

Agenda

Audit & Control Committee

March 21, 2024, 8:35 a.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
 - B. Approval of Minutes (02/22/24)
 - C. Privilege of the Floor
1. Proposed Resolution – Acceptance of CARTS Public Transportation Section 5311 Capital Grant
 2. Proposed Resolution – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.01
 3. Proposed Resolution – Authorize Extension of the Agreement Between the Portland Pomfret-Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services
 4. Proposed Resolution – Amend Resolution 262-19 – Confirming User Charges: Portland Pomfret- Dunkirk Sewer District
 5. Proposed Resolution – Amend 2024 Budget to Implement the PPDSD I & I Project, Using Funding from the American Rescue Plan Act (ARPA)
 6. Proposed Resolution – Reallocating Salary Grade for Bridge Construction Supervisor and Carpenter
 7. Proposed Resolution – Setting Salary for Carpenter Trainee
 8. Proposed Resolution – Setting Salary for Senior Carpenter
 9. Proposed Resolution – Cancellation of Taxes on Donation to Land Bank
 10. Proposed Resolution – Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2023 to 2024

11. Proposed Resolution – Amend 2024 Budget for Probation Department ATI Pre-Trial Award
12. Proposed Resolution – Amend 2023 Budget for Year End Reconciliations – Department of Mental Hygiene and Social Services
13. Proposed Resolution – Authorize Lease Agreement Renewal with Warwick Plaza, LLC for Chautauqua County Department of Mental Hygiene – Mobile Crisis Team Office Space
14. Proposed Resolution – Policy Guidelines for Administering Proceeds of Original 3% Occupancy Tax
15. Proposed Resolution – Amend 2024 Budget for New York State Community Development Block Grant Award – Microenterprise Assistance Program
16. Proposed Resolution – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Removal of Damaged Steel Dock Structures from Dunkirk Harbor
17. Proposed Resolution – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Morse 2% Project Repairs
18. Proposed Resolution – Environmental Assessment of Applications for 2024 2% In-Lake Occupancy Tax Grant Program Funding
19. Discussions –
Renew and Amend Resolution 71-24 – Amend Senior Real Property Tax Exemption
Chautauqua County Lead Abatement Program – Ana Powell
20. Other –

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Acceptance of CARTS Public Transportation Section 5311 Capital Grant

BY: Public Facilities and Audit & Control Committees:

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

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

Mobility Management Program	\$173,623
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WHEREAS, funding for the Mobility Manager is shared at a rate of 80% Federal, 10% State and 10% local dollars, and

WHEREAS, \$91,282 for this program are included in the 2024 Adopted Budget and the balance will be included in subsequent year budgets; therefore be it

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

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 5764.01

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the project for Bridge Painting BINS 3326160, 3325420 and 3324160 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of Project costs, now estimated to be \$400,000, to be funded by \$320,000 Federal funds, \$60,000 State Marchiselli funds, and \$20,000 Local funds; 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 PIN 5764.01; and

WHEREAS; the local share is currently calculated to be \$20,000 and can be covered with existing funding in account D.5112.390; 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 exceeds 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 this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2024 Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Bridge Programs (Funded) \$400,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program \$ 20,000

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R458.9002 Federal Aid- Surface Transp Program \$320,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

D.5112.389.R358.9003	New York State Aid- Marchiselli Funds	\$ 60,000
D.5112.389.R503.1000	Interfund Transfer – Interfund Transfer	<u>\$ 20,000</u>
		Total: \$400,000

DECREASE CAPITAL REVENUE ACCOUNT:

D.9901.----.R503.1000	Interfund Transfer – Interfund Transfer	\$ 20,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Extension of the Agreement Between the Portland-Pomfret-Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District (County District) has had an Agreement with the Village of Fredonia (Fredonia), Agreement No. 19-44-01, pursuant to which Fredonia provides sewage treatment services for County District (the Agreement); and

