

Agenda

Audit & Control Committee

May 18, 2023, 8:35 a.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (4/20/23)
- C. Privilege of the Floor
1. Local Law Intro 6-23 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (re: Payroll Manager for the Department of Finance)
2. Proposed Resolution – Confirm Reappointment – Director of Human Resources
3. Proposed Resolution – Setting Salary for Internship Positions
4. Proposed Resolution – Calling a Public Hearing Pursuant to County Law §268 Upon a Proposal to Reduce Infiltration and Inflow in the North Chautauqua Lake Sewer District
5. Proposed Resolution – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts
6. Proposed Resolution – Amend 2023 Budget to Implement the New Courthouse Roof Replacement Project, Using Funding from the American Rescue Plan Act (ARPA)
7. Proposed Resolution – Amend 2023 Budget to Implement the Purchase of B&G Equipment Project, Using Funding from the American Rescue Plan Act (ARPA)
8. Proposed Resolution – Supporting Passage of A.6581A & S.6626-“AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.”

9. Proposed Resolution – Supporting Passage of A.6692 & S.6206–“AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.”
10. Proposed Resolution – Authorize Agreement with Various School Districts for School Resource Officer Services 2023-2024
11. Proposed Resolution – Amend 2023 Budget to Implement the UTV Tracked Emergency Response Vehicle Project, Using Funding from the American Rescue Plan Act (ARPA)
12. Proposed Resolution – Amend 2023 Budget to Implement the Class B Foam Project for County Fire Departments, Using Funding from the American Rescue Plan Act (ARPA)
13. Proposed Resolution – Amend 2023 Budget to Implement the Dive Truck Replacement Project, Using Funding from the American Rescue Plan Act (ARPA)
14. Proposed Resolution – Amend 2023 Budget to Implement the Building Emergency Alert System Project, Using Funding from the American Rescue Plan Act (ARPA)
15. Proposed Resolution – To Accept New York State Department of Health Strengthening Infrastructure, Workforce, & Data Systems Grant
16. Proposed Resolution – Amend 2023 Budget for Chief Medical Officer
17. Proposed Resolution – Amend 2023 Adopted Budget Due to Office Relocations in the City of Dunkirk
18. Proposed Resolution – Amend 2023 Budget to Accommodate Acquisition of Near-shore Cleanup Equipment
19. Other -

LOCAL LAW
INTRODUCTORY NO. 6-23
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 13-22 PROVIDING FOR A
MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: PAYROLL MANAGER FOR THE DEPARTMENT OF FINANCE)

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 Payroll Manager for Department of Finance.

Section 2. Salary Levels.

The title of Payroll Manager for the Department of Finance shall be placed in Range 5 (\$53,674 - \$82,248) of the 2023 Management Salary Plan.

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 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Sponsor: Legislator Scudder

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Confirm Reappointment – Director of Human Resources

BY: Administrative Services Committee:

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

WHEREAS, County Executive Paul M. Wendel, Jr. has reappointed Deborah Makowski, 1759 Thornton Road, Cherry Creek, New York as Director of Human Resources, subject to confirmation by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the reappointment of Deborah Makowski as Chautauqua County Director of Human Resources effective June 1, 2023 in Range 14 of the Management Salary Plan, for the term ending May 31, 2029, as provided in New York Civil Service Law and New York Public Officers Law.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Setting Salary for Internship Positions

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, the title of Intern is included under the Chautauqua County CSEA Unit 6300 Non-Graded Salary Range with a pay rate of \$9.00 per hour; and

WHEREAS, the position of an Intern is used to address temporary work projects while providing valuable work experience; and

WHEREAS, the current pay rate for the tile of Intern was set in 2016 at \$9.00 per hour and has not changed thereby creating hardships in recruitment efforts; therefore be it

RESOLVED, That the pay rate for the tile of Intern under the Chautauqua County CSEA Unit 6300 Non-Graded Salary Range be set at a rate equal to the current New York State Minimum Wage; and be it further

RESOLVED, That rate of pay for the tile of Intern shall be adjusted annually to remain equal to the New York State Minimum Wage.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Calling a Public Hearing Pursuant to County Law §268 Upon a Proposal to Reduce Infiltration and Inflow in the North Chautauqua Lake Sewer District

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, Resolution 37-76 established the North Chautauqua Lake Sewer District (NCLSD) in accordance with County Law Article 5-A; and

WHEREAS, some portions of NCLSD infrastructure were constructed in the early 1980s, and other portions acquired from another party date as far back as the 1950s; and

WHEREAS, the engineering firm of Barton & Loguidice, duly licensed in the State of New York, was engaged to perform a study of the collection system; and

