

Agenda

Audit & Control Committee

**August 17, 2023, 8:35 a.m., Legislative
Chambers**

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
 - B. Approval of Minutes (7/20/23)
 - C. Privilege of the Floor
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- 1. Local Law Intro 8-23 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (re: Attorney Positions)
 - 2. Local Law Intro 9-23 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (re: Clerk of the Legislature and Secretary to the Legislature)
 - 3. Proposed Resolution – Modification of Membership of North Chautauqua County Water District Administrative Board
 - 4. Proposed Resolution – Amend 2023 Budget for CARTS Bus Tablets (2019) Project
 - 5. Proposed Resolution – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.60
 - 6. Proposed Resolution – Accept FAA and NYSDOT Funds for the Aviation Capital Project Rehabilitate Airport Perimeter Fence Phase 2 – Construction
 - 7. Proposed Resolution – Authorize Settlement of Insurance Coverage Claim
 - 8. Proposed Resolution – Amend 2023 Budget to Implement the IT Upgrades for Public Health Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

9. Proposed Resolution – Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York
10. Proposed Resolution – Amend 2023 Budget for Law Department
11. Proposed Resolution – Adjust Law Department Account
12. Proposed Resolution – Quit Claim Deeds
13. Proposed Resolution – Setting Salary for Chaplain
14. Proposed Resolution – Amend 2023 Budget for Office of the Sheriff
15. Proposed Resolution – Authorize Execution of Lease Renewal with Federal Bureau of Investigation for Tower Space 10/1/2023- 9/30/2033
16. Proposed Resolution – FY2022 Hazardous Materials Emergency Preparedness (HMEP) Grant Program
17. Proposed Resolution – Amend 2023 Budget to Implement the PPE Replenishment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan
18. Proposed Resolution – Amend 2023 Budget to Implement the Lead Hazard Reduction Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan
19. Proposed Resolution – Amend 2023 Budget for Chautauqua Lake Collaborative Lake Maintenance Services, Using Funding from the 2% Occupancy Tax Program Reserve
20. Proposed Resolution – Authorize Use of Lake Erie Management Commission Capital Project H.8020.37011 Funds for removal of Steel Piles from Dunkirk Harbor
21. Proposed Resolution – Amend 2023 Budget to Implement Chadakoin River Streambank Stabilization at Deming Drive, Using Funding from the American Rescue Plan Act (ARPA)
22. Proposed Resolution – Amend 2023 Budget for Feasibility Study for Proposed Chautauqua County Water District, Using Funding from the American Rescue Plan Act (ARPA)

23. Proposed Resolution – Amend Spending Plan and 2023 Budget for Chautauqua County
Projects funded by the American Rescue Plan Act (ARPA)
24. Presentation – Draft of Financial Statements – County Auditors
25. Other –

LOCAL LAW
INTRODUCTORY NO. 8-23
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 13-22 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: ATTORNEY POSITIONS)

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan set forth in Local Law 13-22, and as amended, to set the salary for the titles specified below. Appointing authorities retain the discretion to set salaries within specific ranges established hereunder, based on actual performance and not on the length of employment.

Section 2. Salary Levels.

The annual salary level for County officers and employees within the titles specified below shall be in accordance with the following management salary schedule. The maximum level of the salary range shall be a cap on the amount which may be paid for a full year of service.

Range 12 \$77,475 - \$119,082

Assistant County Attorney
Assistant District Attorney
Assistant Public Defender
Assistant Social Services Attorney

Range 14 \$84,282 - \$131,884

Second Assistant County Attorney
Second Assistant District Attorney
Second Assistant Public Defender
Second Assistant Social Services Attorney

Range 16 \$91,102 - \$146,944

First Assistant Social Services Attorney

Range 18 \$97,922 - \$162,004

First Assistant County Attorney
First Assistant District Attorney
First Assistant Public Defender
Social Services Attorney

Range 19 \$101,332 - \$169,534

Range 20 \$104,742 - \$177,064

County Attorney

Section 3. Severability. In the event any provisions or part of this Local Law shall for any reason be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Local Law.

Section 4. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

Sponsors: Chairman Pierre Chagnon, Legislator Bob Scudder, Legislator Dan Pavlock

LOCAL LAW
INTRODUCTORY NO. 9-23
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 13-22 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: CLERK OF THE LEGISLATURE and SECRETARY TO THE LEGISLATURE)

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan set forth in Local Law 13-22, and as amended, to set the salary for the titles specified below. Appointing authorities retain the discretion to set salaries within specific ranges established hereunder, based on actual performance and not on the length of employment.

