

Agenda

Public Facilities Committee

Tuesday, November 12, 2019, 4:00 p.m., Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (10/15/19)
- C. Privilege of the Floor
 - 1. Proposed Resolution - NCLSD Administrative Board – Membership Reduction
 - 2. Proposed Resolution – Amend Resolution 21-18 – Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District
 - 3. Proposed Resolution - Amend Resolution 125-18 – Confirming User Charges: North Chautauqua Lake Sewer District
 - 4. Proposed Resolution – Confirming User Charges: North County Industrial Sewer District No. 1
 - 5. Proposed Resolution - Amend Resolution No. 45-15 – Confirming User Charges: South & Center Chautauqua Lake Sewer Districts
 - 6. Proposed Resolution – Adjust 2019 Budget for Public Facilities Maintenance of Roads
 - 7. Proposed Resolution - Amend 2019 Budget for Public Facilities Maintenance of Roads and Capital Highway Improvements
 - 8. Proposed Resolution – Adjust 2019 Budget for Public Facilities Parks Division
 - 9. Proposed Resolution – Authorize Lease Agreement with Sam Kohler Enterprises, Inc. for Oil & Gas Production on Reforestation Property No. 9 in the Town of North Harmony
 - 10. Proposed Resolution – Adjust 2019 Budget for Public Facilities Airports Division
 - 11. Other
 - Proposed Resolution – Authorize Supplemental Agreement No. 2 w/ NYSDOT for Performance of Federal-Aid project PIN 5762.26, Dale Drive Shoulder Expansion

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

SDC 10/23/19
KMW 10/23/19
SMA 10/23/19
KMD 10/23/19
KLC 10/24/19
GMB 10/28/19

TITLE: NCLSD Administrative Board – Membership Reduction

BY: Public Facilities Committee:

AT THE REQUEST OF: Chairman Paul M. Wendel, Jr.:

WHEREAS, pursuant to County Resolution 38-76 a County Sewer Board consisting of seven (7) members was appointed and established as the administrative body of the North Chautauqua Lake Sewer District in accordance with the provisions of §261 of New York State’s County Law; and

WHEREAS, as a result of the resignation of one Board member and the passing of a second Board member, the Board currently consists of five (5) members; and

WHEREAS, the current Board members have found that a five member board is appropriate and suitable for the size and activities of the District, and have recommended to the Legislature that the number of Board members be officially reduced from seven (7) to five (5) to alleviate potential difficulties in securing a quorum; now therefore be it

RESOLVED, That the first Resolved clause of Resolution 38-76 setting the size of the District’s administrative body is amended to provide that the Board of the North Chautauqua Lake Sewer District consist of five (5) members.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

SDC 10.30.19
KMW 10.30.19
SMA 10/30/19
KMD 10/30/19
KLC 10/31/19
GMB 11/1/19

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend Resolution 21-18 – Confirming User Charges: Portland Pomfret Dunkirk Sewer District

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, in 2018 the Board of Directors of the Portland Pomfret Dunkirk Sewer District (“the District”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 21-18 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the District has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to address omitted charges and to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the District’s collection system; now therefore be it

RESOLVED, That the schedule of user charges of 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 previously confirmed by Resolution 21-18 of the Chautauqua County Legislature, is hereby amended to add new subsections C and D in Section VI, and is confirmed by this County Legislature 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**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.
- 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

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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
	A2	440.00
	B	400.00

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.

C. 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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 February 1, 2018. The user charges confirmed by Resolution 54-13 of the Chautauqua County Legislature shall be repealed prospectively as of midnight on January 31, 2018.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

SDC 10/23/19
SMA 10/25/19
KMD 10/25/19
KLC 10/29/19
GMB 10/30/19

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Amend Resolution 125-18 – Confirming User Charges: North Chautauqua Lake Sewer District

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, in 2018 the Board of Directors of the North Chautauqua Lake Sewer District (“the District”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 125-18 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the District has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to address omitted charges and to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the District’s collection system; now therefore be it

RESOLVED, That the schedule of user charges of the North Chautauqua Lake Sewer District adopted by the Board of Directors of the North Chautauqua Lake Sewer District as the Administrative Body of such Sewer District and previously confirmed by Resolution 125-18 of the Chautauqua County Legislature, is hereby amended to add new subsections C and D in Section V, and is confirmed by this County Legislature as follows:

CHARGES BY THE
NORTH CHAUTAUQUA LAKE 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 of the North Chautauqua Lake Sewer District.

