

CHAUTAUQUA COUNTY LEGISLATURE

10/28/26

RES. NO. 239-26

Appointment of Charles Nazzaro as Legislator from Legislative District 9, City of Jamestown Ward 3, District 3; Ward 5, District 2; Ward 5, District 3; Ward 6, District 1; and Ward 6, District 4

At the Request of Chairman Pierre E. Chagnon:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Vincent DeJoy, District 9; and

WHEREAS, members of the Chautauqua County Democratic Committee representing Legislative District 9 (City of Jamestown Ward 3, District 3; Ward 5, District 2; Ward 5, District 3; Ward 6, District 1; and Ward 6, District 4) have nominated Charles Nazzaro, 236 Springdale Ave., Jamestown, NY 14701, to fill the vacancy through the end of the current term; now therefore be it

RESOLVED, that in accordance with Section 2.03 of the Chautauqua County Charter, Charles Nazzaro is hereby appointed Legislator from District 9, comprised of the City of Jamestown Ward 3, District 3; Ward 5, District 2; Ward 5, District 3; Ward 6, District 1; and Ward 6, District 4

Signed: Nelson

RES. NO. 240-26

Authorize Lease Agreement at the Chautauqua County-Jamestown Airport (JHW) for Parking Lot Space with Federal Express Corporation, A Delaware Corporation

By Public Facilities and Audit & Control Committees:

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

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received a request to lease parking lot space at the Jamestown Airport in the large parking lot in front of the main terminal building for the purpose of employee parking; and

WHEREAS, pursuant to Local Law 6-2000 a public hearing is not required for airport leases that have a term of less than one (1) year; and

WHEREAS, the 2026 Budget does not currently accounts for parking lot lease payments of an estimated \$500 monthly so an amendment is necessary to realize the full lease revenue amount; and

WHEREAS, this revenue will also be included in the 2027 Tentative Budget; now, therefore, be it

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

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance – Unassigned Fund Balance	\$600
		<u>\$1,600</u>

; and be it further

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

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\$1,600

Signed: Heiser, Johnson, Nelson, Whitney, Anthony, Scudder

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- c. January 1, 2029 to December 31, 2029 - \$6,132.91 per month
- d. January 1, 2030 to December 31, 2030 - \$6,408.89 per month
- e. January 1, 2031 to December 31, 2031 - \$6,691.29 per month

- 4. Utilities: Landlord shall be responsible for all utilities, including heat and electric. County shall be responsible for the cost of phones, cable and internet services, and cleaning and pest control services.

- 5. Other: As negotiated by the County Executive

Signed: Heiser, Scudder, Nelson, Bankoski, Gustafson, Johnson, Whitney, Anthony, Merritt, Larson, Proctor

RES. NO. 242-26

Authorize Lease Renewal with Verizon Wireless
Services, LLC for Tower space

By Public Safety and Audit & Control Committees:

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

WHEREAS, Verizon Wireless Services, LLC desires to enter into an agreement with the County of Chautauqua to utilize tower space to install, access, and maintain various communications equipment and antenna at the County owned tower located on 9750 Harrington Hill Road, Clymer, New York 14724 in the Town of Mina; and

WHEREAS, there is sufficient space at the County owned tower to accommodate the communication equipment of Verizon Wireless, and such property is not needed for a public purpose, and such rental will enhance the County's emergency telephone communications; now therefore be it

RESOLVED, that the County Executive is hereby authorized and empowered to execute a lease agreement with Verizon Wireless granting the right to install, access, and maintain various communications equipment and antenna at a County owned tower on substantially the following terms and conditions:

- 1. Premises: County Property located on 9750 Harrington Hill Road, Clymer, New York 14724 in the Town of Mina and designated on County Tax Parcel Map as Section 11, Block1, Lot 15.2
- 2. Term. 04/01/2030-03/31/2035 which can be extended for four (4) five-year renewals.
- 3. Rent. \$1,400 monthly with an annual 3% increase over the monthly rent for the immediately preceding year starting 4/1/2031.
- 4. Other. As negotiated by the County Executive and the Sheriff.

Signed: Bankoski, Merritt, Larson, Gustafson, Proctor, Johnson, Anthony, Nelson, Scudder

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RES. NO. 243-26

Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk
Airport Five-Year Capital Improvement Plan (ACIP) for FY 2027-2031

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County Dunkirk Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Dunkirk Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants, when combined with New York State Department of Transportation (NYSDOT) matching funds, provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Dunkirk Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects; and will provide up to ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the federal five-year ACIP to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Capital Budget of Chautauqua County included appropriations to supply the local share of such grants in the past, and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; now, therefore, be it

RESOLVED, that the County Executive be, and hereby is, authorized to apply for Federal and State aid for the following projects at the Chautauqua County Dunkirk Airport that are included in the current five-year ACIP plan:

FY 2027	Obstruction Removal – Runway 6-24 (DESIGN)
FY 2027	Obstruction Removal – Runway 15-33 (Design)
FY 2027	Rehabilitate Runway 6-24 Pavement and HIRL (Design)
FY 2027	Rehabilitate Taxiway A West - Pavement and MITL (Construction)
FY 2027	Acquire Easements for Approaches (Runway 6, 33, and 15)
FY 2027	Rehabilitate Transient Apron Pavement and Lighting (Design)
FY 2028	Obstruction Removal – Runway 6-24, 33, 15 (Construction)
FY 2028	Rehabilitate Runway 15-33 – Pavement, MITL, and PAPI (Construction)
FY 2028	Rehabilitate Taxiway B North – Pavement and MITL (Construction)
FY 2028	Acquire Snow Removal Equipment (SRE) (Loader)
FY 2028	Construct T-Hangar Taxi-lane (Design)
FY 2028	T-Hangar (Design & Construction) (Contingent on NYS Grant Award)
FY 2029	Rehabilitate Runway 6-24 Pavement, HIRL, Airfield Guidance Signage (Construction)
FY 2029	Obstruction Removal – Runway 33 (Construction)
FY 2029	Rotation Beacon (Design & Construction)
FY 2029	Rehabilitate Transient Apron Pavement and Lighting (Construction)
FY 2029	Rehabilitate T-Hangar Apron (Design)