Section 2. Salary Levels.

The annual salary level for County officers and employees within the titles specified below shall be in accordance with the following management salary schedule. The maximum level of the salary range shall be a cap on the amount which may be paid for a full year of service.

Range 3 \$46,873 - \$71,747

Secretary to the Legislature

Range 6 \$57,073 - \$87,514

Clerk of the Legislature

Section 3. Severability.

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

Section 4. Effective Date.

This Local Law shall become effective on January 1, 2024.

Sponsors: Chairman Pierre Chagnon

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Modification of Membership of North Chautauqua County Water District Administrative Board

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr. and Chairman Pierre Chagnon:

WHEREAS, the Chautauqua County Legislature has erected and established the North Chautauqua County Water District (hereinafter referred to as District) pursuant to Article 5-A of the County Law, and

WHEREAS, in its Report recommending the formation of the District, the Chautauqua County Water Agency recommended that the administrative body of the District consist of nine members with the mayor of the Village of Brocton and the supervisors of the Towns of Portland, Pomfret, Dunkirk and Sheridan being ex officio members with the remaining members appointed by the Chautauqua County Legislature, and

WHEREAS, upon the Chautauqua County Water Agency recommendation, the Chautauqua County Legislature Established the Administrative Body for the District pursuant to Resolution 40-16 which consisted of the Mayor of the Village of Brocton and the Supervisors of the Towns of Sheridan, Dunkirk, Pomfret and Portland and the Chairman of the North County Industrial Water District No. 1 and 3 additional members to be appointed by the Chautauqua County Legislature, and

WHEREAS, the Chautauqua County Legislature desires to improve the oversight and efficiency of the District operation and remove any potential conflict of interest with the District customer CBI Water Works, and

WHEREAS, New York County Law §261 provides that a member of the county legislative body may be appointed as a member of a county district administrative body, and in furtherance of the County Legislature's oversight role, it would be advantageous to appoint county legislators to be members of the District board; and

WHEREAS, county districts established under Article 5-A of New York County Law are county agencies and not separate legal entities, and pursuant to numerous provisions of New York law, the County Legislature has extensive ongoing responsibility for the oversight of all county districts, including, but not limited to the following:

1. Designates the administrative head and their tenure – can be an officer, board, or other body;
2. Approves all district budgets and amendments, including capital projects;
3. Approves all financing/bonding of district projects, which are guaranteed by the full faith and credit of the County;
4. Approves all user charges and assessments;
5. Approves all employee compensation and benefits, including the management salary plan and collective bargaining agreements governing district employees pursuant to the Taylor Law;
6. Provides for all general liability insurance and defense of district officers and employees, including the administrative head;
7. Provides workers' compensation coverage and administration for all County agencies, including the districts;

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

8. Approves all policies (including procurement policies) applicable to County agencies, including the districts;
9. Adopts the Code of Ethics governing district officers and employees, including the administrative head;
10. Authorizes the delegation of contract approval to the district administrative heads;
11. Approves rules and regulations for the operation of county districts, including the manner of making connections and the construction of the facilities; now therefore be it

RESOLVED, That the District Board shall be increased to eleven (11) members by the addition of two (2) Legislators from Legislative Districts 2 and 7, and be it further

RESOLVED, That members of the administrative board of the District shall receive no compensation for acting as such members, and be it further

RESOLVED, That the chairman and vice-chairman of the administrative body of the District shall be elected by and shall serve at the pleasure of the members of such board, and be it further

RESOLVED, That said administrative board shall have full power and authority to cause the project described in the District formation Map, Plan and Report to be constructed within the maximum amount authorized to be expended of \$11,750,000 and to operate and maintain the improvements constructed consistent with the November 17, 2015 Water Purchase/Water Supply Agreement among the County of Chautauqua, City of Dunkirk, Town of Portland, Village of Brocton, Town of Pomfret, Town of Dunkirk, Town of Sheridan and North County Industrial Water District No. 1, and be it further

RESOLVED, That said administrative board may enter into contracts as authorized by County Law Article 5-A within the scope of the District formation Map, Plan and Report and further authorizations which may be provided by the County Legislature with municipal corporations and other entities or individuals, and be it further

RESOLVED, That the chairman of the administrative board as authorized by the administrative board be and hereby is authorized and empowered to execute all necessary contracts, vouchers and legal instruments under the authority of the County Legislature and Article 5-A of the County Law.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget for CARTS Bus Tablets (2019) Project

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 257-20 Chautauqua County accepted grant funds from the New York state Department of Transportation pursuant to Section 5311, Title 49 of the United States Code; and