WHEREAS, pursuant the Agreement, County District remains responsible for, and charges its customers for, maintenance of County District's sewage transmission lines; and

WHEREAS, Fredonia's charges to its Village customers cover both (i) maintenance of Fredonia's sewage transmission lines and (ii) sewage treatment; and

WHEREAS factoring in County District's maintenance of its transmission lines, the Agreement calls for Fredonia's charges to County District to be one-half the rate that Fredonia charges Village customers, plus extra charges in the event of heavy flows; and

WHEREAS, the Agreement expired on December 31, 2023; and

WHEREAS, County District and Fredonia would like to extend the term of the Agreement, but have not yet come to agreement on a payment rate or formula for the extension term; and

WHEREAS, County District would like to pay Fredonia for sewage treatment services while negotiations continue; and

WHEREAS, anticipated Agreement charges for 2024, based on current Agreement terms, are included in the 2024 County budget; now therefore be it

RESOLVED, That the Portland-Pomfret-Dunkirk Sewer District Board is authorized to enter into a contract amendment to extend the term of the Agreement on the same terms and conditions, and to pay Fredonia in accordance with current Agreement terms, through December 31, 2024, with the understanding that a future Legislative Resolution may be requested to amend payment terms once negotiations have concluded.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend Resolution 262-19 – Confirming User Charges: Portland-Pomfret-Dunkirk 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, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District, the Administrative Body of the Portland-Pomfret-Dunkirk Sewer District, has, pursuant to Section 266 of the County Law, and after a Public Hearing held on September 26, 2023, established a change to the scale of charges for the collection, conveyance, treatment and disposal of sewage for the Portland-Pomfret-Dunkirk Sewer District; and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective; therefore be it

RESOLVED, That the Charges by the Portland-Pomfret-Dunkirk Sewer District adopted by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

**CHARGES BY THE
PORTLAND POMFRET DUNKIRK SEWER DISTRICT**

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 Portland-Pomfret-Dunkirk Sewer District, a county sewer district 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 Portland-Pomfret-Dunkirk Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. **User:** The assessed owner of 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
CHARGE AREAS**

Real property within the District shall be classified as follows for the purpose of making charges hereunder.

- A. Property served by a collector sewer to which
1. Sewer service from the sewer system of the Van Buren Point Association, Inc. was available prior to 1984.
 2. Sewer service from the sewer system formerly owned by the Shore Acres Association, Inc. was available prior to 1984.
- B. Property served by a collector sewer which was constructed by the District.

**SECTION IV
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 generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries, shall consist of one unit.
- B. Each separate dwelling unit within one building shall consist of one unit.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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.

D. The unit designation of all other uses shall, at minimum 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 12,500 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 ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill. At the request of the property owner, the actual wastewater 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 and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxicity as to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to ensure a proportional distribution of operation and maintenance cost to each user or user class. At a minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

SECTION V

SCALE OF CHARGES

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

A.	CHARGE AREA	ANNUAL RATES PER UNIT
	A1	\$ 440.00 608.00
	A2	440.00 608.00
	B	400.00 568.00

B. \$0.0120 per gallon (or \$12.00 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined under the same criteria as is stated in Section IV D hereof.

SECTION VI

BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by adding the following two items:

1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).

2. The actual or estimated water use of such parcel in gallons multiplied by \$0.0120 determined in accordance with Section V B hereof

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. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section VI 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 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 Administrative Head 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.

SECTION VII APPEALS

In accordance with Section 266 of the County Law and Resolution 235-03 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 the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 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 Board of Directors of the Portland Pomfret Dunkirk Sewer District 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 Board of Directors 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, Gerace 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/her 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 Board of Directors 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 District Board 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 the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his or her appeal.

SECTION VIII 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 judgment, 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 judgment 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 IX EFFECTIVE DATE AND REPEALER

These user charges shall be effective May 1, 2024. The user charges confirmed by Resolution 262-19 of the Chautauqua County Legislature shall be repealed prospectively as of midnight on April 30, 2024.