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FY 2029 Construct T-Hangar Taxi-lane (Construction)
FY 2029 Airfield Guidance Signage (Design)
FY 2029 Terminal Building Upgrades: (Contingent on NYS Grant Award)

FY 2030 Acquire Snow Removal Equipment (Plow Truck/Broom)
FY 2030 Reconstruct Perimeter Fence (Design)

FY 2031 Update Airport Master Plan
FY 2031 Airfield Guidance Signs (Construction)

(10/22/26 A.C. – Carried with Legislator Scudder voting “No”)

Signed: Heiser, Johnson, Anthony, Nelson, Whitney

RES. NO. 244-26

Authorize Federal and State Aid Applications for the Chautauqua County Jamestown
Airport Five-Year Capital Improvement Plan (ACIP) for FY 2027-2031

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County Jamestown Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Jamestown Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants, when combined with New York State Department of Transportation (“NYSDOT”) matching funds, provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Jamestown Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects; and will provide up to ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the federal five-year ACIP to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Capital Budget of Chautauqua County included appropriations to supply the local share of such grants in the past, and may do so in the future; and

WHEREAS, the Airport Commission has reviewed and approved these projects; now, therefore, be it

RESOLVED, that the County Executive be, and hereby is, authorized to apply for Federal and State aid for the following projects at the Chautauqua County Jamestown Airport that are included in the current five-year ACIP plan:

FY 2027 Terminal Apron Reconstruction (Pavement and Lighting) (Construction)
FY 2027 Acquire Snow Removal Equipment (SRE) Plow Truck/ Broom Combo

FY 2028 On & Off Airport Obstruction Removal (Construction)
FY 2028 Rehabilitate Taxiway D (Signage, Pavement, Lighting) (Design)
FY 2028 Transient Apron Reconstruction (Pavement and Lighting) (Design)
FY 2028 Obstruction Removal/ Easement Purchase

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FY 2029 Reconstruct Beacon and Supplemental Wind Cones (Design)

FY 2030 Rehabilitate Taxiway D (Signage, Pavement, and Lighting) (Construction)

FY 2030 Transient Apron Reconstruction (Pavement and Lighting)
(Construction)

FY 2031 Reconstruct Taxiway F (Realign Taxiway – Signage, Pavement,
Lighting) (Design)

FY 2031 Reconstruct Beacon and Supplemental Wind Cones (Construction)
(10/22/26 A.C. – Carried with Legislator Scudder voting “No”)

Signed: Heiser, Nelson, Whitney, Anthony, Johnson

RES. NO. 245-26

Accept and Authorize Execution of Contract For County Infrastructure
Grant Program Funds for the Center Chautauqua Lake Sewer
District Phase III Extension Project

By Public Facilities, Planning and Economic Development and Audit & Control
Committees:

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

WHEREAS, the Chautauqua County Housing Market Assessment and Development
Strategy (the Plan) was completed in February, 2024; and

WHEREAS, the Plan prioritized top action items that would help establish a healthy and
well-functioning housing market as critical to the vibrancy of communities, well-being of
residents, and future economic development in Chautauqua County; and

WHEREAS, a top action item within the Plan includes supporting the development of an
array of housing choices and implementing pre-development activities, such as infrastructure
improvements and expansions, to further support new housing growth; and

WHEREAS, in 2026, the Chautauqua County Department of Planning and Development
applied for and was awarded an Empire State Development (ESD) County Infrastructure Grant
(project# 140,496) in the amount of \$1,000,000 to assist with the Phase III Center Chautauqua
Lake Sewer District Extension Project (the Project); and

WHEREAS, the Project will include the construction of a comprehensive municipal
sanitary sewer system along the northeast shore of Chautauqua Lake by extending public sewer
lines from Point Chautauqua to Midway State Park; and

WHEREAS, the Project will build in the necessary mainline utility capacity to support
174 units of new housing within the planned Sunset View Development and establishes
immediate, localized sewer access for 66 vacant, buildable parcels; and

WHEREAS, upon completion of the Project to the satisfaction of the County and Empire
State Development, with the ESD Board having approved the Project, the Center Chautauqua Lake
Sewer District will receive \$1,000,000 in grant funds to support the Project; now, therefore, be it

RESOLVED, that the Phase III Capital Project budget be amended as follows:

INCREASE REVENUE ACCOUNT:

ESS.8130.27008.R399.0000 New York State Aid – Sewer Capital Projects \$1,000,0000

; and be it also

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RESOLVED, that the Chautauqua County Legislature hereby approves the acceptance of the \$1,000,000 County Infrastructure grant from ESD, and the County Executive is authorized and empowered to execute all agreements and documents necessary to accept and disburse said funding.

(10/19/26 P.F. – Carried with Legislator Whitney voting “No”)

Signed: Heiser, Harmon, Nelson, Anthony, Merritt, Johnson, Penhollow

RES. NO. 246-26

Authorize Sections 89-t and 603(p) Retirement Plans for
Peace Officers in the Probation Department

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

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

WHEREAS, Chautauqua County and CSEA Unit 6300 Employee Union have formally agreed to provide a 25-year retirement plan for Peace Officers within the Chautauqua County Probation Department; and

WHEREAS, the New York State and Local Retirement System (NYSLRS) requires Chautauqua County to adopt a resolution electing to assume the costs of providing such retirement plan; now therefore be it

RESOLVED, that the Legislature of the County of Chautauqua hereby elects to assume the entire additional cost required to provide the benefits of the 25-year retirement plan pursuant to Sections 89-t and 603(p) of the New York State Retirement and Social Security Law for Peace Officers employed in the Chautauqua County Probation Department; and be it further

RESOLVED, that the Clerk of the Legislature is hereby instructed to file a certified copy of this resolution with the New York State Comptroller's Office as required by New York Retirement and Social Security Law Section 89-t(j)(2).