WHEREAS, the grant award included \$15,000 for replacement of tablets and hardware; and

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

WHEREAS, revenues and expenditures for this program were not previously included in the County's budget; and

WHEREAS, CARTS plans to purchase the tablets and hardware in 2023; 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 the grant funding, and be it further

RESOLVED, That the Reserve for Capital is appropriated as follows:

INCREASE THE USE OF FUND BALANCE

A. ----.878.0000	Fund Balance-Reserve for Capital	\$1,500
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; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

H.5630.25012.4699.0000	Contractual-Tablets (2019)	\$15,000
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INCREASE REVENUE ACCOUNTS:

H.5630.25012.R459.7000	Federal Aid-Transp Capital	\$12,000
H.5630.25012.R359.7000	New York State Aid-Transp Capital	\$ 1,500
H.5630.25012.R503.1000	Interfund Transfer-Interfund transfer	<u>\$ 1,500</u>
	Total	\$15,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Authorize Agreement with NY State DOT for Performance of Federal-Aid Project
PIN 5764.60

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the Replacement of the County Bridge 830, Kortwright Road Bridge over Brokenstraw Creek, BIN 3324890, in the Town of Harmony, Chautauqua County, PIN 5764.60 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$330,000 to be borne at the ratio of 80% Federal funds, 15% State Funds and 5% County funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and be it further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof; and be it further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceed the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A. ----. ----.878.0000	Reserved Fund Balance--Reserve for Capital	\$ 16,500
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; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950. ----.9	Interfund Transfers-Transfer to Capital	\$ 16,500
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Imp, Funded Bridge Program \$330,000

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R458.9002 Federal Aid – Surface Transp Program \$ 264,000

D.5112.389.R503.1000 Interfund Transfers-Interfund Transfer \$ 16,500

D.5112.389.R358.9002 NYS Aid-Marchiselli Funds \$ 49,500

Total \$330,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Accept FAA and NYSDOT Funds for the Aviation Capital Project Rehabilitate Airport Perimeter Fence Phase 2 – Construction.

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (“FAA”) a project application to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Jamestown Airport: Rehabilitate Airport Perimeter Fence Phase 2 – Construction FAA AIP Project No. 3-36-0048-0XX-2023 (“Project”) with a 5% local share and 5% provided by the New York State Department of Transportation; and

WHEREAS, Chautauqua County has received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Chautauqua County/Jamestown Airport:

Rehabilitate Airport Perimeter Fence Phase 2 – Construction FAA AIP Project No. 3-36-0048-0XX-2023 NYSPIN XXXX.XX

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grant for 50% of the non-federal share of eligible costs (5% of total costs.)

WHEREAS, Chautauqua County has committed funds for the local share of project costs. Funding shares for project costs are as follows:

Federal	\$	1,906,849
State	\$	105,937
Local	\$	<u>105,936</u>
Total Project Cost	\$	2,118,722

WHEREAS, if Chautauqua County and/or the FAA notifies the NYSDOT that Chautauqua County has requested and received an increase in federal funding for the project based on increased eligible costs, and has authorized the proportionate increase in local funding, the New York State share noted above shall be increased proportionately up to a maximum increase of 15%.

NOW, THEREFORE, BE IT RESOLVED, That Chautauqua County authorizes acceptance of the grants and entering into agreements with the United States (FAA) and State of New York (NYSDOT) for financial assistance for the project described above for Chautauqua County/Jamestown Airport;

RESOLVED, That the County Executive of Chautauqua County be authorized to execute all necessary documents on behalf of Chautauqua County with the United States and New York State in connection with the project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the Federal Aviation Administration and New York State Commissioner of Transportation by attaching it to any necessary documents in connection with the project.

RESOLVED, That A Fund Balance is appropriated as follows:

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Fund Balance, Unassigned Balance— Unassigned Fund Balance	\$ 105,937
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$ 105,936
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ESTABLISH & INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25296.4	Contractual—Chautauqua County Airport, Airport Perimeter Fence PH2- Construction (2023)	\$2,118,722
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25296.R503.1000	Interfund Transfer – Interfund Transfer	\$ 105,936
H.5610.25296.R359.7001	NYS Aid – Airport Capital Grants	\$ 105,937
H.5610.25296.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$1,906,849</u>
	Total	<u>\$2,118,722</u>

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Settlement of Insurance Coverage Claim

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, in 2019 the State of New York enacted the Child Victims Act, allowing previously time-barred claims for abuse to be brought within a certain window of time, ending in 2021; and