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2024 Budget to Implement the PPDS I & I 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 PPDD I & I project fits within the guidelines for ARPA spending, is needed because the project application dollar amount was inadvertently submitted below the estimated total project cost when submitted by the engineering company, creating a shortage of \$3750.00 the district expected to receive in grant funding, and budget amendments are necessary to authorize spending for the project; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESP.8130.30001.4	Contractual – Sewage Treatment	\$3,750
A.9901.----.9	Interfund Transfers – Transfer to Capital	\$3,750

INCREASE REVENUE ACCOUNT:

ESP.8130.30001.R503.1000	Interfund Transfers – Interfund Transfer	\$3,750
A.9901.----R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$3,750

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Reallocating Salary Grade for Bridge Construction Supervisor and Carpenter

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

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

WHEREAS, the Director of Public Facilities requested a review of the Bridge Construction Supervisor and Carpenter salary grades; and

WHEREAS, the Human Resources staff reviewed the salary grades and duties currently being performed by Bridge Construction Supervisor and Carpenter positions as compared to similar positions in that department; and

WHEREAS, the position of Bridge Construction Supervisor and Carpenter is covered by the terms of the CSEA 6300 Agreement and is allocated to Grade 14 and Grade 10, respectively, of the CSEA 6300 salary schedule; and

WHEREAS, the Human Resources staff has recommended that the position of Bridge Construction Supervisor be increased three (3) grades on the CSEA 6300 salary schedule; and

WHEREAS, the Human Resources staff has recommended that the position of Carpenter be increased two (2) grades on the CSEA 6300 salary schedule; and

WHEREAS, the Reallocation Committee, as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade changes; now therefore, be it

RESOLVED, That the title of Bridge Construction Supervisor currently allocated to salary grade 14 shall be reallocated to salary grade 17 and the title of Carpenter currently allocated to salary grade 10 shall be reallocated to salary grade 12 as follows:

2024 CSEA 6300 SALARY SCHEDULE											
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10			21.51	22.50	23.05	23.89	24.54	25.34	26.10	26.88	27.69
12			22.90	23.89	24.54	25.34	26.21	27.04	27.85	28.69	29.55
14			24.30	25.34	26.21	27.04	27.94	28.94	29.81	30.70	31.62
17			26.81	27.94	28.94	29.99	30.98	32.11	33.07	34.06	35.08

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Setting Salary for Carpenter Trainee

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

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

WHEREAS, the Director of Public Facilities has requested that salary be set for a new position that involves semi-skilled carpentry work, primarily in the construction and maintenance of bridges plus a wide variety of other carpentry and masonry work; and

WHEREAS, the Human Resources Department has classified the position as Carpenter Trainee and supports the request that the salary be set at Grade 8; now therefore be it

RESOLVED, That the title of Carpenter Trainee be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 8:

Grade 8 2024: (\$20.30- \$26.11) per hour

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Setting Salary for Senior Carpenter

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

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

WHEREAS, the Director of Public Facilities has requested that salary be set for a new position that involves skilled carpentry work, primarily in the construction and maintenance of bridges plus a wide variety of other carpentry and masonry work; and

WHEREAS, the Human Resources Department has classified the position as Senior Carpenter and supports the request that the salary be set at Grade 14; now therefore be it

RESOLVED, That the title of Senior Carpenter be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 14:

Grade 14 2024: (\$24.30- \$31.62) per hour

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Cancellation of Taxes on Donation to Land Bank

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, the New York Real Property Tax Law Section 1182 provides for the cancellation of interest, penalties and other charges where the governing body holds such cancellation is in the best interest of the tax district; and

WHEREAS, 501 South Roberts Road in the City of Dunkirk was sold in the auction of tax foreclosed properties and the owner has attempted renovation and reinvestment but has been advised by engineering professionals the property cannot be salvaged therefore the current owner has offered to donate the property to the Chautauqua County Land Bank Corporation; and

