRIATION ACCOUNT:

A.4090.----.4 Contractual— Environmental Health \$ 59,500
Signed: Pavlock, Proctor, Torres, Gould, Niebel, Harmon, Wilfong

RES. NO. 123-22

To Accept New York State Department of Health Childhood Lead Poisoning Prevention Program (CLPPP+) Grant and to Amend Chautauqua County Health & Human Services 2022 Adopted Budget

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded a New York State Department of Health (NYSDOH) Childhood Lead Poisoning Prevention Program (CLPPP+) Grant in the amount of \$366,800 for the period of October 1, 2021 through September 30, 2026; and

WHEREAS, the NYSDOH Childhood Lead Poisoning Prevention Program (CLPPP+) is a consolidation of the NYSDOH Lead Poisoning Prevention Program (LPPP) and the NYSDOH Childhood Lead Primary Prevention Poisoning Program (CLPPPP); and

WHEREAS, 2022 revenue for the NYSDOH CLPPP+ Grant is now projected to be lower than the budgeted amount; and

WHEREAS, 2022 expenditures for the NYSDOH CLPPP+ Grant are now projected to be lower than the budgeted amount; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

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 County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$ 3,348

; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4090.---- R445.0PPP Federal Aid — Other Public Health-Primary Prevention Pilot \$ 7,199

DECREASE REVENUE ACCOUNT:

A.4090.---- R345.0PPP State Aid — Primary Prevention Pilot \$27,028

DECREASE APPROPRIATION ACCOUNT:

A.4090.----.4 Contractual— Environmental Health \$16,481
Signed: Pavlock, Proctor, Torres, Gould, Niebel, Harmon, Wilfong

RES. NO. 124-22

Amend Chautauqua County Health & Human Services 2022

Adopted Budget for National Association of County & City Health Officials (NACCHO)

Vaccines Information Equity and Demand Creation (COVIED) Project Funding

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded National Association of County & City Health Officials (NACCHO) Vaccines Information Equity and Demand Creation (COVIED) Project Funding in the amount of \$75,000 to be utilized from the date of contract execution through December 31, 2022; and

WHEREAS, the purpose of the award is to address vaccine hesitancy in Chautauqua County subgroups, the aim being to increase rates of vaccination among children as well as the black/African American community; and

WHEREAS, revenues and appropriations associated with this award were not included in the 2022 Adopted budget; now therefore be it

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

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

INCREASE REVENUE ACCOUNT:

A.4090.---- R168.9000 Departmental Income--Oth Public Health Income \$75,000

INCREASE APPROPRIATION ACCOUNT:

A.4090.----.4 Contractual— Environmental Health \$75,000

Signed: Pavlock, Proctor, Torres, Gould, Niebel, Harmon, Wilfong

RES. NO. 125-22

Amend Chautauqua County Health & Human Services 2022 Adopted
Budget for Increased ELC COVID Grant

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded New York State Department of Health (NYSDOH) funding in the amount of \$303,643 for Epidemiology and Laboratory Capacity for Infectious Diseases (ELC) for the two year period from July 1, 2020 to June 30, 2022; and

WHEREAS, the amount of the ELC COVID grant was increased to \$717,015 and the term of the grant was modified to July 1, 2020 to March 31, 2023 as outlined in resolution 195-21 which was adopted by the Chautauqua County Legislature on September 22, 2021; and

WHEREAS, the amount of the ELC COVID grant has now been increased to \$917,015; and

WHEREAS, 2022 revenue for the ELC COVID grant is now projected to be higher than the budgeted amount; and

WHEREAS, 2022 expenditures for the ELC COVID grant are now projected to be in excess of the budgeted amount; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$ 54,034

; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4010.---- R440.1001 Federal Aid — Publ Hlth: ELC& CDC COVID Grants \$200,000

DECREASE REVENUE ACCOUNT:

A.4010.---- R340.1000 State Aid — Public Health Grant \$ 15,371

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual— Public Health Admin \$130,595

Signed: Pavlock, Proctor, Torres, Gould, Niebel, Harmon, Wilfong

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 126-22

Amend Chautauqua County Health & Human Services 2022 Adopted Budget for New York State Department of Health ELC Reopening Schools Award