WHEREAS, three claims were made against Chautauqua County for alleged improper acts between 1969 and 1978; and

WHEREAS, Chautauqua County was insured by two companies during this time, both of which are now merged with or acquired by the Continental Insurance Company; and

WHEREAS, in light of a dispute over whether coverage for these claims existed under the policies, and given the complication of both parties having limited records from decades in the past, the parties have discussed a tentative settlement to the dispute; and

WHEREAS, it is in the best interest of the County to enter into a settlement agreement as it shall avoid protracted litigation and provide for a just settlement; therefore be it

RESOLVED, The County Executive and the County Attorney are authorized and empowered on behalf of the County of Chautauqua to negotiate and execute a confidential settlement with the Continental Insurance Company, and execute such other documents as may be necessary and appropriate to effectuate said settlement.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the IT Upgrades for Public Health Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

BY: Administrative Services, 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 ARPA award of \$24,649,420, and based on the Treasury Department's revenue loss formula and other guidance, all of the award is available for general county spending; 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 IT Upgrades for Public Health 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; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget in order to implement the IT Upgrades for Public Health Project:

INCREASE & ESTABLISH APPROPRIATION ACCOUNTS:

A.4090. ----.4	Contractual—Environmental Health	\$10,305
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ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4090.xxxx.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$10,305
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York

BY: Administrative Services and Audit & Control Committees:

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

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

SECTION 1. Section 4-A of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2015, and ending November 30, 2025. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (f) of Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(f) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2015, and ending November 30, 2025, in respect to the use of property used by the purchaser in this county prior to December 1, 2015.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(c) Disposition of net collections from the additional rate of sales and compensating use taxes in the county. Notwithstanding any contrary provision of law, if the county imposes the additional one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2015, and ending November 30, 2025, the county shall allocate three-twentieths of the net collections from the additional one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the General Municipal Law. The

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

net collections from such additional rate shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county to be used for purposes above described.

SECTION 4. This enactment shall take effect December 1, 2023.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget for Law Department

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, the County, and other counties across the New York State, continue to face a shortage in legal counsel; and

WHEREAS, there has been an increase in availability of federal and state funding for critical projects; however, the complexity and burden of acquiring potential funding and complying with the voluminous contracts has placed a burden on an already strained Law Department; and

WHEREAS, Section 3.01B of the Chautauqua County Administrative Code provides that the County Attorney may employ special counsel, professional, technical, or other consultant services and incur such expenses in connection therewith as deemed necessary for the performance of the duties; and

WHEREAS, on March 3, 2023, the County issued a Request for Proposal seeking legal counsel to assist in grant work and related legal services; and

WHEREAS, the Law Department received a proposal that would require a monthly retainer of \$12,000.00 to provide the services deemed necessary by the County Attorney, now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance-	
	Unassigned Fund Balance	\$48,000

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1420.4	County Attorney-Contractual	\$48,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Adjust Law Department Account

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Law Department (Law Department) is in need of additional space for new and current staff; and

WHEREAS, the Law Department received a quote to create additional space in the current office while also improving security and customer service; and

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

INCREASE APPROPRIATION ACCOUNT:

A.1420.4	County Attorney-Contractual	\$12,737
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DECREASE APPROPRIATION ACCOUNTS:

A.1420.1	County Attorney-Personal Services	\$8,916
A.1420.8	County Attorney-Employee Benefits	<u>\$3,821</u>
	Total	\$12,737

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: 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