WHEREAS, the Land Bank had intended to withdraw this parcel from the foreclosure auction for demolition prior to sale and intends to demolish and place the remaining lot for sale to new investors; now therefore be it

RESOLVED, That the Tax Enforcement Officer is authorized to cancel all charges on the following parcels:

501 South Roberts Road 79.16-6-1

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2023 to 2024

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, the 2023 Adopted Budget was amended to include appropriations and revenues for a number of projects funded by the American Rescue Plan Act (ARPA); and

WHEREAS, some of these projects were not completed in 2023 but are expected to be continued and/or completed in 2024; and

WHEREAS, the remaining budgets for these projects need to be included in 2024 operating budgets; and therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1410.----.4	Contractual - Records Management	\$70,620
A.1620.5060.4	Contractual - Buildings & Grounds	\$50,000
A.1680.----.4	Contractual - Information Technology	\$30,000
A.3010.----.2	Equipment - Emergency Services	\$9,446
A.3010.----.2	Equipment - Emergency Services	\$75,000
A.3010.----.4	Contractual - Emergency Services	\$30,000
A.3010.----.4	Contractual - Emergency Services	\$1,291
A.3150.----.2	Equipment - Jail	\$200,000
A.3150.----.4	Contractual - Jail	\$19,561
A.3150.----.4	Contractual - Jail	\$27,863
A.3989.EMS.4	Contractual - Emergency Medical Service	\$12,116
A.4090.----.4	Contractual - Environmental Health	\$59,897
A.4320.----.4	Contractual - Mental Hygiene Programs	\$10,000
A.5610.5610.4	Contractual - Chautauqua County Airport	\$50,000
A.6010.----.4	Contractual - Social Services Admin	\$38,834
A.6010.----.4	Contractual - Social Services Admin	\$99,962
A.6420.----.4	Contractual - Promotion of Industry	\$63,000
A.6420.COMC.4	Contractual - Promotion of Industry	\$255,664
A.6420.COMC.4	Contractual - Promotion of Industry	\$3,337
A.8020.----.4	Contractual - Planning	\$33,211
A.8020.----.4	Contractual - Planning	\$250,000
A.8020.WTRS.2	Equipment - Planning	\$740,242
A.8020.WTRS.4	Contractual - Planning	\$42,971
A.8020.WTRS.4	Contractual - Planning	\$57,279
A.8020.WTRS.4	Contractual - Planning	\$32,473
A.8020.WTRS.4	Contractual - Planning	\$40,000
A.8020.WTRS.4	Contractual - Planning	\$24,000
	Total	<u>\$2,326,767</u>

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

INCREASE REVENUE ACCOUNTS:

A.1410.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$70,620
A.1620.5060.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$50,000
A.1680.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$30,000
A.3010.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$9,446
A.3010.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$75,000
A.3010.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$30,000
A.3010.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$1,291
A.3150.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$200,000
A.3150.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$19,561
A.3150.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$27,863
A.3989.EMS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$12,116
A.4090.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$59,897
A.4320.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$10,000
A.5610.5610.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$50,000
A.6010.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$38,834
A.6010.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$99,962
A.6420.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$63,000
A.6420.COMC.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$255,664
A.6420.COMC.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$3,337
A.8020.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$33,211
A.8020.----.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$250,000
A.8020.WTRS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$740,242
A.8020.WTRS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$42,971
A.8020.WTRS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$57,279
A.8020.WTRS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$32,473
A.8020.WTRS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$40,000
A.8020.WTRS.R408.9ARP	Federal Aid-Oth Fed Aid ARPA Funds	\$24,000
	Total	<u>\$2,326,767</u>

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend 2024 Budget for Probation Department ATI Pre-Trial Award

BY: Public Safety and Audit & Control Committees:

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

WHEREAS, the Probation Department received notice that the New York State (NYS) Division of Criminal Justice Services has provided funding for ATI Pre-Trial Services; and