SECTION II

DEFINITIONS

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

A. **District:** The North Chautauqua Lake 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 North Chautauqua Lake 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 connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III

UNITS PER PARCEL

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

The number of units attributable to each parcel of property served by public sewers of 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.
- 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 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this 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.
- 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 toxic 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 insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 6-94 to justify increasing a unit allocation.

SECTION IV SCALE OF CHARGES

Pursuant to Section 266 of the County Law, charges for collection, conveyance, treatment and disposal of sewage shall be as follows.

REGION 1, which includes all properties
whose waste is treated by the
North Chautauqua Lake Sewer District: \$135.00 per unit per quarter.

REGION 2, which includes all properties
whose waste is treated by the
Chautauqua Utility District: \$185.00 per unit per quarter.

SECTION V BILLING

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

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

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

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

SECTION VI

APPEALS

In accordance with Section 266 of the County Law and Resolution 19-79 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 forty-five (45) 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 North Chautauqua Lake 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.

B. Within forty-five (45) days of the receipt of the appeal, the Board 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 shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature.

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 respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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 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 Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal.

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 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 North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

SECTION VII

SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such 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 VIII

EFFECTIVE DATE AND REPEALER

This law shall be effective June 1, 2018. The law confirmed by Resolution 155-13 of the Chautauqua County Legislature shall be repealed prospectively as of May 31, 2018.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BRP 10.30.19
KMW 10.30.19
SMA 10/30/19
KMD 10/30/19
KLC 10/31/19
GMB 11/1/19

TITLE: Confirming User Charges: North County Industrial Sewer District No. 1

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: Legislative Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the North County Industrial Sewer District No. 1 (District), the Administrative Body of the District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the District; and

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

RESOLVED, That *Charges by the North County Industrial Sewer District No. 1* adopted on October 5, 2019 and amended on October 29, 2019 by the Board of Directors of the North County Industrial Sewer District No. 1 as the Administrative Body of such District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

CHARGES BY THE NORTH COUNTY INDUSTRIAL SEWER DISTRICT NO. 1

SECTION I - Purpose

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:* North County Industrial Sewer District No. 1, 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 North County Industrial Sewer District No. 1 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 Area

Real property within the District shall be classified as all property located within the bounds of the District established by Chautauqua County Legislature Resolution Nos. 302-76 and 388-75, all of which is served by a sewer constructed by the District.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

SECTION IV – Calculation of Water Use

A. Water use shall be calculated using the metered water volume figures established by the municipality providing water service to the District or its designee, rounded to the nearest tenth. 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.

B. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for purposes of determining the per gallon charge. Such wastewater shall be measured 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. The 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, which charge shall be listed separately on a subsequent quarterly sewer charge bill.

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, B and C hereunder:

- A. Per acre charge of \$2.26 per acre of land owned within the District.
- B. Per gallon charge of \$0.00055 (\$.55 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined in accordance with Section IV herein.
- C. A sewage treatment charge equal to that part of the sewage treatment bill issued by the City of Dunkirk which is attributable to the User.

SECTION VI – Billing

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

- 1. the number of acres attributable to each owner of property multiplied by the charge per acre set forth in Section V A hereof;
- 2. the actual or estimated water use of such parcel in gallons multiplied by \$0.00055 determined in accordance with Section V B hereof; and
- 3. that portion of the City of Dunkirk sewage treatment charge which is attributable to the User

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the fifteenth day of January, April, July or October 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 unpaid amount of the bill shall be added to any bill which remains wholly or partially unpaid thirty (30) days after the date on which it was mailed.

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

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

Procedures for appeals shall be in accordance with Chautauqua County Legislature Resolution No. 53-13 as the same may be amended from time to time.