WHEREAS, Barton & Loguidice prepared an engineering report documenting locations of inflow and infiltration (I&I) and making recommendations, and developed a Map and Plan for recommended I&I reduction (the Project) together with an estimate of Project costs; and

WHEREAS, County Law §268 requires that this Legislature call a public hearing on the Map and Plan; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building, 3 North Erie Street in the Village of Mayville, Chautauqua County, New York on June 28, 2023 at 6:35 PM, prevailing time, on the proposed Project as set forth in the Map and Plan; 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 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:

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, 3 North Erie Street, Mayville, New York on June 28, 2023 at 6:35 PM, prevailing time, for the purpose of conducting a public hearing concerning the proposed reduction of inflow and infiltration in the North Chautauqua Lake Sewer District collection system. The proposed work includes rehabilitation of sewer main lines with CIPP liner, open-cut replacement of sewer main lines, rehabilitation or replacement of manholes and rehabilitation of pump stations, as detailed in the map and plan prepared by Barton &

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Loguidice which is 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>.

The estimated cost of the rehabilitation Project is \$5,480,000.00. The County intends to finance the project through NYSEFC financing and other potential grants. The estimated annual cost to be assessed to properties for these improvements is \$120.00 if grant funding is received, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$660.00. If no grant is received the estimated annual cost to be assessed to properties for these improvements is \$160.00, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$700.00.

At such public hearing, the Chautauqua County Legislature will hear all persons interested in this matter.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Confirming User Charges: South and Center Chautauqua Lake Sewer Districts

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: Legislature Chairman Pierre E. Chagnon:

WHEREAS, in 2022 the Administrative Board of the South and Center Chautauqua Lake Sewer Districts (“the Districts”) determined a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 252-22 of the Chautauqua County Legislature; and

WHEREAS, construction of Phase 1 of the South Chautauqua Lake Sewer District extension is nearing completion; and

WHEREAS, the South and Center Chautauqua Lake Sewer District Board, which serves as the Administrative Head of the Districts, having held a public hearing on proposed user charges in accordance with Resolution 222-97, has requested that the County Legislature confirm the Board-determined user charges for Phase 1 customers; now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua approves the Board-determined schedule of user charges for Phase I extension area customers, and Resolution 266-19 is hereby amended by substitution to add such charges as follows:

**CHARGES BY THE
SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICTS**

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

**SECTION II
DEFINITIONS**

As used herein, the following terms shall mean and include:

A. District: The South and Center Chautauqua Lake Sewer Districts, county sewer Districts of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. Administrative Head: The Administrative Head or body of the Districts as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. User: A parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

**SECTION III
UNITS PER PARCEL**

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

A. A single family dwelling which contains facilities which generate or are capable of generating wastewater associated with activities of a household, and defined as a structure that contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for a private or separate entrance and containing facilities to generate wastewater associated with activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, shall consist of one unit.

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C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site. Charges with respect to such site shall not commence until the initial occupancy of the site by a facility which generates sewage as long as the sewer line extended to the site is sealed to prevent the entry of any water.

C-1. Notwithstanding Subparagraph C above, a site meeting the following requirements shall consist of one-half unit:

1. the site is served by on-premises public laundry facilities and public restrooms which are connected to a District sewer line, such on-premises facilities and restrooms being located either on the same parcel of property, or on an immediately adjacent parcel of property and available for use by the site;
2. the site is improved by means of a concrete pad or other type of foundation, and/or is fitted for utility service;
3. waste from the site is, or is required to be, deposited into a District sewer line; and
4. the site is available exclusively for the long-term or transient location of a recreational vehicle, regardless of whether the site is occupied.

For purposes of this Section, recreational vehicles include camping trailers, fifth wheel trailers, motor homes, travel trailers, slide-in/truck campers, park model recreational vehicles, and house coaches which:

1. consist of 400 square feet or less in setup mode;
2. are designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use, whether having their own motor power or mounted on or towed by another vehicle;
3. are built on a single chassis and mounted on wheels; and
4. are not subject to regulation under the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards.

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements

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of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

E. In the event any user's discharge to the sewer owned by District is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the facilities of the District, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Sewer Use Law including Chautauqua County Local Law 6-94, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

**SECTION IV
SCALE OF CHARGES**

Pursuant to Section 266 of the County Law, the annual per Unit charge for collection, conveyance, treatment and disposal of sewage is:

- A. For properties that are not within the South Chautauqua Lake Sewer District extension area - \$354;
- B. For properties in the South Chautauqua Lake Sewer District extension area that were previously served by the Town of North Harmony sewer district - \$364;
- C. For properties in the South Chautauqua Lake Sewer District Phase 1 extension area extending from the previously existing South Chautauqua Lake Sewer District bounds through the Hamlet of Stow, other than those in Paragraph B - \$930; and
- D. For properties in Paragraphs B and C that are buildable vacant lots, defined as separate parcels consisting of at least 0.25 acres and having sufficient road frontage for new house construction - \$100.