WHEREAS, revenues and expenditures associated with this funding were not included in the 2024 Adopted budget; now therefore be it

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

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance- Unassigned Fund Balance \$100,000

; and, be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.4	Contractual—Probation	\$ 77,750
A.3140.----.2	Equipment –Probation	<u>\$ 24,000</u>
	Total	\$101,750

INCREASE REVENUE ACCOUNT:

A.3140.----.R331.0ATI NYS Aid--NYS AID: Probation – ATI Pre-Trial \$201,750

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend 2023 Budget for Year End Reconciliations –
Department of Mental Hygiene and Social Services

BY: Human Services and Audit & Control Committees:

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

WHEREAS, some Department of Social Services departmental expenditures have exceeded initial budgetary estimates; and

WHEREAS, the Department of Social Services has received revenues in excess of budget; 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	\$168,594
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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 ACCOUNTS:

A.6055.----.4	Contractual - Day Care	\$303,692
A.6109.----.4	Contractual - Family Assistance	\$62,713
A.6119.----.4	Contractual - Child Care (Foster/INST)	\$14,287
A.6123.----.4	Contractual – Juvenile Delinquent Care	\$540
A.6140.----.4	Contractual - Safety Net	\$205,277
A.6142.----.4	Contractual – Emergency Aid for Adults	<u>\$1,437</u>
	Total	\$587,946

INCREASE REVENUE ACCOUNTS:

A.6055.----.R365.5000	New York State Aid-Child Assistance	\$17,083
A.6055.----.R465.5000	Federal Aid-Child Assistance	\$280,915
A.6109.----.R460.9000	Federal Aid-EAF Foster Care	\$61,717
A.6140.----.R364.0000	New York State Aid-Safety Net	\$59,415
A.6142.----.R364.2000	New York State Aid-Emerg Aid for Adults	<u>\$222</u>
	Total	\$419,352

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Lease Agreement Renewal with Warwick Plaza, LLC for Chautauqua County Department of Mental Hygiene - Mobile Crisis Team Office Space

BY: Human Services and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has been renting additional office space to suit the operations of the Mobile Crisis Team since April 1, 2023; and

WHEREAS, Warwick Plaza, LLC is willing to continue leasing this additional office space to Chautauqua County Mental Hygiene as it meets the needs of the Mobile Crisis Team; and

WHEREAS, expenses associated with this lease are included in the 2024 Adopted Budget for Chautauqua County Department of Mental Hygiene; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement renewal with Warwick Plaza, LLC for office space on the following terms and conditions:

1. Premises: Approximately 1120+/- square feet located at 567 Fairmount Avenue, Jamestown, NY.
2. Term: Limited from April 1, 2024 – March 31, 2026
3. Rent \$1,200 per month.
4. Utilities: Warwick Plaza, LLC shall be responsible for connection and service charges for gas, electric, water and other utilities servicing the premises. Alterations, additions, improvements, fixtures, and trade fixtures which may be installed at the premises may be done by either the Lessor or Tenant
5. Other: As negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Policy Guidelines for Administering Proceeds of Original 3% Occupancy Tax

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

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

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there is an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j of the New York State Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deducting the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (the newer 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County pursuant to programs authorized by local law; and

WHEREAS, New York State Tax Law §1202-j has been amended to alter allocation authority from the "legislature of Chautauqua County" to "government of Chautauqua County" and was recently further amended to dedicate certain percentages of Occupancy Tax funds to particular classes of projects, which has created the necessity of reviewing and updating policy guidelines; and

WHEREAS, policy guidelines to allocate the limited resources generated by the first three-fifths of the revenue (the original 3% tax) were established pursuant to Resolution 118-08, and further amended by Resolution 166-09, Resolution 110-11 and Resolution 94-13, and it is appropriate to rescind such guidelines to advance the County's planning priorities relative to tourism and establish the new guidelines herein; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby rescinds the policy guidelines set forth in Resolutions 118-08, 166-09, 110-11 and 94-13 for the allocation of the original 3% occupancy tax revenue; and further be it

RESOLVED, That the government of Chautauqua County, through the Legislature and County Executive, herein establishes a policy for the administration of 3% Occupancy Tax proceeds:

1. 50% of the 3% occupancy tax budgeted shall be provided to the Chautauqua County Visitors Bureau (CCVB) to support their efforts to market, promote, and publicize Chautauqua County and its municipalities; recruiting group functions to the County; and working to support and enhance all tourism efforts consistent with County's tourism development goals and priorities.