By Human Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County was awarded a New York State Department of Health (NYSDOH) ELC Reopening Schools Award and said award was accepted by the Chautauqua County Legislature pursuant to Resolution 197-21, which was adopted on September 22, 2021; and

WHEREAS, 2022 revenue for the NYSDOH ELC Reopening Schools Award is now projected to be higher than the budgeted amount; and

WHEREAS, 2022 expenditures for the NYSDOH ELC Reopening Schools Award are now projected to be in excess of the budgeted amount; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.000 Unassigned Fund Balance—Unassigned Fund Balance \$ 76,770

; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4010.---- R440.1001 Federal Aid — Publ Hlth: ELC & CDC
COVID Grants \$827,643

DECREASE REVENUE ACCOUNT:

A.4010.---- R340.1000 State Aid — Public Health Grant \$ 22,275

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4 Contractual— Public Health Admin \$728,598

Signed: Pavlock, Proctor, Torres, Gould, Niebel, Harmon, Wilfong

RES. NO. 127-22

Authorizing the Submittal of a New York State CDBG-CV Grant to Establish and/or Fund Business Assistance Program(s)

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the NYS Homes and Community Renewal’s Office of Community Renewal (“OCR”) administers CDBG funding to support communities throughout the state by providing funding for decent housing and suitable living environments for low-and moderate-income persons; and

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

WHEREAS, The 2020 Coronavirus Aid, Relief, and Economic Security Act, or commonly referred to as the CARES Act, allows CDBG-CV funds to be used to prepare, prevent, and/or respond to the COVID-19 pandemic; and

WHEREAS, Chautauqua County (“the County”) desires to partner with the Chautauqua Region Economic Development Corporation (“CREDC”) as a sub-recipient to apply for CDBG-CV funds through OCR for grant funding up to \$3,000,000 to establish and/or fund existing small business relief program(s); and

WHEREAS, if awarded, the County will not be responsible for any local matching share requirements; and

WHEREAS, the County has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the proposed microenterprise program; now therefore be it

RESOLVED, That the County is hereby authorized to submit a grant application in the amount of up to \$3,000,000 with such amount to be used to provide business grants and fund the costs of grant administration and program activities; and be it further

RESOLVED, That the County Executive is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant; and be it further

RESOLVED, That if awarded, the County Executive is hereby authorized to execute the OCR grant agreement and all related documents associated with the OCR grant, including agreements with CREDC relating to the use and administration of the grant funds.

Signed: Muldowney, Harmon, Lawton, Wilfong, Penhollow, Gould, Niebel, Pavlock

RES. NO. 128-22

Authorizing Public Hearing Regarding a Potential Application for 2022 CDBG-CV Funding –
COI Affordable Housing Unit Improvement Project

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the NYS Homes and Community Renewal’s Office of Community Renewal (OCR) administers CDBG funding to support communities throughout the state by providing funding for decent housing and suitable living environments for low-and moderate-income persons; and

WHEREAS, The 2020 Coronavirus Aid, Relief, and Economic Security Act, or commonly referred to as the CARES Act, allows CDBG-CV funds to be used to prepare, prevent, and/or respond to the COVID-19 pandemic; and

WHEREAS, the County was approached by Chautauqua Opportunities, Inc. (COI) regarding the potential of the County applying for CDBG-CV funds on behalf of COI under the safe shelter category of the program; and

WHEREAS, the potential application would seek to fund the renovation of 10 COI-owned low-to-moderate income apartment units at Arrowhead Apartments, in Town of Dunkirk; and

WHEREAS, the County wishes to assess the advisability of submitting a Community Development Block Grant application to the New York State Office of Community Renewal (OCR) for the above mentioned project; and

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

WHEREAS, the County is required prior to submitting an application for CDBG funding to hold a public hearing pursuant to 24 CFR §§ 570.431 and 570.486 to provide information to the public on the CDBG program and the proposed project, and to accept public comments regarding community needs; 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 May 25, 2022, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York, where all interested parties shall be heard regarding the proposed CDBG funding application; and be it further

RESOLVED, That at least eight (8) days' notice of such hearing shall be given by the Clerk of the Legislature by the due posting thereof in the Gerace Office Building and on the County's website, and by publishing such notice at least once in the official newspaper of the County.