**SECTION V
BILLING**

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel connected or required to be connected to public sewers within the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof divided by four (4) and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The finance director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**SECTION VI
APPEALS**

In accordance with Section 266 of the County Law and Resolution 222-97 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to South & Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Administrative Head shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Administrative Head shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to "Chairman, Chautauqua County Legislature, County Office Building, Mayville, New York 14757".

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint ad hoc committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Administrative Head by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Administrative Head of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to either the South and Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 or the property owner at the address stated in his appeal.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**SECTION VII
SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

**SECTION VIII
EFFECTIVE DATE AND REPEALER**

This law shall be effective with respect to periods beginning after July 31, 2023. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after July 31, 2023.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the New Courthouse Roof Replacement Project, Using Funding from the American Rescue Plan Act (ARPA)

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the New Courthouse Roof Replacement project fits within the guidelines for ARPA spending, is needed because of unforeseen catastrophic roof repairs necessary to prevent further damage to the Courthouse, 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:

H.1620.xxxxx.4	Contractual—New Courthouse Roof Replacement	\$500,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$500,000</u>
	Total	\$1,000,000

INCREASE REVENUE ACCOUNTS:

H. 1620.xxxxx.R503.1000	Interfund Transfers—Interfund Transfer	\$500,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$500,000</u>
	Total	\$1,000,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend 2023 Budget to Implement the Purchase of B&G Equipment Project,
Using Funding from the American Rescue Plan Act (ARPA)

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Purchase of B&G Equipment project fits within the guidelines for ARPA spending, is needed to purchase a John Deere Z930M ZTrak in the amount of \$12,000; purchase of a John Deere X730 Tractor w/mower deck in the amount of \$12,000; and purchase (4) Winsor Sensor XP12 vacuums in the amount of \$2,800, 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:

H.1620.xxxxx.4	Contractual—B&G Equipment	\$26,800
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$26,800</u>
	Total	\$53,600

INCREASE REVENUE ACCOUNTS:

H. 1620.xxxxx.R503.1000	Interfund Transfers—Interfund Transfer	\$26,800
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$26,800</u>
	Total	\$53,600

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Supporting Passage of A.6581A & S.6626-“AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.”

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 108-23, the County Legislature made a home rule request for authority to continue through November 30, 2026 the 5% occupancy tax that allows additional funds to be dedicated to the enhancement of lakes and streams in the County; and

WHEREAS, the State Assembly and the State Senate now have legislative Bills before them to create said authority; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.6581A and New York Senate Bill No. S.6626 entitled “AN ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; to repeal certain provisions of the tax law relating thereto; and providing for the repeal of certain provisions upon expiration thereof.”

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Supporting Passage of A.6692 & S.6206-“AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.”

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, the authority for the County’s additional one percent (1%) sales tax will expire on November 30, 2023; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to extend the additional one percent (1%) sales tax from December 1, 2023 through November 30, 2026; and

WHEREAS, the authorization to impose an additional 1% sales tax requires the County to:

(1) continue to assist the towns, villages and cities to the same degree provided in current law by sharing three-twentieths (3/20) of the net collections from the additional 1% of sales tax with the towns, villages and cities through November 30, 2026; and

(2) continue the existing residential energy exemption; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of the New York State Assembly Bill No. A.6692 and New York State Senate Bill No. S.6206 entitled “AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.”

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Agreement with Various School Districts for School Resource Officer Services 2023-2024

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, various school districts have requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of July 1, 2023 through June 30, 2024 school year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with these entities for the period of July 1, 2023 through June 30, 2024 for an estimated cost not to exceed amounts listed, based on a per deputy rate of \$104,125:

Brocton Central School \$104,125
Frewsburg Central School \$104,125
Pine Valley Central School \$104,125
Silver Creek Central School \$104,125
Forestville Central School \$104,125
BOCES Chau-Catt Erie II \$208,250* (1 deputy for each of 2 locations)

and

WHEREAS, this revenue is included in the 2023 Budget so no budget amendments are needed; now therefore be it

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

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the UTV Tracked Emergency Response Vehicle Project, Using Funding from the American Rescue Plan Act (ARPA)

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the UTV Tracked Emergency Response Vehicle project fits within the guidelines for ARPA spending, is needed to expand rescue capabilities beyond what is allowed by existing equipment, 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 ACCOUNT:

A.3010.2	Equipment — Emergency Services	\$50,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$50,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the Class B Foam Project for County Fire Departments, Using Funding from the American Rescue Plan Act (ARPA)