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.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-1-2023	City of Dunkirk	060300-79.11-4-11	Robert Krzyanowski	Martin Glinski	\$ 360.00	\$ 1,634.00
PA-6-2023	City of Dunkirk	060300-79.12-2-28	Graeme & Emily Beaton	Daniel Briggs	\$ 45,100.00	\$ 4,991.80
PA-12-2023	City of Dunkirk	060300-79.15-1-8	David Singh	Kelly Cambria	\$ 7,200.00	\$ 2,367.03
PA-51-2022	City of Dunkirk	060300-79.17-1-39	Susan A. Lanning Family Revocable Trust	Bradley Mason	\$ 240.00	\$ 388.73
PA-17-2023	City of Dunkirk	060300-79.19-6-13	Gregory Wilkins	Lisa Borrello	\$ 350.00	\$ 402.05
PA-21-2023	City of Jamestown	060800-370.14-4-11	Larry Barmore	David Barham	\$ 280.00	\$ 308.38
PA-22-2023	City of Jamestown	060800-370.14-4-9	Jason McChesney	David Barham	\$ 5,100.00	\$ 913.23
PA-24-2023	City of Jamestown	060800-370.16-4-12	Michael Tooley	John Siggins	\$ 105.00	\$ 365.38
PA-62-2019	City of Jamestown	060800-370.18-2-43	Woodlawn Management LLC	Royal Housing LLC	\$ 50.00	\$ 207.62
PA-29-2023	City of Jamestown	060800-370.19-3-66	Jennifer Addotta	Bradley Mason	\$ 77.50	\$ 365.38
PA-33-2023	City of Jamestown	060800-370.20-4-55	Kirk Weltikol	John Carpenter	\$ 160.00	\$ 351.18
PA-38-2023	City of Jamestown	060800-371.13-4-11	Nelson Family Construction LLC	Jeffrey Wion	\$ 13,100.00	\$ 4,995.05
PA-41-2023	City of Jamestown	060800-387.06-6-13	Kevin Anderson II	Rental Excellence LLC	\$ 7,500.00	\$ 3,388.78
PA-43-2023	City of Jamestown	060800-387.08-1-2	Woodlawn Management LLC	Timothy Keeler	\$ 680.00	\$ 780.87
PA-209-2022	City of Jamestown	060800-387.08-4-27	The Sahel LLC	Brock Jones	\$ 200.00	\$ 340.33
PA-210-2022	City of Jamestown	060800-387.08-4-28	The Sahel LLC	Brock Jones	\$ 72.50	\$ 357.24
PA-214-2022	City of Jamestown	060800-387.08-4-8	The Sahel LLC	Shannon Bessette	\$ 560.00	\$ 294.99
PA-255-2022	City of Jamestown	060800-387.12-1-60.1	David Singh	Charles Brown	\$ 2,950.00	\$ 6,347.63
PA-56-2023	City of Jamestown	060800-387.14-4-58	David Lipari	Karen Webster	\$ 32,100.00	\$ 6,960.70
PA-59-2023	City of Jamestown	060800-387.15-3-49	The Sahel LLC	Dowiasz Rentals Inc.	\$ 410.00	\$ 173.67
PA-60-2023	City of Jamestown	060800-387.15-3-50	The Sahel LLC	Dowiasz Rentals Inc.	\$ 410.00	\$ 238.03
PA-61-2023	City of Jamestown	060800-387.15-3-51	The Sahel LLC	Dowiasz Rentals Inc.	\$ 5,000.00	\$ 1,478.99
PA-167-2019	City of Jamestown	060800-387.18-5-57	Jennifer Addotta	Jamestown Rental Properties Inc.	\$ 50.00	\$ 457.77
PA-66-2023	City of Jamestown	060800-387.19-8-64	Silas Basdeo	John Crimmins	\$ 37,700.00	\$ 5,354.44
PA-343-2022	City of Jamestown	060800-387.25-2-15	Gregory Wilkins	Rental Excellence	\$ 260.00	\$ 958.60

