

Minutes

Public Facilities Committee

June 15, 2020, 4:00 p.m.

Virtual Meeting via Zoom and Live-Streamed for public viewing

Gerace Office Building, Mayville, N.Y.

Members Present: Hemmer, Gould, Davis, Nazzaro, Scudder

Others: Ames, Abdella, DeAngelo, Carrow, Bentley, Almeter, Chagnon, Crow, Button, Dennison, Tampio

Chairman Hemmer called the meeting to order at 4:05 p.m.

Approval of Minutes (5/18/20)

MOVED by Legislator Scudder, SECONDED by Legislator Nazzaro to approve the minutes.

Unanimously Carried

Privilege of the Floor

Deputy Clerk Ames: I have not received any comments from the public.

Proposed Resolution - Amend 2020 Budget Appropriations and Revenues – North Chautauqua County Water District

Mr. Button: Kathleen Dennison asked me to sit in on this today regarding this resolution. She thought that maybe you might have some questions about it.

The purpose of this amendment is to just adjust the budget for this year for the new water district of the North County. At the time the budget was created, last year, we had not yet capitalized appropriate assets in that District out of construction. Didn't really know what was going to be ready. So at year end though, we did capitalize two of the Phases of the project which the Village of Brocton had been responsible as the lead agency on it. The question about the revenue that we are booking here is an amortization of the value of the equipment that was capitalized over the debt service that we are taking on from the Village of Brocton to pay for that. We essentially capitalized about \$10.5 million dollars of assets at true cost, however, we only have about \$6.5 million dollars in debt that we are covering for Brocton. The difference in that, about \$3.9 million was cost of the construction that was covered by various grants that they received which don't have to be repaid. The way that our auditors recommended that we do this

is we take that surplus value of cost and amortize it over the 30 years that the debt service so that is what the other revenue line is. The other line is just to adjust the depreciation to where we need it to be for this year.

Chairman Hemmer: O.k., thank you for that explanation. Does anybody have any questions on that?

Mrs. Dennison: (*Voice coming through, not steadily audible*)... I wanted to thank Todd for his explanation, he did a much better job than I could have (*inaudible*).

Legislator Nazzaro: Didn't we have a resolution last month, similar to this?

Mr. Button: Yes, we did Chuck. That was to adjust the 2019 budget.

Legislator Nazzaro: It was the same sewer district? The North County?

Mr. Button: Water District, yea.

Legislator Nazzaro: Yea, I meant water, misspoke, so this is the 2020 piece and last month we had it for the 2019 budget?

Mr. Button: Yea and we may be back later in the year with another amendment on the same District to account for anything else that we've capitalized this year, depending on how the construction goes. This is just to account for what we have done through last year from the Brocton phases.

Legislator Nazzaro: I understand how that number can change.

Chairman Hemmer: Any further questions on this one?

Unanimously Carried

Proposed Resolution – Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport

Mr. Almeter: This is CARES Act money. This the second grant. Last month we took to the Legislature a CARES Act grant of \$30,000 for Dunkirk. The grant for the Jamestown Airport, \$69,000, lagged by a couple of weeks. We received it the 1st of June, the offer and this is a no strings attached basically or very few strings attached to the grant offer. It's being run through the FAA AIP program but does not follow the same grant assurance commitments that the AIP program follows. Essentially we can use it for any (*inaudible*) operating expense.

Chairman Hemmer: Thank you Ron. Brad do you have anything add or is that it?

Mr. Bentley: He summed it up very nicely.

Chairman Hemmer: Alright, any questions concerning this CARES grant?

Legislator Nazzaro: What does it mean, must obligate in the one WHEREAS. The funds no later than July 1, 2020.

Mr. Almeter: The (*inaudible*) is need to accept the grant from the FAA by that date.

Legislator Nazzaro: Because it says we must accept the grant and the FAA must obligate the funds. So that means they have to commit to the funds?

Mr. Almeter: That have to make the award. The grant offer was sent on the 1st of June. It has to be electronically signed by the County and then countersigned by the FAA, ADO, by that obligation date. That came with the legislation in an effort to get Federal agencies to obligate that CARES Act money, get it out into the community as quickly as possible. So that's a condition that was imposed by the legislation on the FAA.

Chairman Hemmer: O.k., any other questions?

Unanimously Carried

Proposed Resolution – Removing In-Ground Fuel System at Dunkirk Airport

Mr. Bentley: I can lead in and if there are questions. So, I'm going to give Ron some props. We had a project to replace the fuel farm at Dunkirk and the project was very well done. Came in approximately, almost \$90,000 under budget. So that gave us a little something to deal with the issue of the underground storage tanks. Dunkirk Aviation required to, by contract, they were supposed to remove those underground tanks, we tried to get them to but they are claiming that they don't have any money and we have an obligation as the owner to get them out. So, we are proposing to use the underrun from this capital project as it is associated with the fuel farm, to move those tanks. Along with it, we are still going to pursue reimbursement from Dunkirk Aviation but I don't know the likelihood of that outcome but we do have a requirement to get those underground tanks out. So Ron just put up a picture of the new self-service fuel farm there. Ron, if you kind of want to describe what they are looking at there.