(10/19/26 AS – Amended by Substitution)

Signed: Scudder, Bankoski, Anthony, Buchanan, Vanstrom, Heiser, Merritt, Larson, Gustafson, Proctor, Johnson, Nelson

RES. NO. 247-26

Amend 2026 Budget for Sections 89-t and 603(p) Retirement
Plans for Peace Officers in the Probation Department

By Public Safety and Audit & Control Committees:

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

WHEREAS, Chautauqua County and CSEA Unit 6300 Employee Union have formally agreed to provide a 25-year retirement plan for Peace Officers within the Chautauqua County Probation Department; and

WHEREAS, revenue and expenditures associated with Section 89-T and 603 (p) Retirement Plans were not included in the 2026 Adopted Budget; and

WHEREAS, the Probation Department has received grant funding from the New York State division of Criminal Justice that can be utilized to fund this revision; now, therefore, be it

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

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INCREASE APPROPRIATION ACCOUNT:

A.3140.----.8	Employee Benefits-Probation	\$269,000
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INCREASE REVENUE ACCOUNT:

A.3140.----.R331.0ATI	NYS AID-Probation ATI Pre-Trial	\$269,000
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Signed: Bankoski, Scudder, Gustafson, Anthony, Buchanan, Johnson, Vanstrom, Heiser, Merritt, Larson, Proctor, Nelson

RES. NO. 248-26

Amend 2026 Budget for Portland-Pomfret-Dunkirk Sewer
District Generators for Pump Stations #'s 1-5

By Public Facilities and Audit & Control Committees:

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

WHEREAS, The Portland-Pomfret-Dunkirk Sewer District is making improvements to the District; and

WHEREAS, the District wishes to replace the generators at Pump Station #'s 1-5 utilizing District fund balance; and

WHEREAS, the District has completed the purchasing requirement of receiving bids; and

WHEREAS, the District awarded the bid to the lowest bidder for an amount not to exceed \$105,930.00; and

WHEREAS, the District has sufficient Fund Balance to cover the cost of the new generators; now, therefore, be it

RESOLVED, that the ESP Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

ESP.----.----.924.0000	Nets Assets - Unrestricted	\$105,930
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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 2026 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

ESP.8120.----.4	Contractual – PRTLND, PMFRT, DNK Sewer	\$105,930
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Signed: Heiser, Nelson, Whitney, Anthony, Johnson, Scudder

RES. NO. 249-26

Amend 2026 Budget for Liability Insurance Departments

By Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 295-25, the Chautauqua County Legislature approved a settlement in the amount of \$100,000 that was not included in the 2026 adopted budget; and

WHEREAS, some Liability Insurance expenditures have exceeded initial budgetary estimates; and

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WHEREAS, administrative review has identified an accounting misclassification within the Liability Insurance Departments in the 2026 Adopted Budget; now, therefore, be it RESOLVED, that the CS Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE

CS.----.----.863.0000	Fund Balance, Reserved Fund Balance-Insurance Reserve	\$157,500
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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 2026 Adopted Budget

INCREASE APPROPRIATION ACCOUNTS:

CS.1989.----.4	Contractual - Oth General GOVT Supt	\$57,500
CS.1930.----.4	Contractual - Judgement & Claims	<u>\$300,000</u>
	Total	\$357,500

DECREASE APPROPRIATION ACCOUNT:

CS.1931.----.4	Contractual-Property Loss	\$200,000
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INCREASE REVENUE ACCOUNT:

CS.1930.----.R268.0000	Sale of Property/Compen-/Insurance Recov	\$200,000
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DECREASE REVENUE ACCOUNT:

CS.1931.----.R268.0000	Sale of Property/Compen-/Insurance Recov	\$200,000
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Signed: Scudder, Anthony, Buchanan, Vanstrom, Heiser, Johnson, Nelson

RES. NO. 250-26

Amend Chautauqua County Department of Mental Hygiene and
Social Services 2026 Budget for Increased Safety Net Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, 2026 Expenditures for Safety Net costs are now projected to be in excess of the budgeted amount; and

WHEREAS, Safety Net costs are funded at 28 percent by the State of New York and at 1 percent by the Federal Government; now, therefore, be it

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

INCREASE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance-Unassigned fund balance	\$2,130,000
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual - Safety Net	\$3,000,000
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INCREASE REVENUE ACCOUNTS:

A.6140.----.R364.0000	New York State Aid-Safety Net	\$ 840,000
A.6140.----.R464.0000	Federal Aid-Safety Net	<u>\$ 30,000</u>
	Total	\$ 870,000

Signed: Proctor, Lewis, Harmon, Gustafson, Johnson, Anthony, Nelson, Scudder

RES. NO. 251-26

Amend Chautauqua County Department of Mental Hygiene and
Social Services 2026 Budget for Increased Services for Recipients Costs

By Human Services and Audit & Control Committees:

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

WHEREAS, 2026 expenditures and revenue for Services for Recipients costs related to Non-TA Residential Domestic Violence are now projected to be in excess of the budgeted amount; and

WHEREAS, Services for Recipients costs related to Non-TA Residential Domestic Violence funding are received by Title XX; now, therefore, be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.6070.----.4	Contractual - Services for Recipients	\$120,000
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INCREASE REVENUE ACCOUNTS:

A.6070.----.R467.0000	Federal Aid-Services for Recipients	\$120,000
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Signed: Proctor, Lewis, Harmon, Gustafson, Johnson, Anthony, Nelson, Scudder

RES. NO. 252-26

Accept Donation of Boat Lifts for the Navigation
Division for the Office of the Sheriff

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Sheriff's Navigation division is responsible for maintaining several boats that are utilized for waterway patrols; and

WHEREAS, Jenn's Lake Service wishes to donate a boat lift with an estimated monetary value of \$12,000 to the Navigation Division for the Office of the Sheriff; and

WHEREAS, Snug Harbor Marina wishes to donate a boat lift with an estimated monetary value of \$10,000 to the Navigation Division for the Office of the Sheriff; and

WHEREAS, there is no budget amendment needed for the acceptance of property; now therefore be it

RESOLVED, the Chautauqua County Executive is authorized to accept the boat lift donations from the above entities.