2. The remaining 50% of the 3% occupancy tax budget shall be allocated through the annual County budget process to advance the County's tourism goals and priorities, consistent with the eligible use of funds as described in New York State Tax Law §1202-j.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

3. Through the County’s annual budget process, the County may set aside a portion of the 3% budget to fund an annual competitive Tourism Product Development Grant Program. The County Department of Planning & Development shall design, implement, and administer a competitive process, and convene a review panel to score, rank, and prioritize applications. The grant program shall establish programs and opportunities to promote and support the development of distinct themes or significant attractions and events that enhance the level of visitor experience in the area, and ultimately drive additional visitation and visitor spending. Examples include new or expanded attractions; unique festivals/events; projects that support tourism aspects of the County Comprehensive Plan, County Greenways Plan, and/or Economic Development Strategic Plan; and initiatives that will attract greater numbers of visitors to the area. Applicants may not receive funding for more than three consecutive or non-consecutive years for any single project, and it shall be at the discretion of the review panel and Department of Planning & Development to determine whether a request by any applicant is materially similar or related to previously-funded projects as to fall within the three-year limit.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2024 Budget for New York State Community Development Block Grant Award – Microenterprise Assistance Program

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

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

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

WHEREAS, the State of New York will provide funding in the amount of \$200,000, with no County funds, for Project No. 222ME543-24 for the performance period of January 25, 2024 through December 25, 2025; and

WHEREAS, pursuant to Resolution 325-23, the County Executive was authorized to execute an agreement and all relating documents to secure the grant funding with the OCR; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2024 operating budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

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

A.6420.----.R308.9000	New York State Aid—Other State Aid	\$200,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Removal of Damaged Steel Dock Structures from Dunkirk Harbor

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

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

WHEREAS, Lake Erie is an invaluable asset to Chautauqua County and is the source water for the North Chautauqua County Water District; 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 were a public safety hazard, limited the Harbor's potential for development, and had to be removed; and

WHEREAS, the removal of the structures is consistent with the City's comprehensive and waterfront planning efforts, Chautauqua County's Local Waterfront Revitalization Program strategy and will enhance the development potential of the Chadwick Bay Marina and adjoining commercial properties; and

WHEREAS, in July 2023 the Lake Erie Management Commission unanimously approved a \$12,000 contribution to support removal of the structures; and

WHEREAS, in January, 2024 the City of Dunkirk utilized the services of a marine contractor to remove the structures at a total cost of \$107,500; and

WHEREAS, in February 2024 the City of Dunkirk requested \$50,000 from Chautauqua County's 2% Occupancy Tax Reserve for partial reimbursement of the cost to remove the damaged dock structures; and

WHEREAS, the 2% Occupancy Tax Program Reserve has a designated balance of \$375,532 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$50,000 from the 2% Occupancy Tax Program Reserve to reimburse a portion of the City of Dunkirk's costs to remove the structures; 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 Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$50,000

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$50,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Morse 2% Project Repairs

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

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

WHEREAS, Lake Erie is an invaluable asset to Chautauqua County and is the source water for the Northern Chautauqua County Water District; and

WHEREAS, in 2022 a 2% Occupancy Tax grant-funded streambank stabilization project was implemented on Tupper Creek, a tributary to Lake Erie; and

WHEREAS, in 2023 a slope failure caused soil and subsoil to obstruct the creek, resulting in accelerated erosion of the streambank and bed that will eventually cause the 2022 project to fail unless remedial measures are implemented; and