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Class B Foam Project for County Fire Departments project fits within the guidelines for ARPA spending, is needed because existing Class B foam is linked to cancer and environmental issues and the project will assist departments in getting new style foam, 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 ACCOUNT:

A.3010.4	Contractual— Emergency Services	\$57,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$57,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the Dive Truck Replacement Project, Using Funding from the American Rescue Plan Act (ARPA)

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Dive Truck Replacement project fits within the guidelines for ARPA spending, is needed because the current vehicle is a 17 year old second hand ambulance and it needs to be replaced with a one ton pick-up truck, 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 ACCOUNT:

A.3010.2	Equipment— Emergency Services	\$75,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$75,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Implement the Building Emergency Alert System Project, Using Funding from the American Rescue Plan Act (ARPA)

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an award of \$24,649,420 in ARPA funding, all of which is available for general county spending based on the Treasury Department's revenue loss formula and other guidance; and

WHEREAS, an ARPA Spending Plan was thoroughly reviewed by an ARPA working group, the County Executive, and the County Legislature, and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Building Emergency Alert System project fits within the guidelines for ARPA spending; is needed to purchase a system that is capable of providing an emergency alert system that is app-based for our employees in high density population buildings, and allows temporary visitors to the building to receive messages and alerts while in the building/campus; 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 ACCOUNT:

A.3010.4	Contractual — Emergency Services	\$30,000
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INCREASE REVENUE ACCOUNT:

A.3010.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$30,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: To Accept New York State Department of Health Strengthening Infrastructure, Workforce, & Data Systems Grant

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) Strengthening Infrastructure, Workforce, & Data Systems Grant in the amount of \$778,572 for the period of December 1, 2022 through November 30, 2027; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements and execute all necessary award-related documents for the above-named award, and this authority shall last as 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 the County's receipt of such funds.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget for Chief Medical Officer

BY: Human Services and Audit & Control Committees:

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

WHEREAS, the Chief Medical Office of Chautauqua County services several departments within the County; and

WHEREAS, the responsibilities by department were not known when the 2023 Budget was adopted so the budget does not reflect the actual distribution of costs associated with the position of Chief Medical Officer; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1185.----.1	Personal Services - Med Examiners & Coroners	\$21,226
A.1185.----.8	Employee Benefits - Med Examiners & Coroners	\$2,291
A.3989.----.1	Personal Services - Emergency Medical Service	\$41,791
A.3989.----.8	Employee Benefits - Emergency Medical Service	<u>\$7,404</u>
	Total	\$72,712

DECREASE APPROPRIATION ACCOUNTS:

A.6010.----.1	Personal Services - Social Services Admin	\$63,017
A.6010.----.8	Employee Benefits - Social Services Admin	<u>\$9,695</u>
	Total	\$72,712

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Adopted Budget Due to Office Relocations in the City of Dunkirk

BY: Human Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution No. 318-22, the County entered into a lease with Agricultural Land Holdings LLC for office space in the City of Dunkirk for use by the Chautauqua County Department of Social Services (CCDSS); and

WHEREAS, budget amendments are needed to: add a budget for the new location; reduce lease expense for the North County Office Building (NCOB) because CCDSS will only occupy NCOB for part of 2023; and add expense associated with the build out of the premises; and

WHEREAS, expenditures related to the build out will be incurred in 2023 and 2024 and will necessitate a temporary use of fund balance; and

WHEREAS, some of said expenditures will be reimbursed by New York State and/or federal sources, but the amount of the reimbursement is not known at this time, so an increase in the revenue budget for CCDSS is not included in this resolution; and

WHEREAS, the monthly lease expense for the new space is less than the monthly lease expense for NCOB, so the County will realize significant savings over the term of the lease; 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 \$114,079

;and be it further

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

ESTABLISH & INCREASE APPROPRIATION ACCOUNT:

A.1620.6020.4 Contractual - Buildings & Grounds – Lucas Avenue \$219,222

DECREASE APPROPRIATION ACCOUNT:

A.1620.6020.4 Contractual - Buildings & Grounds –
North Co Office Building \$105,143

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2023 Budget to Accommodate Acquisition of Near-shore Cleanup Equipment

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

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

WHEREAS, Resolution 291-22 authorized the use of 2022 2% Occupancy Tax Funds for the Acquisition of Near Shore Cleanup Equipment; and

WHEREAS, the purchase of the equipment was originally classified as a contractual expenditure but should be classified as an equipment expenditure; and

WHEREAS, in order to complete the purchase of the equipment, budgeted appropriations must be transferred from the contractual classification to the equipment classification; now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual-Planning, Watershed Administration \$140,000

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.2 Equipment- Planning, Watershed Administration \$140,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date