Signed: Bankoski, Merritt, Larson, Gustafson, Proctor, Johnson, Anthony, Nelson, Scudder

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RES. NO. 253-26

Requesting Law Enforcement Education Program on E-bikes
and E-scooters in Chautauqua County High Schools

By Public Safety Committee:

At the Request of Legislator Fred Larson:

WHEREAS, the explosion in the use of e-bikes and e-scooters has created a “Wild West” of motorized mayhem on the streets of the County putting users of e-bikes and e-scooters at risk of death or serious injury, and

WHEREAS, there are laws and rules regulating the use of e-bikes and e-scooters on public roads and streets, and

WHEREAS, it is obvious many young people and adults are either unaware of those laws and rules or choose to ignore them, and

WHEREAS, among the Sheriff’s Office, local Police Departments and the State Police, including School Resource Officers (SROs) there are a sufficient number of law enforcement personnel to go into each of the 17 County School Districts that contain a High School, with an educational program on the laws and rules surrounding the operation of e-bikes and e-scooters, and

WHEREAS, each School District should make approximately one hour of time available in the Spring of 2027 for law enforcement personnel to educate their students on the laws and rules of using e-bikes and e-scooters, thereby protecting their students and the public, now therefore be it

RESOLVED, that the Chautauqua County Legislature requests the Chautauqua County Sheriff to coordinate with local police departments and the State Police, including SROs, an educational program to be delivered to every Chautauqua County Middle School and High School by the Spring of 2027 to combat the illegal and out-of-control use of e-bikes and e-scooters and to promote public safety.

Signed: Bankoski, Merritt, Larson, Gustafson, Proctor

RES. NO. 254-26

Authorize Acceptance of New York State Office of Mental Health
Grant Funds and Amend the 2026 Budget for the Chautauqua
County Department of Mental Hygiene Mobile Crisis Team

By Human Services and Audit & Control Committees:

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

WHEREAS, the New York Office of Mental Health (OMH) has awarded grant funding to the Chautauqua County Department of Mental Hygiene (CCDMH) to support the Department’s Mobile Crisis Team; and

WHEREAS, the funding consists of three separate grants, including 2024 Bipartisan Safer Communities Act funds for the expenditure period of July 1, 2026 through September 30, 2026; 2025 Bipartisan Safer Communities Act funds for the expenditure period of July 1, 2026 through September 30, 2027; and of 2026 Community Mental Health Services Block Grant funds for the expenditure period of July 1, 2026 through September 30, 2027; and

WHEREAS, the grant funding will be used to support allowable expenses associated with the Department’s Mobile Crisis Team and the provision of community-based crisis services, in accordance with the terms and conditions established by OMH and the applicable federal funding requirements; and

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WHEREAS, the grant funds are one-time awards and do not constitute ongoing funding;
and

WHEREAS, an amendment to the 2026 budget will be submitted to reflect the 2024 Bipartisan Safer Communities Act funds in the amount of \$3,215.00; and

WHEREAS, the 2025 Bipartisan Safer Communities Act in the amount of \$3,215 and the 2026 Community Mental Health Services Block Grant in the amount of \$3,570.00 are included in the 2027 budget as applicable and does not require further amendment; now therefore be it

RESOLVED, that the Chautauqua County Legislature hereby authorizes the acceptance of the following OMH grant funds for CCDMH:

- 2024 Bipartisan Safer Communities Act: \$3,215.00
- 2025 Bipartisan Safer Communities Act: \$3,215.00
- 2026 Community Mental Health Services Block Grant: \$3,570.00

for a total award of \$10,000.00; and be it further; and be it further

RESOLVED, that the County Executive is hereby authorized to execute agreements with the State of New York and amendments thereto as may be necessary to accept and administer these grant funds, and is further authorized to enter into agreements with service providers, organizations, municipal corporations, school districts, or otherwise, to fulfill the purposes of said grants; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0001	Mental Hygiene – SAMHSA	\$3,215
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual — Mental Hygiene Programs	\$3,215
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Signed: Proctor, Scudder, Gustafson, Lewis, Harmon, Johnson

RES. NO. 255-26

Authorize Acceptance of New York State Office of Mental Health Grant Funds and
Amend the 2026 Budget for the Chautauqua County Department of Mental Hygiene
Assisted Outpatient Treatment (AOT) Enhanced Coordination

By Human Services and Audit & Control Committees:

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

WHEREAS, the New York Office of Mental Health (OMH) has awarded grant funding to the Chautauqua County Department of Mental Hygiene (CCDMH) to support Assisted Outpatient Treatment (AOT) Enhanced Coordination services; and

WHEREAS, the funding consists of \$379,923 for the 2026 expenditure period and \$215,410 for 2027 expenditure period to support the coordination and administration of Assisted Outpatient Treatment services; and

WHEREAS, the grant funding will be used to support allowable expenses associated with AOT Enhanced Coordination and the provision of services in accordance with the terms and conditions established by OMH and applicable funding requirements; and

WHEREAS, the state aid funding for such services is provided to CCDMH on an annual basis and will be ongoing until OMH funds are depleted or unavailable; and

WHEREAS, an amendment is needed for the 2026 budget in the amount of \$379,923;
and

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WHEREAS, the 2027 AOT Enhanced Coordination funding is included in the 2027 Tentative Budget and does not require further amendment; now, therefore, be it

RESOLVED, that the Chautauqua County Legislature hereby authorizes the acceptance of the following OMH grant funds for CCDMH:

- 2026 AOT Enhanced Coordination: \$379,923
- 2027 AOT Enhanced Coordination: \$215,410

for a total award of \$595,333.00; and be it further

RESOLVED, that the County Executive is hereby authorized to execute agreements with the State of New York and amendments thereto as may be necessary to accept and administer this grant for as long as this funding is made available by OMH; and is further authorized to enter into agreements with service providers, organizations, municipal corporations, school districts, or otherwise, to fulfill the purposes of said grant; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000	State Aid – Mental Health	\$379,923
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual – Mental Hygiene Programs	\$379,923
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Signed: Proctor, Scudder, Johnson, Gustafson, Lewis, Harmon