WHEREAS, the Chautauqua County Soil & Water Conservation District recommends a remedy whereby the soil and subsoil obstruction will be removed and the streambank will be stabilized and revegetated at a cost not to exceed \$5,580; and

WHEREAS, the Chautauqua County Soil & Water Conservation District and the Town of Hanover will contribute an additional \$2,710 of in-kind efforts; and

WHEREAS, the 2% Occupancy Tax Program Reserve has an unobligated balance of \$375,532 for projects of special opportunity and need; therefore be it

RESOLVED, That the Chautauqua County Legislature designates \$5,580 from the 2% Occupancy Tax Program Reserve to be dispersed to the Chautauqua County Soil & Water Conservation District for implementation of the remedy; 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 Fund Balance be appropriated as follows:

INCREASE THE USE OF RESERVED FUND BALANCE:

A.----.----.889.WATR Reserved Fund Balance-MISC RES: Lakes & Watrway \$5,580

; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning, Watershed Administration \$5,580

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Environmental Assessment of Applications for 2024 2% In-Lake Occupancy Tax Grant Program Funding

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

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

WHEREAS, Chautauqua County’s authority to collect an Occupancy Tax for the benefit of tourism, recreation and related economic development is authorized in New York State Tax Law and reauthorized by the New York State Legislature every two years; and

WHEREAS, by Resolution 108-23 the County of Chautauqua requested the New York State Legislature to amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua’s authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapter 58 of the Laws of 2020, to take effect on December 1, 2023, and continuing through November 30, 2026; and

WHEREAS, by Resolution 149-23 the Chautauqua County Legislature supported 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;” and

WHEREAS, consistent with the New York State Tax Law Chautauqua County will continue its long-standing 2% Occupancy Tax Grant Program for Watershed Projects that reduce watershed erosion, sedimentation and nutrient loading, and such other programs as are authorized by local law consistent with such purposes; and

WHEREAS, in 2024, consistent with the 2023 amendments to New York State Tax Law, Chautauqua County implemented a new 2% Occupancy Tax Grant Program for In-Lake Projects solely for the purposes of maintaining and enhancing the usability and attractiveness of the lakes of Chautauqua County for residents and visitors, including, but not limited to: environmentally responsible control, treatment, and/or removal of invasive or nuisance submerged aquatic vegetation; reduction of harmful algae blooms; shoreline maintenance and cleanup; and the enhancement of lakes for fishing, boating and other recreational activities; and

WHEREAS, twenty applications for the 2024 2% Occupancy Tax Grant Program for In-Lake projects have been received, scored and ranked by an independent review group composed of members from Chautauqua County’s tourism and recreation industry; and

WHEREAS, the review group has recommended funding six applications that fall within the 2024 Watershed Budget Funding Line of \$250,000; and

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Application	Rank	Request	Cumulative Total		
Town of Westfield Launch	1	\$49,967	\$49,967		
Chadwick Bay Marina Dredging Permitting	2	\$30,000	\$79,967		
Starry Stonewort Control	3	\$50,000	\$129,967		
Bemus Pt Blueway Trail	4	\$13,500	\$143,467		
Findley Lake Aquatic Herbicide Application	5	\$50,000	\$193,467		
CLA Operational Assistance	6	\$50,000	\$243,467	Funding Line	
Chautauqua Marina	7	\$42,000	\$285,467		
Restoring Native Vegetation	8	\$22,400	\$307,867		
CLP Invasive Species Studies	9	\$50,000	\$357,867		
Cassadaga Lakes Dredging Permitting	10	\$25,000	\$382,867		
Lily Dale Ecosystem Stabilization Project	11	\$10,000	\$392,867		
Bear Lake Dredging Permitting	12	\$20,000	\$412,867		
North Harmony Lake Plan and Debris Management	13	\$50,000	\$462,867		
Boat Cleaning Station	14	\$50,000	\$512,867		
Crosswinds Dredging	15	\$21,519	\$534,386		
Bart's Cove Shoreline Improvements	16	\$35,025	\$569,411		
Galloway Road Shoreline Improvements	17	\$50,000	\$619,411		
Hideaway Bay Stormwater	18	\$50,000	\$669,411		
Lake Erie Shoreline Improvements	19	\$27,700	\$697,111		
Rock Marine Shoreline Improvements	20	\$50,000	\$747,111		
		\$747,111			