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

				LLC		
PA-180-2019	City of Jamestown	060800-387.26-2-10.1	Crystal & Aaron Peterson	Craig Robbins	\$ 50.00	\$ 323.44
PA-68-2023	City of Jamestown	060800-387.26-3-4	The Sahel LLC	Kenneth Martinez	\$ 55.00	\$ 403.15
PA-170-2014	City of Jamestown	060800-387.26-3-8	The Sahel LLC	Chaut Home Rehab	\$ 50.00	\$ 222.38
PA-185-2019	City of Jamestown	060800-387.26-4-67	The Sahel LLC	Jason Nasser	\$ 52.50	\$ 541.14
PA-359-2022	City of Jamestown	060800-387.31-1-46	Kevin Anderson II	Vivian Johnson	\$ 3,550.00	\$ 4,683.28
PA-69-2023	City of Jamestown	060800-387.32-1-39	Emerilan Martinez	RMK Properties LLC	\$ 1,525.00	\$ 3,422.89
PA-70-2023	City of Jamestown	060800-387.33-3-25	Kristie & Francisco Zavala	Barbeau Properties LLC	\$ 65,100.00	\$ 10,536.83
PA-71-2023	City of Jamestown	060800-387.42-3-10	Gregory Wilkins	John Siggins	\$ 220.00	\$ 251.76
PA-72-2023	City of Jamestown	060800-387.42-3-8	Kevin Anderson II	John siggins	\$ 160.00	\$ 459.86
PA-73-2023	Busti	062201-368.20-3-48	Richard & Carol Peterson	Dani-Fit Inc.	\$ 6,100.00	\$ 533.17
PA-74-2023	Busti	062201-385.07-4-76	Kara Nelson	Stephanie Gifford	\$ 570.00	\$ 537.39
PA-453-2022	Busti	062289-419.00-1-15	David Fiorella & Lacie Larson	Carl Mascio	\$ 62.50	\$ 1,038.30
PA-78-2023	Busti	062289-438.00-2-44	Reid & Amp Associates Inc	Donald Baker	\$ 1,600.00	\$ 622.03
PA-80-2023	Carroll	062400-407.00-1-19	Graeme & Emily Beaton	Charles Leichner	\$ 29,100.00	\$ 3,099.06
PA-81-2023	Chautauqua	062889-246.18-1-28	Maple Springs Tree Service LLC	Ernest Rammelt	\$ 8,700.00	\$ 511.99
PA-260-2019	Cherry Creek	063000-221.00-1-10	Joseph Nelson	Andrew Zybert	\$ 125.00	\$ 350.69
PA-84-2023	Cherry Creek	063000-237.12-2-14	Kathleen Azzarella	Bradley Mason	\$ 3,000.00	\$ 219.17
PA-86-2023	Clymer	063200-429.00-3-21.1	Reid & Amp Associates Inc	Wassink Holdings LLC	\$ 12,000.00	\$ 265.24
PA-91-2023	Ellicott	063801-369.19-3-5	Jacqueline Damore & Emily Larson	Wayne Mlacker	\$ 60,300.00	\$ 3,886.80
PA-95-2023		063889-353.00-4-19	Kevin Anderson II	Charles Rosart	\$ 8,100.00	\$ 932.67
PA-102-2023	Hanover	064689-119.00-1-12	Mahin Ahmed	Peter Smith	\$ 19,100.00	\$ 5,920.58
PA-106-2023	Mina	065200-326.00-1-15	Warner McCray	Jonathan Jones	\$ 2,050.00	\$ 404.01
PA-109-2023	North Harmony	065400-382.00-1-36.1	Craig Gleason	Amy Harle	\$ 72,100.00	\$ 7,940.22
PA-110-2023	North Harmony	065400-384.06-1-53	Andrew Dies	Gilbert Pearson	\$ 2,050.00	\$ 487.18
PA-113-2023	Pomfret	065889-112.00-1-23	Dylan Richter	John Davis Jr.	\$ 9,100.00	\$ 1,474.24
PA-121-2023	Ripley	066200-240.08-1-15	Kevin Johnston	Joanne Conklin	\$ 30,000.00	\$ 11,673.63
PA-126-2023	Ripley	066200-241.13-1-22	Daniel & Marybeth Scriven	William Dunlap	\$ 37,100.00	\$ 5,874.18
PA-129-2023	Ripley	066200-256.12-1-7	Mahin Ahmed	David Bartlebaugh	\$ 14,200.00	\$ 7,512.13
PA-130-2023	Ripley	066200-274.00-11-25	Donald Wagner Jr.	Daniel Reese	\$ 3,000.00	\$ 441.26
PA-134-2023	Stockton	066889-215.00-2-11	Joseph Scinta	Delphine Covert	\$ 18,200.00	\$ 2,421.20
PA-137-2023	Westfield	067201-192.20-2-4	Michael Scritchfield	Leon Reardon	\$ 18,100.00	\$ 1,906.43
PA-139-2023	Westfield	067201-210.05-1-6	BDS Sales & Marketing LLC	Laurel Leighey-Barker	\$ 50,300.00	\$ 15,532.27
PA-142-2023	Westfield	067289-225.00-2-2.2	James Simpson III	Suzanne Rammelt	\$ 55.00	\$ 161.80
				Total	\$ 635,790.00	\$ 139,012.24

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Setting Salary for Chaplain

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

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

WHEREAS, the title of Chaplain was employed at the former Chautauqua County Home, and

WHEREAS, the title of Chaplain was included in the 2014 classification plan under CSEA 6300 Exempt Class, the position was paid a bi-weekly rate of \$150.32 for casual sporadic schedule of work, and

WHEREAS, the Sheriff has requested to add title Chaplain to his payroll for regular part time employment at 19 hours/week, and

WHEREAS, salary will be set for the revised Chaplain title to be used primarily to provide spiritual and social guidance and counseling services to employees of the Chautauqua County Sheriff's Office, and

WHEREAS, the Human Resources Department has revised the title Chaplain under the Chautauqua County CSEA Unit 6300 Exempt Class and supports the request that the salary be set at a rate of Grade 14, therefore be it