Signed: Muldowney, Harmon, Lawton, Wilfong, Penhollow, Gould, Niebel, Pavlock

RES. NO. 129-22

Amend 2022 Budget for NYS Housing Trust Fund Corporation Community Development Block Grant Award – Microenterprise Assistance Program

By Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, the Department of Planning & Development received notice that the NYS Housing Trust Fund Corporation ("HTFC"), represented by the New York State Office of Community Renewal ("OCR") approved a Community Development Block Grant ("CDBG") application in the amount of \$200,000 to support the creation of a Microenterprise Assistance Program (MAP) in partnership with Chautauqua Opportunities for Development, Inc. ("CODI"); and

WHEREAS, the State of New York will provide funding for amount of \$200,000, with no County funds, for Project No. 222ME984-21 for the performance period of July 15, 2021 through July 14, 2023; and

WHEREAS, pursuant to Resolution 88-21, the County Executive was authorized to execute an agreement to secure the grant funding with the HTFC; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2022 operating budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6420.----.4	Contractual—Promotion of Industry	\$200,000
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INCREASE REVENUE ACCOUNT:

A.6420.----.R308.9000	New York State Aid—Other State Aid	\$200,000
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Signed: Muldowney, Harmon, Lawton, Wilfong, Penhollow, Gould, Niebel, Pavlock

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RES. NO. 130-22

Canceling Outstanding Tax Balances on Duplicate and Discontinued
Special Franchise Assessments

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.; Legislator Tom Harmon, and
Legislator Bob Scudder:

WHEREAS, a working group of County Legislators and County staff are examining
outstanding tax balances on various properties that have remained unresolved on the County's
financial books for an extended period of time; and

WHEREAS, the Director of Real Property Tax Services has determined that four (4)
special franchise assessments have remained incorrectly on the rolls as duplicate and
discontinued parcels for a number of years due to clerical errors in the local assessor's office;
now therefore be it

RESOLVED, The County Legislature hereby approves the canceling of all of the
following outstanding tax balances set forth below for the listed properties that have now been
correctly removed from the tax rolls:

Tax ID #	Property	Base Tax	Base Tax + Penalties + Interest
060300-19.00-1-19..PS1	Al Tech Specialty Steel Corp	\$ 34,507.61	\$ 83,380.68
060300-22.00-2-22..PS1	Frontier Comm Int'l Inc	\$ 35,304.88	\$ 78,854.29
065889-95-9-95..PS1	Frontier Communications I	\$147,738.24	\$307,959.79
065889-95-9-95..PS2	Frontier Communications I	\$ 62,029.05	\$136,442.38

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

RES. NO. 131-22

Quit Claim Deeds

By Administrative Services and Audit & Control Committees:

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

WHEREAS, the Administrative Services Committee of the County Legislature has
received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax
Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1
under tax sale certificates noted on original papers on file in the office of the Director of Finance;
and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has
confirmed that the offers received are in compliance with the County's policy regarding tax
foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized
to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua
County in said properties under said tax sale certificates; and be it further

CHAUTAUQUA COUNTY LEGISLATURE

4/27/22

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

PA Number	Muni	Tax Parcel	Bidder	Former Owner	Offer	Tax Liability
PA-62-2014	City of Jamestown	060800-370.20-2-51	TKO Properties LLC	Brady & Sofianit a Barton	\$1,000.00	\$13,090.16
				Total	\$1,000.00	\$13,090.16

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

RES. NO. 132-22

Resolution of the County Legislature of the County of Chautauqua electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York

At the Request of County Legislators Robert Bankoski, Paul Whitford, Susan Parker, and Billy Torres:

Be it enacted by the County Legislature of the County of Chautauqua, as follows:

SECTION 1. Resolution No. 86-68 of 1968, is amended by adding a new section 4-B to read as follows:

Section 4-B. Cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel.

Notwithstanding any provision of this enactment to the contrary, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to three (3) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law.

SECTION 2. This resolution shall take effect June 1, 2022, and shall expire and be deemed repealed on December 1, 2022.