WHEREAS, the New York State Environmental Quality Review Act (SEQRA) applies if an agency funds or directly undertakes an action; and

WHEREAS, in accordance with 6 NYCRR 617.2 (t) Chautauqua County is an Involved Agency due to its decision to fund, but not directly undertake 2% Occupancy Tax applications; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD) has caused the appropriate Environmental Assessment Forms (EAFs) to be prepared for the six applications recommended for funding; and

WHEREAS, the CCDPD determined that the Chadwick Bay Marina Dredging Permitting and CLA Operational Assistance applications describe Actions that are classified as Type 2 Actions under 6 NYCRR §617.5 (c)(27) and 617.5 (c)(8), respectively, and further SEQRA review does not apply; and

WHEREAS, the CCDPD determined that the Town of Westfield Launch application describes an Action that is classified as an Unlisted Action as defined in 6 NYCRR §617.2(al) and the Town of Westfield will act as the Lead Agency, hold any required permits and complete SEQRA for the implementation of the project; and

WHEREAS, the CCDPD determined that the Bemus Point Blueway Trail application describes an Action that is classified as an Unlisted Action as defined in 6 NYCRR §617.2(al) and the Village of Bemus Point will act as Lead Agency, hold any required permits and complete SEQRA for the implementation of the project; and

WHEREAS, the CCDPD determined that the Starry Stonewort Control application describes an Action that is classified as an Unlisted Action as defined in 6 NYCRR §617.2(al) and the Town of Chautauqua will act as Lead Agency, hold any required permits and complete SEQRA for the implementation of the project as required by the NYSDEC; and

WHEREAS, the CCDPD determined that the Findley Lake Aquatic Herbicide application describes an Action that is classified as an Type 1 Action under 6 NYCRR Part 617.4 and the Findley Lake Watershed Foundation and/or the Town of Mina will act as Lead Agency, hold any required permits and complete SEQRA for the implementation of the project as required by the NYSDEC; and

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

WHEREAS, the County has reviewed and analyzed the EAF for each application, and considered any relevant areas of environmental concern and probable environmental impacts of the applications to determine if the actions described therein may have any significant adverse environmental impacts; now, therefore be it

RESOLVED, That the County hereby finds and determines that the funding of the six recommended applications will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 NYCRR Part 617, and accordingly, is issuing a negative declaration.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

RENEW AND AMEND

**CHAUTAUQUA COUNTY
RESOLUTION NO. 71-24**

TITLE: Amend Senior Real Property Tax Exemption

BY: Administrative Services and Audit & Control Committees:

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

WHEREAS, Chautauqua County has offered a partial real property tax exemption since 1967 to senior citizen homeowners whose incomes are below a certain level as set by occasional resolution; and

WHEREAS, the current \$22,000.00 income limit has not been modified since 2017 and as a result, several senior citizens who were once eligible for the exemptions are no longer eligible for this important tax reduction; and

WHEREAS, New York State Real Property Tax Law §467 authorizes an income ceiling of up to \$58,400.

WHEREAS, it is proposed that the income limits be increased to ~~\$58,400~~ **\$30,000** effective as of the next taxable status date (March 1, 2024); now therefore be it

RESOLVED, That effective as of the next taxable status date (March 1, 2024), the County of Chautauqua does hereby increase the income eligibility limit to ~~\$58,400.00~~ **\$30,000** for partial real property tax exemption for senior citizens pursuant to Section 467 of the New York Real Property Tax Law.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date