RESOLVED, That the pay rate for title Chaplain under the Chautauqua County CSEA Unit 6300 Exempt Class be set at a rate of Grade 14.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 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 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.W911.4	Contractual – Publ Safety Communication W911 – E911 Wireless	<u>\$170,412</u>
		Total \$170,412

INCREASE REVENUE ACCOUNTS:

A.3020.W911.R114.0000	Non Property Tax Items – Surchg: Emerg Phone Sys	<u>\$170,412</u>
		Total \$170,412

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Execution of Lease Renewal with Federal Bureau of Investigation for Tower Space 10/1/2023- 9/30/2033

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, the Federal Bureau of Investigation desires to renew an agreement with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the County-owned tower located on Dutch Hollow Road in the Town of Ellery, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of the Federal Bureau of Investigation and such tower space is not needed for public (governmental) purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to lease renewal with a one (1) year term of October 1, 2023 - September 30, 2024, at a rate of \$925 per month and may be extended up to nine (9) additional one (1) year terms; and

WHEREAS, this revenue is included in the 2023 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the renewed lease agreement with the Federal Bureau of Investigation granting the right to maintain an antenna and communications equipment at the County-owned tower located on Dutch Hollow Road in the Town of Ellery.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: FY2022 Hazardous Materials Emergency Preparedness (HMEP)
Grant Program

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County and its regional partnership were awarded funds of \$16,000.00 under the FY2022 Hazardous Materials Emergency Preparedness (HMEP) Grant Program and funding is provided by the U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, an in kind local match of \$4,000.00 is required; and

WHEREAS, the HMEP Planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the term of the grant is June 1, 2023 through December 31, 2024, and as maybe extended; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans if necessary.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the PPE Replenishment 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 ARPA award of \$24,649,420, and based on the Treasury Department's revenue loss formula and other guidance, all of the award is available for general county spending; 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 PPE Replenishment 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; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget in order to implement the PPE Replenishment Project:

INCREASE & ESTABLISH APPROPRIATION ACCOUNTS:

A.4090. ----.4	Contractual—Environmental Health	\$60,000
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ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4090.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$60,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the Lead Hazard Reduction 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 ARPA award of \$24,649,420, and based on the Treasury Department's revenue loss formula and other guidance, all of the award is available for general county spending; 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 Lead Hazard Reduction Project, identified as one of the priority projects recommended in Resolution 202-21, is ready to proceed, any necessary environmental reviews are complete, and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget in order to implement the Lead Hazard Reduction Project:

INCREASE & ESTABLISH APPROPRIATION ACCOUNT:

A.4090.----.4	Contractual—Environmental Health	\$36,000
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INCREASE REVENUE ACCOUNT:

A.4090.----.R408.9ARP	Federal Aid—Other Fed Aid ARPA Funds	\$36,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget for Chautauqua Lake Collaborative Lake Maintenance Services, Using Funding from the 2% Occupancy Tax Program Reserve

BY: Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, Chautauqua Lake is an invaluable resource to Chautauqua County and New York State; and

WHEREAS, the traditional recreation season on Chautauqua Lake once ended with the Labor Day holiday and now extends through September due to increasingly warm Fall temperatures; and

WHEREAS, the longer recreational season on Chautauqua Lake has resulted in increased tourism and Occupancy Tax revenues; and

WHEREAS, lakeshore properties and businesses are in constant need of lake maintenance services and providing lake maintenance services through September will improve the near-shore health of Chautauqua Lake and lake user satisfaction; and

WHEREAS, Chautauqua County's investments in Chautauqua Lake has fostered collaboration and created opportunities to deliver Collaborative Lake Maintenance Services through September 2023 at a cost of \$87,000.00; and

WHEREAS, the 2% Occupancy Tax Program Reserve has an uncommitted balance of \$776,017.00 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$87,000.00 from the 2% Occupancy Tax Program Reserve to support Collaborative Lake Maintenance Services through September; and be it further

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

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

INCREASE THE USE OF FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$87,000.00

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$87,000.00

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Use of Lake Erie Management Commission Capital Project
H.8020.37011 Funds for removal of Steel Piles from Dunkirk Harbor

BY: Planning and Economic Development and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 178-11, the Lake Erie Management Commission (LEMC) was created by the Chautauqua County Legislature to prioritize and select Lake Erie watershed projects for funding; seek additional funding for Lake Erie watershed projects; and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, historically high Lake Erie water levels and severe weather events during 2019, 2020 and 2021 resulted severe damage to steel dock structures in Dunkirk Harbor; and

WHEREAS, the damaged steel dock structures are a public safety hazard, limit the Harbor's potential for development and should be removed; and