RES. NO. 256-26

Authorize Acceptance of New York State Office of Mental Health Grant Funds
And Amend the 2026 Budget for the Chautauqua County Department of
Mental Hygiene Children's Single Point of Access Program

By Human Services and Audit & Control Committees:

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

WHEREAS, the New York Office of Mental Health (OMH) has awarded grant funding to the Chautauqua County Department of Mental Hygiene (CCDMH) to the County's Children's Single Point of Access (CSPOA) Program; and

WHEREAS, the funding consists of 2026 start-up funds in the amount \$96,624.00, prorated beginning April 1, 2026, and anticipated 2027 funding in the amount of 128,832.00 to support the CSPOA Program; and

WHEREAS, the grant funding will be used to support allowable expenses associated with the implementation and operation of the CSPOA Program and the coordination of services for children and youth, in accordance with the terms and conditions established by OMH and applicable funding requirements; and

WHEREAS, the state aid funding for such services is provided to CCDMH on an annual basis and will be ongoing until OMH funds are depleted or unavailable; and

WHEREAS, the 2026 funding requires an amendment to the 2026 Budget to reflect the prorated start-up funding in the amount of \$96,624.00; and

WHEREAS, anticipated 2027 funding in the amount of \$128,832.00 is included in the 2027 Tentative Budget; now therefore be it

RESOLVED, that the Chautauqua County Legislature hereby authorizes the acceptance of the following OMH Children's Single Point of Access (CSPOA) Program funding for CCDMH:

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- 2026 CSPOA Start-up and Funds: \$96,624.00
- 2027 CSPOA Funding: \$128,832.00

for a total award of \$225,456.00; and be it further

RESOLVED, that the County Executive is hereby authorized to execute agreements with the State of New York and amendments thereto as may be necessary to accept and administer this grant for as long as this funding is made available by OMH; and is further authorized to enter into agreements with service providers, organizations, municipal corporations, school districts, or otherwise, to fulfill the purposes of said grant; and be it further

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

INCREASE REVENUE ACCOUNT:

A.4320.----.R349.0000	State Aid – Mental Health	\$96,624
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual – Mental Hygiene Programs	\$96,624
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Signed: Proctor, Lewis, Scudder, Johnson, Gustafson, Harmon, Anthony

RES. NO. 257-26

Authorizing Application Submittal for 2026 Community Development
Block Grant Microenterprise Assistance Program

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the New York State Community Development Block Grant Program provides funding to communities under their Economic Development Program to undertake activities that focus on community development needs such as creating or expanding job opportunities; and

WHEREAS, Chautauqua County (“the County”) desires to partner with Chautauqua Opportunities for Development, Inc. (“CODI”) as a subrecipient to apply to the New York State Office of Community Renewal (“OCR”) for a \$250,000 grant for eligible microenterprise activities which will provide grants to eligible microenterprise businesses, both startups and existing, for working capital, furniture, fixtures and equipment, and other eligible expenses; and

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

WHEREAS, the County held a public hearing on September 23, 2026 to obtain citizens’ views regarding the CDBG program as administered by OCR and regarding the proposed microenterprise program; and

WHEREAS, a second Public Hearing regarding the CDBG application and program within Chautauqua County will be held October 28, 2026 at 6:35 PM in the Legislative Chambers, Gerace Office Building, Mayville, NY; now, therefore, be it

RESOLVED, that the County is hereby authorized to submit a grant application in the amount of \$250,000, with such amount to be used to provide business grants and fund the costs of grant administration and program activities; and be it further

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

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

Signed: Harmon, Merritt, Johnson, Penhollow, Anthony, Scudder

RES. NO. 258-26

Authorizing Public Hearing Regarding 8-Year Review
of Chautauqua County Agricultural District 10

By Planning & Economic Development Committee:

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

WHEREAS, Chautauqua County Legislature is responsible for Chautauqua County Agricultural District 10 encompassing the Towns of Arkwright, Charlotte, Cherry Creek, Ellington, Gerry, and Villenova; and

WHEREAS, Article 25AA section 303-a of the New York State Agriculture and Markets Law authorizes the continuance and modification of agricultural districts within the County of Chautauqua, in accordance with the procedures set forth therein; and

WHEREAS, the County received a notification from the New York State Department of Agriculture and Markets to perform an eight-year review for Agricultural District 10; and

WHEREAS, in accordance with the New York State Agriculture and Markets Law section 303-a, a comprehensive eight-year review of Chautauqua County Agricultural District 10 was conducted, and a Notice to Review to accept proposals for modifications to the district was posted and distributed in accordance with the procedures set forth therein, for the period of August 1, 2026 through August 30, 2026; and

WHEREAS, the Chautauqua County Agricultural and Farmland Protection Board reviews the submitted modifications on October 9, 2026, and is finalizing its report and findings of the proposed modifications; and

WHEREAS, in accordance with New York State Agriculture and Markets Law section 303-a, the County must hold a public hearing prior to accepting proposed modifications to an agricultural district; now, therefore, be it

RESOLVED, that the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the Chautauqua County Legislature on December 16, 2026 at 6:35pm in the Legislative Chambers, Gerace Office Building, Mayville, New York, where all interested parties shall be heard regarding the proposed 8-year review modifications to Chautauqua County Agricultural District 10; and be it further

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

Signed: Harmon, Merritt, Johnson, Penhollow

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RES. NO. 259-26

Quit Claim Deeds

By Administrative Services and Audit & Control Committees:

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

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

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

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

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

Offer Number	Municipality	S/B/L	Property Location	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-23-2026	City of Dunkirk	79.18-1-20	501 Woodrow Ave	Jodie Lynn Cartone	Persch Nancy A	\$75,600.00	\$13,998.64
PA-31-2026	City of Dunkirk	79.19-1-5	501 Deer St	Gameel Omar	Rose Rebecca	\$8,500.00	\$15,430.86
PA-48-2026	City of Dunkirk	96.10-1-1	Willowbrook Ave	Kevin Johnston	Realco Inc	\$5,300.00	\$13,305.93
PA-64-2026	Jamestown	370.19-10-50	92 Falconer St	Tyrone Schaffer	Akins Maurice	\$30,100.00	\$8,389.49
PA-75-2026	Jamestown	370.20-6-5	846 E 2nd St	Tasty Alimentos	846 E 2nd St Inc	\$5,300.00	\$4,950.00
PA-83-2026	Jamestown	387.06-5-12	W 10th St	Zachary Overacker	Butts Raheem A	\$520.00	\$453.01
PA-95-2026	Jamestown	387.12-2-67	Allen St	Zachary Overacker	Kepler Ronald Sr	\$210.00	\$327.17
PA-119-2026	Jamestown	387.19-2-28	Prospect St	Zachary Overacker	TBT Holdings LLC	\$150.00	\$972.12
PA-143-2026	Jamestown	388.05-1-52	Vega St	Zachary Overacker	Empire City Rentals LLC	\$500.00	\$413.53
PA-144-2026	Jamestown	388.05-1-53	Vega St	Zachary Overacker	Empire City Rentals LLC	\$115.00	\$216.53
PA-145-2026	Jamestown	388.05-1-54	Vega St	Zachary Overacker	Empire City Rentals LLC	\$193.00	\$256.09
PA-146-2026	Jamestown	388.05-1-55	Vega St	Zachary Overacker	Empire City Rentals LLC	\$192.00	\$256.09

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PA-158-2026	Lakewood	386.05-4-52	Baxter St	Brian R Thompson	Taylor Raymond	\$3,150.00	\$478.30
PA-159-2026	Lakewood	386.05-4-53	Baxter St	Brian R Thompson	Taylor Raymond	\$3,150.00	\$478.30
PA-165-2026	Busti	418.00-2-8	Wellman Rd	Barrons Realty Management LLC	A6 Properties LLC	\$28,392.00	\$11,651.91
PA-166-2026	Busti	418.00-2-9	1141 Wellman Rd	Barrons Realty Management LLC	A6 Properties LLC	\$39,208.00	\$116,198.72
PA-200-2026	Cherry Creek	237.12-1-32	538 Southside Ave	Barrons Realty Management LLC	Snyder Matthew A	\$14,100.00	\$8,940.07
PA-207-2026	Ellery	298.00-2-42	5340 Maple Springs-Ellery Rd	Gooseneck Farms Inc	Lutgen Dan A	\$18,000.00	\$17,257.00
PA-222-2026	French Creek	427.00-1-50.1	10127 Route 474	Darlene Bolsover	Downey Paul	\$178,800.00	\$12,132.20
PA-263-2026	Fredonia	130.02-2-1	Porter St	Barrons Realty Management LLC	Potkovich Rosella M	\$4,233.00	\$2,322.11
PA-264-2026	Fredonia	130.02-2-25.1	160 Porter St	Barrons Realty Management LLC	Potkovich Rosella M	\$120,440.00	\$62,527.51
PA-265-2026	Fredonia	130.02-2-26	Porter St	Barrons Realty Management LLC	Potkovich Rosella M	\$5,929.00	\$3,188.18
PA-267-2026	Fredonia	130.02-2-5	Route 60	Barrons Realty Management LLC	Potkovich Rosella M	\$9,726.00	\$5,138.17
PA-268-2026	Fredonia	130.02-2-6	Porter St	Barrons Realty Management LLC	Potkovich Gustav J	\$8,721.00	\$4,617.88
PA-269-2026	Fredonia	130.02-2-8	Porter St	Barrons Realty Management LLC	Potkovich Gustav J	\$1,051.00	\$697.88
PA-302-2026	Sheridan	81.00-1-47	11250 Strawser Rd	Vernon Pchelka	Rafan Ronald P Sr.	\$19,600.00	\$2,944.19
PA-305-2026	Sheridan	98.00-3-31	10532 Newell Rd	Vernon Pchelka	Meka Eric A	\$50,500.00	\$9,150.39

Signed: Scudder, Anthony, Buchanan, Vanstrom, Heiser, Johnson, Nelson

RES. NO. 260-26

Consider 2027 Tentative Budget, with the Changes Listed Below, and
Present Same to the County Executive for His Consideration and Action

By Audit & Control Committee:

At the Request of Audit & Control Committee:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2027 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended increasing the Tax Levy to the limit allowed under the tax cap, thereby reducing the amount of Fund Balance utilized in the Tentative Budget; and

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WHEREAS, the Committee wishes to make changes to Exhibit E in addition to various increase and decreases within the proposed operating budget; now, therefore, be it

RESOLVED, that the following capital projects be added to and amended within Exhibit E of the 2027 Tentative Budget:

CARTS Bus Replacement – Total Project Cost \$867,354 (Local Share: \$86,735; State Funding: \$86,735; Federal Funding: \$693,884)

EMS Fly Cars – increase by \$61,574 for a total project cost of \$177,438 (Local Share: \$61,574; Interest Earnings: \$115,864)

; and be it further

RESOLVED, that the use of Fund Balance be appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

	Unassigned Fund Balance--Assigned Fund Balance	
D.----.----.915.0000	Unappropriated	\$115,000
A.----.----.917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$2,679,060
	Total	\$2,794,060

; and be it further

RESOLVED, that the 2027 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

A.4320.----.4	Contractual - Mental Hygiene Programs	\$6,785
A.9950.----.9	Interfund Transfers – Transfers to Capital	\$148,309
A.7110.----.4	Contractual - Parks	\$3,200
	Total	\$158,294

DECREASE APPROPRIATION ACCOUNTS:

D.5142.----.4	Contractual - Snow Removal: Co Roads	\$40,000
A.1450.----.4	Contractual - Board of Elections	\$10,500
A.1170.----.1	Personal Services - Public Defender	\$325,000
A.1170.----.8	Employee Benefits - Public Defender	\$175,500
	Total	\$551,000

INCREASE REVENUE ACCOUNTS:

A.4320.----.R449.0001	Federal Aid-Mental Hygiene-SAMHSA	\$6,785
A.5610.5610.R177.0000	Departmental Income-Fees & Rental: Airport	\$3,200
A.1165.----.R308.9000	New York State Aid-Other State Aid	\$300,000
A.3989.EMS.R158.9108	Departmental Income-Other Public Safety Income - Other Agencies	\$127,500
D.5142.----.R277.0007	Miscellaneous-Other Uncl: Salt & Sand	\$75,000
A.1310.9999.R100.1000	Real Property Taxes--Real Property Tax	\$1,849,202
A.4017.JAIL.R348.9000	New York State Aid-Other Health	\$175,167
	Total	\$2,536,854

DECREASE REVENUE ACCOUNTS:

A.1310.9999.R115.0000	Non Property Tax Items-Off Track Betting	\$125,000
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A.1450.----.R308.9007	New York State Aid-Oth State Aid: Elections Grt	\$10,500
	Total	\$135,500

; and be it further

RESOLVED, that the exhibits and schedules presented in the 2027 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, that the 2027 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects a Real Property Tax Levy of \$76,810,369 and an estimated Full Value Rate of \$5.46.

(10/22/26 A.C. – Carried with Legislator Johnson voting “No”)

Signed: Scudder, Anthony

RES. NO. 261-26

A Resolution Adopting a Uniform Tax Exemption Policy Pursuant to General Municipal Law § 874(4) Providing that the Chautauqua County Industrial Development Agency Shall Not Consent to Real Property Tax Exemptions, Mortgage Recording Tax Exemptions, or Sales and Use Tax Exemptions for Data Center Projects

At the Request of Legislators Fred Larson, Marcus Buchanan, Robert Bankoski, Thomas Nelson, Sandra Lewis, Robert Whitney:

WHEREAS, the Chautauqua County Industrial Development Agency (hereinafter "Agency") is a public benefit corporation organized and existing pursuant to Article 18-A of the New York General Municipal Law (hereinafter "GML"); and

WHEREAS, GML § 874(4) provides that a county legislature may, by resolution, adopt a Uniform Tax Exemption Policy ("UTEP") that prescribes the terms and conditions under which the Agency may provide financial assistance, including real property tax exemptions, mortgage recording tax exemptions, and sales and use tax exemptions, in connection with projects undertaken by the Agency; and

WHEREAS, the Chautauqua County Legislature (hereinafter "Legislature") is the authorizing body with jurisdiction to establish policy parameters governing the exercise of the Agency's power to grant tax exemption benefits within Chautauqua County; and

WHEREAS, the Legislature has reviewed and considered the nature and characteristics of data center projects, including but not limited to facilities whose primary purpose is the housing, storage, management, or processing of electronic data, including colocation data centers, cloud computing facilities, hyperscale data centers, cryptocurrency mining operations, and similar technology infrastructure facilities; and

WHEREAS, the Legislature finds that data center projects, while capital-intensive, typically generate minimal permanent employment relative to the magnitude of public tax benefits requested and relative to the level of capital investment made; and

WHEREAS, the Legislature further finds that data center projects often consume significant public infrastructure resources, including substantial electrical power, water resources, and utility capacity, which may impose burdens upon local infrastructure systems without commensurate benefit to the local economy, local workforce, or local tax base; and

WHEREAS, the Legislature finds that the granting of tax exemptions to data center projects diminishes revenues otherwise available to Chautauqua County, its municipalities, and its school districts, which depend upon such tax revenues to fund essential public services, including public education, emergency services, public health, and infrastructure maintenance; and

WHEREAS, the Legislature finds that data center projects do not sufficiently advance the economic development purposes set forth in Article 18-A of the GML so as to justify the granting of tax exemption benefits by the Agency; and

WHEREAS, the Legislature has determined that it is in the best interest of the residents, taxing jurisdictions, and communities of Chautauqua County to expressly preclude the Agency from consenting to or approving tax exemption benefits for data center projects; and

WHEREAS, the Legislature has provided public notice and opportunity for comment consistent with applicable law prior to the adoption of this Uniform Tax Exemption Policy; and

WHEREAS, the Legislature desires to adopt a Uniform Tax Exemption Policy that includes a prohibition on tax exemption benefits for data center projects, effective immediately upon adoption; now, therefore, be it

RESOLVED by the Chautauqua County Legislature as follows:

ARTICLE I — TITLE AND AUTHORITY

Section 1.01 — Title. This Resolution shall be known and may be cited as the "**Chautauqua County Uniform Tax Exemption Policy**" (hereinafter "UTEP" or "Policy").

Section 1.02 — Authority. This Policy is adopted pursuant to the authority granted to the Chautauqua County Legislature under New York General Municipal Law § 874(4), which authorizes the governing body of a county to adopt by resolution a uniform tax exemption policy applicable to the Chautauqua County Industrial Development Agency.

Section 1.03 — Purpose. The purpose of this Policy is to establish uniform standards governing the extent to which the Agency shall provide tax exemption benefits in connection with projects, and specifically to prohibit the Agency from consenting to or granting any tax exemption benefits in connection with data center projects as defined herein.

ARTICLE II — DEFINITIONS

Section 2.01 — Definitions. As used in this Policy, the following terms shall have the meanings set forth below:

(a) "**Agency**" means the Chautauqua County Industrial Development Agency, a public benefit corporation organized pursuant to Article 18-A of the New York General Municipal Law.

(b) "**Applicant**" means any person, entity, partnership, corporation, limited liability company, association, or other legal entity that applies to the Agency for financial assistance in connection with a project.