SECTION VIII – Severability

If any clause, sentence, paragraph, subdivision, section or other part of this Resolution shall be adjudged 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

This law shall be effective January 1, 2020 and shall supersede all prior charge resolutions.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 10/10/19
KMD 10/10/19
KLC 10/11/19
GMB 10/11/19

TITLE: Amend Resolution 45-15 – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, in 2015 the Board of Directors of the South and Center Chautauqua Lake Sewer Districts (“the Districts”) adopted a schedule of user charges for the collection, conveyance, treatment and disposal of sewage that was confirmed pursuant to Resolution 45-15 of the Chautauqua County Legislature; and

WHEREAS, the Board of Directors of the Districts has requested that the County Legislature confirm the Districts’ proposed amendment to the user charge schedule to provide a mechanism for bill reductions for property owners in the event a verifiable water leak results in the introduction of clean water to the Districts’ collection system; now therefore be it

RESOLVED, That the schedule of user charges of the South and Center Chautauqua Lake Sewer Districts adopted by the Board of Directors of the South and Center Chautauqua Lake Sewer Districts as the Administrative Body of such Sewer Districts, and previously confirmed by Resolution 45-15 of the Chautauqua County Legislature, is hereby amended to add a new subsection D in Section 5, and is confirmed by this County Legislature as follows:

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

SECTION I

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

**SECTION II
DEFINITIONS**

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

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

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

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

**SECTION III
UNITS PER PARCEL**

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

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

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

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

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

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

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

SECTION IV
SCALE OF CHARGES

Pursuant to Section 266 of the County Law, \$354 per Unit per year is established as the charge for collection, conveyance, treatment and disposal of sewage.

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

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

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

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

SECTION VI
APPEALS

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

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

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

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

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

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

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

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

SECTION VII SEVERABILITY

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

SECTION VIII

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

EFFECTIVE DATE AND REPEALER

This law shall be effective with respect to periods beginning after April 30, 2015. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after April 30, 2015.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB - 10/25/19
SMA 10/25/19
KMD 10/28/19
KLC 10/29/19
GMB 10/30/19

TITLE: Adjust 2019 Budget for Public Facilities Maintenance of Roads

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Maintenance of Roads are anticipated to exceed initial budgetary estimates, as well as some appropriations in Capital Improvements and Public Facilities Administration have a surplus; and

WHEREAS, the Public Facilities Maintenance of Roads has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

D.5110.----.4	Contractual - Maintenance of Roads	\$152,165
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DECREASE APPROPRIATION ACCOUNTS:

D.5010.----.4	Contractual - Public Facilities Admin	\$10,000
D.5110.----.1	Personal Services - Maintenance of Roads	\$30,000
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	\$2,000
D.5112.390.4	Contractual - Capital Improvements, Funded Bridge Program	\$100,000
	Total	\$142,000

INCREASE REVENUE ACCOUNT:

D.5110.----.R270.1000	Miscellaneous-Refunds: Prior Yr Exp	\$10,165
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 10/31/19
KMW 10.31.19
SMA 10/31/19
KMD 10/31/19
KLC 11/1/19
GMB 11/5/19

TITLE: Amend 2019 Budget for Public Facilities Maintenance of Roads and Capital Highway Improvements

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Maintenance of Roads and Capital Highway Improvements are anticipated to exceed initial budgetary estimates, as well as some appropriations in Capital Improvements County Bridge Program and Public Facilities Administration have a surplus; and

WHEREAS, the Public Facilities Maintenance of Roads has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5110.----.4	Contractual - Maintenance of Roads	\$152,165
D.5112.391.4	Contractual-Capital Improvements, Highway Improvements	<u>\$150,000</u>
	Total	\$302,165

DECREASE APPROPRIATION ACCOUNTS:

D.5010.----.4	Contractual - Public Facilities Admin	\$10,000
D.5110.----.1	Personal Services - Maintenance of Roads	\$30,000
D.5110.3310.4	Contractual - Maintenance of Roads, Pavement Marking	\$2,000
D.5112.390.4	Contractual - Capital Improvements, County Bridge Program	<u>\$250,000</u>
	Total	\$292,000

INCREASE REVENUE ACCOUNT:

D.5110.----.R270.1000	Miscellaneous-Refunds: Prior Yr Exp	\$10,165
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB – 10/25/19
SMA 10/25/19
KMD 10/28/19
KLC 10/29/19
GMB 10/30/19

TITLE: Adjust 2019 Budget for Public Facilities Parks Division

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Parks Division are anticipated to exceed initial budgetary estimates, as well as some appropriations in Engineers and Parks have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.7110.----.8	Employee Benefits—Parks	\$12,000
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DECREASE APPROPRIATION ACCOUNTS:

A.1440.----.4	Contractual—Engineers	\$10,000
A.7110.----.4	Contractual—Parks	<u>\$ 2,000</u>
	Total	\$12,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 11/5/19
KMW 11/5/19
SMA 11/5/19
KLC 11/5/19
KMD 11/6/19
GMB 11/6/19

TITLE: Authorize Lease Agreement with Sam Kohler Enterprises, Inc. for Oil and Gas Production on Reforestation Property No. 9 in the Town of North Harmony

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Chautauqua County is the owner of Reforestation property in the Town of Harmony, County of Chautauqua, State of New York, identified as Reforestation Property No. 9, SBL 364.00-1-35; and

WHEREAS, County is authorized by County Law § 219 to lease Reforestation property for the purpose of aiding in discovery and removing oil and/or gas from such reforested land; and

WHEREAS, this property was the subject of a previous, now expired oil and gas lease, and the previous operator's infrastructure is being sold to Sam Koehler Enterprises, Inc.; and

WHEREAS, the County desires to enter into an oil and gas lease authorizing Sam Kohler Enterprises, Inc. ("Lessee") to produce oil and gas utilizing the existing infrastructure, with Lessee assuming responsibility for end-of-lease well closure; and

WHEREAS, the revenue received from Lessee will be reserved and utilized for capital projects to benefit of the Chautauqua County Parks Department; now therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Sam Kohler Enterprises, Inc. upon the following terms and conditions:

- 1) Leased Property. Approximately 173 acres of reforestation property known as Reforestation Property Number 9;
- 2) Term. December 1, 2019 through November 30, 2029;
- 3) Rent. Gas and Oil royalty payments equal to 12.5% of the value of the gas and oil or, in the event of non-production, a quarterly non-production payment of \$2,500; and
- 5) Other. As negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB – 10/22/19
ABC 10/22/19
SMA 10/23/19
KMD 10/23/19
KLC 10/24/19
GMB 10/28/19

TITLE: Adjust 2019 Budget for Public Facilities Airports Division

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Airports Division are anticipated to exceed initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.8	Employee Benefits—Chautauqua County Airport, Dunkirk Airport	\$12,000
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DECREASE APPROPRIATION ACCOUNT:

A.5610.5610.4	Contractual—Chautauqua County Airport, Jamestown Airport	\$12,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB – 10/25/19
SMA 10/25/19
KMD 10/28/19
KLC 10/29/19
GMB 11/6/19

TITLE: Authorize Supplemental Agreement No. 2 with NY State DOT for Performance of Federal-Aid Project PIN 5762.26, Dale Drive Shoulder Expansion

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Resolution No. 164-17 authorized the Department of Public Facilities to proceed with the Dale Drive Shoulder Expansion, Transportation Alternative Program project, PIN 5762.26 (the “Project”), Resolution No. 203-17 approved funding for the Preliminary Engineering (Design I-IV) phase of the project, and Resolution No. 107-19 approved funding for the Construction phase of the project PIN 5762.26; and

WHEREAS, the project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua has advanced the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-IV) and Construction/Construction Inspection phases of the project PIN 5762.26 of \$735,000; and

WHEREAS, the Preliminary Engineering (Design I-IV) phase is complete and has \$19,445.42 remaining and it is desired to move that remaining amount to the Construction/Construction Inspection phases of the project PIN 5762.26 by entering into Supplemental Agreement No. 2 with NYSDOT; and

WHEREAS, the total agreement costs remain unchanged; therefore be it

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 costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not eligible; and it is further

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

RESOLVED, This Resolution shall take effect immediately.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date