WHEREAS, the City of Dunkirk has solicited a quotation in the amount of \$12,000.00 from a marine Contractor for the steel removal work; and

WHEREAS, using 2% Occupancy Tax Funding, Capital Project H.8020.37011 Lake Erie Mgmt Comm (2020) was created to facilitate projects consistent with the goals of the LEMC; and

WHEREAS, the LEMC Capital Project H. 8020.37011 has an uncommitted balance of \$16,522.00; and

WHEREAS, On July 17, 2023, the LEMC unanimously approved a contribution of \$6,750.00 from the LEMC Capital Project H.8020.37011 to support the removal work; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the use of \$6,750.00 from LEMC Capital Project H. 8020.37011 for additional Steel removal from Dunkirk Harbor; 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement Chadakoin River Streambank Stabilization at Deming Drive, Using Funding from the American Rescue Plan Act (ARPA)

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 \$24,649,420 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, Deming Drive is a Village of Falconer street that provides a significant local employer access for employees and heavy trucks carrying raw materials and finished products; and

WHEREAS, a debris jam on the Chadakoin River is causing severe streambank erosion, which left unchecked, will soon wash out Deming Drive; and

WHEREAS, the implementation of the Chadakoin River Streambank Stabilization at Deming Drive fits within the guidelines for ARPA spending, is needed because no other local program provides the resources for streambank stabilizations in this part of Chautauqua County and budget amendments are necessary to authorize spending for the project; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.8020.WTRS.4	Contractual—Planning & Development	\$40,000
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INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$40,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget for Feasibility Study for Proposed Chautauqua County Water District, Using Funding from the American Rescue Plan Act (ARPA)

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 \$24,649,420 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, on July 26, 2023, the ARPA working group committed \$24,000 to investigate the feasibility of creating a Chautauqua County Water District in the Towns of North Harmony and Chautauqua; and

WHEREAS, the implementation of feasibility study to create a Chautauqua County Water District in the Towns of North Harmony and Chautauqua fits within the guidelines for ARPA spending, is needed because no other local program provides the resources for such studies, and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED That the County Legislature of the County of Chautauqua hereby determines that the proposed feasibility study is a Type II action in accordance with 6 NYCRR §617.5(c)(24) in that it constitutes an engineering study which does not commit the County to undertake, fund or approve any SEQR Type I or Unlisted action, and that the engineering study is therefore not subject to further review under 6 NYCRR Part 617; 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 hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.8020.WTRS.4	Contractual—Planning & Development	\$24,000
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INCREASE REVENUE ACCOUNT:

A.8020.WTRS.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$24,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend Spending Plan and 2023 Budget for Chautauqua County Projects funded by the American Rescue Plan Act (ARPA)

BY: Audit & Control Committee:

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

WHEREAS, some Projects within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan exceeded initial budgetary estimates, as well as some projects had a surplus; and

WHEREAS, some Projects within the Chautauqua County ARPA Spending Plan are completed and can be closed, and some projects are deemed no longer necessary and can be cancelled; now therefore be it

RESOLVED, That the following projects, some of which were included the original Chautauqua County ARPA Spending Plan recommended pursuant to Resolution No. 202-21, can be cancelled or considered completed:

- #4 Ag Center Upgrades (completed)
- #14 Purchase 60 Ton Crane (completed)
- #43 ARPA Administration (cancelled)
- #47 ARISE (cancelled)
- #54 Tyler Civil Service License (completed)

; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

H.5130.626.4	Contractual - Road Machinery- DPF Large Equipment (Annual)	\$8,696
A.9950.----.9	Interfund Transfers - Transfer to Capital	<u>\$8,696</u>
	Total	\$17,392

DECREASE APPROPRIATION ACCOUNTS:

H.1620.25220.4	Contractual - Buildings & Grounds- Ag Center Upgrades (2021)	\$92,724
A.6420.----.4	Contractual – Promotion of Industry	\$63,000
A.3110.----.4	Contractual - Sheriff	\$728
A.9950.----.4	Interfund Transfers - Transfer to Capital	<u>\$92,724</u>
	Total	\$249,176

INCREASE REVENUE ACCOUNTS:

A.9950.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$8,696
H.5130.626.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$8,696</u>
	Total	\$17,392

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

DECREASE REVENUE ACCOUNTS:

A.9950.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$92,724
A.6420.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$63,000
A.3110.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$728
H.1620.25220.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$92,724</u>
	Total	\$249,176

; and be it further

RESOLVED, That the Director of Finance close capital project H.1620.25220 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 project, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date