(c) "**Data Center Project**" means any project in which the primary or predominant use of the facility, or any material portion thereof, involves one or more of the following:

(i) the housing, storage, processing, or management of electronic data, digital information, or computing workloads on behalf of the project operator or third parties;

(ii) the operation of servers, networking equipment, storage systems, or associated infrastructure in support of cloud computing services, internet services, colocation services, or managed services;

(iii) the operation of facilities commonly described as data centers, colocation centers, cloud data centers, hyperscale data centers, edge data centers, or enterprise data centers;

(iv) the operation of facilities engaged in cryptocurrency mining, blockchain processing, or similar computationally intensive digital asset operations;

(v) any facility in which the density of computing, server, or electronic processing equipment exceeds that typically associated with incidental or accessory office or business use; or

(vi) any facility that is primarily designed, constructed, or operated to support any of the activities described in subsections (i) through (v) above.

(d) **"Financial Assistance"** means any form of assistance provided by the Agency including, without limitation, real property tax exemptions, payments in lieu of taxes (PILOTs), mortgage recording tax exemptions, and sales and use tax exemptions, as authorized under Article 18-A of the GML.

(e) **"Mortgage Recording Tax Exemption"** means the exemption from the mortgage recording tax authorized under GML § 874(1).

(f) **"Real Property Tax Exemption"** means the exemption from real property taxes authorized under GML § 874(1), including any benefit provided through a payment in lieu of taxes (PILOT) agreement that reduces the tax burden below that which would otherwise be owed.

(g) **"Sales and Use Tax Exemption"** means the exemption from state and local sales and use taxes authorized under GML § 874(1).

(h) **"Tax Exemption Benefits"** means, collectively, any or all of the real property tax exemption, mortgage recording tax exemption, and sales and use tax exemption benefits available through the Agency.

(i) **"Taxing Jurisdiction"** means any county, city, town, village, school district, or special district having the power to levy real property taxes or other taxes within Chautauqua County.

ARTICLE III — PROHIBITION ON TAX EXEMPTION BENEFITS FOR DATA CENTER PROJECTS

Section 3.01 — General Prohibition. Notwithstanding any other provision of law or any prior resolution, agreement, or practice of the Agency, the Agency shall not consent to, approve, authorize, or grant any Tax Exemption Benefits, including but not limited to real property tax exemptions, mortgage recording tax exemptions, or sales and use tax exemptions, in connection with any Data Center Project.

Section 3.02 — Prohibition Applies to All Forms of Tax Benefit. The prohibition set forth in Section 3.01 shall apply to:

(a) any new application for financial assistance submitted to the Agency on or after the effective date of this Policy in connection with a Data Center Project;

(b) any expansion, modification, amendment, or renewal of existing financial assistance arrangements that would extend, increase, or continue Tax Exemption Benefits to a project that constitutes or has become a Data Center Project; and

(c) any application that, at the time of submission or at any point during Agency review, involves or contemplates use as a Data Center Project, regardless of the characterization of the project by the Applicant.

Section 3.03 — Agency Board Compliance. The Board of Directors of the Agency shall not take any action, adopt any resolution, or enter into any agreement that is inconsistent with the prohibition set forth in this Article III. Any resolution, agreement, or action of the Agency Board that purports to grant Tax Exemption Benefits to a Data Center Project shall be null and void and of no legal effect.

Section 3.04 — Consent of Taxing Jurisdictions. Consistent with GML § 874(4), this Policy is adopted as the official position of the Chautauqua County Legislature, as the authorizing body of the Agency, and shall constitute the withholding of consent by the County to the granting of any Tax Exemption Benefits to Data Center Projects. The Agency is directed to communicate this Policy to all affected Taxing Jurisdictions.

ARTICLE IV — DETERMINATION OF DATA CENTER STATUS

Section 4.01 — Agency Determination. In the event of any uncertainty as to whether a proposed project constitutes a Data Center Project within the meaning of this Policy, the Agency

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shall make a determination based upon all relevant facts and circumstances, including but not limited to:

- (a) the nature and description of the proposed use of the facility as set forth in the application and supporting materials;
- (b) the power consumption, cooling requirements, and infrastructure specifications of the proposed facility;
- (c) the ratio of permanent full-time employees to capital investment proposed for the project;
- (d) the nature of the primary revenue-generating activities to be conducted at the facility; and
- (e) any other factor reasonably indicating that the primary or predominant use of the facility is consistent with the definition of a Data Center Project under this Policy.

Section 4.02 — Burden on Applicant. The Applicant shall bear the burden of demonstrating to the Agency's satisfaction that a proposed project does not constitute a Data Center Project within the meaning of this Policy. A mere assertion by the Applicant that the project is not a data center shall not be determinative.

Section 4.03 — Conservative Interpretation. In furtherance of the Legislature's intent to exclude Data Center Projects from Tax Exemption Benefits, the Agency shall interpret the definition of "Data Center Project" broadly and shall resolve any ambiguity in favor of classification as a Data Center Project.

ARTICLE V — GENERAL PROVISIONS

Section 5.01 — Relation to Existing UTEP. To the extent any prior Uniform Tax Exemption Policy of the Agency or any prior resolution of the Legislature is inconsistent with the provisions of this Policy, this Policy shall control and shall supersede such prior policy or resolution with respect to the subject matter hereof.

Section 5.02 — Remaining Provisions. Except as specifically modified or supplemented by this Resolution, all other provisions of the Agency's existing Uniform Tax Exemption Policy, if any, shall remain in full force and effect.

Section 5.03 — Filing and Notice. The Clerk of the Legislature and the Agency's Executive Director are hereby directed to:

- (a) file a certified copy of this Resolution with the offices of the Chautauqua County Clerk;
- (b) provide written notice of the adoption of this Policy to the Board of Directors of the Chautauqua County Industrial Development Agency;
- (c) provide written notice to each Taxing Jurisdiction within Chautauqua County; and
- (d) make this Policy available to the public on the Agency's official website.

Section 5.04 — Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Resolution and the application of its provisions to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

Section 5.05 — Effective Date. This Resolution shall take effect immediately.

Signed: Larson