Mr. Almeter: This is what we bought for \$550,000. The original project budget as Brad indicated was \$650,000. In the scope of the original construction contract, we had paid the general contractor, LaValley Construction(?), to remove all of the topside hardware for the legacy fuel systems, both the (*inaudible*) and the jet A fuel. We had communicated very clearly to Dunkirk Aviation, their enduring obligation to close the underground fuel tanks. That was a requirement that was in their original lease agreement, their original FBL lease agreement, it was in subsequent (*inaudible*) agreements. When they terminated the lease, the County entered into a separate short term agreement to operate the tanks but the language in that temporary agreement also required that they close the tanks. It's a requirement of their tank permit with the New York State DEC, Department of Environmental Conservation. Again, as Brad indicated, they are claiming insolvency and don't have money to close the tanks. So they are basically walking away leaving the County to close the tanks. From the time that the tanks are no longer used, we

are obligated to notify DEC in November of last year that the tanks were taken out of use. We have a 12 month window in which to close the tanks. Closing the tanks could take a number of different forms. The most common is to remove the tanks and remediate any soil contamination. So we made written notice to Dunkirk Aviation that they had to close the tanks by the November deadline, 2020 deadline and they came back and said that they basically don't have any funds in which to do that. They made no effort at this point to pursue that. So, we're proposing to use the remaining – or we're proposing to add \$45,000 to LaValley's contract, the general contractors contract, to do the tank removal. We have a proposal from LaValley for a fixed fee of \$31,000 plus the unit cost of, I think it's \$120 a yard, to remove any contaminated soil that they may find once the tanks are out of the ground. Since that represent an unknown, it's in the changed proposal as a unit cost. So the minimal cost to do this will be \$31,000 and then the unit cost, how much soil they have to remove, could go as high as \$45,000 in my estimation. I know that the County Attorney is not on the conference call but the County is pursuing legal remedies with Dunkirk Aviation to get them to honor their obligations but what happens on the 1st of November of Dunkirk Aviation has not closed the tanks, then the County becomes liable as the property owner for civil penalties stemming from the New York State Environmental law for not properly closing the tanks.

Legislator Gould: Is the DEC active in this at all?

Mr. Almeter: Yes. I have talked with the DEC regional director in Buffalo and I have also spoken with DEC policy staff in Albany to make sure that we understand our rights and our responsibilities as the property owner in (*inaudible*) these tanks. We made an appeal to the State, the DEC, about a year ago to gain access to this clean-up fund that tank owners are obligated to pay into as a tax basically or assessment on their tank permit in which Dunkirk Aviation had paid into over the years. Unfortunately, as a government entity, we're not eligible to access that clean-up fund. Dunkirk Aviation on the other hand, I believe, is, but they have simply failed to take any action. I think they would have to declare bankruptcy before they could access those funds and they haven't done that.

Legislator Davis: Ron, I'm assuming that the contractor has been used for the installation of the tanks that I see on the picture. You discussed that they would also be doing the removal of the existing tank system, is that correct?

Mr. Almeter: Yes, that is what they are proposing to do for \$31,000.

Legislator Davis: Because they are the current contractor, then we abide by the County's policy of obtaining bids etc., to do the project in the correct manner, is that correct?

Mr. Almeter: That's a very good question. I've proposed that we use LaValley to accomplish this work on essentially on a non-competitive basis for essentially three reasons. One; it's within the broad scope of their original contract which included partial demolition of the fuel system. Partial demolition is all the topside stuff. To the right of this photograph that's on the screen, you can see where they have (*inaudible*) off some underground piping and some (*inaudible*), that's work that they have already completed in demolishing the legacy system. So that was in scope of the base contract. The second reason for awarding this on a non-competitive

sole source base as a contract modification, is the proximity of those underground fuel tanks and the site conditions. That LaValley, the general contractor has exclusive superior knowledge of. The new fuel farm system got placed right next to the old system and we had to do it that way to avoid interfering with the runway safety areas, (*inaudible*) and so forth. There is relatively little room to work with so now to go in and remove those legacy tanks, they have to be very careful not to undermine the foundation of that brand new system that you are looking at. It's in the County's interest to have one neck to choke on this job. If somebody screws up and there is undermining of the foundation of that fuel system, we want to hold one person accountable and that is the guy that put in the new system and removed the old system.

Legislator Davis: Thank you for that clarification.

Mr. Almeter: Then the third reason is, again, they have superior knowledge. Not only do they have the risk and the warranty on the new fuel farm, but they also have, because they have already cloned work on the topside and gone in and explored to a certain level, the underground systems, they have superior knowledge on which to give us a credible cost proposal. I don't know that we would get this same kind of realism if we just opened that up for general bidding. Incidentally, we have no drawings, no configuration baseline on these legacy fuel tanks. Dunkirk Aviation was not able to provide anything and over the years we've never acquired any drawings or site knowledge of what is underground there. So there's (*inaudible*) of bidding this work. I think the \$31,000 fixed fee component of it that LaValley has proposed is pretty reasonable. When we looked at doing this or getting this work done a year ago, we estimated up to a \$100,000 of work because of the unknowns.

Chairman Hemmer: Digging for (*inaudible*).

Mr. Bentley: Not the charger you want though.

Mr. Almeter: We're hoping we'd find absolutely nothing.

Legislator Scudder: I have a comment John. I would just like to express my disappointment in Dunkirk Aviation for not living up to their obligation of paying for the removal of these fuel tanks. That was part of our agreement and by simply stating that we don't have the money, doesn't cut it with me. Just my personal opinion. On behalf of the residents of Chautauqua County, a deal is a deal and I feel they are backing out of this is just a shame for the people of Chautauqua County.

Chairman Hemmer: Thank you Bob. I think a lot of people would agree with you. Any other questions or comments?

Legislator Scudder: I have one more. I would encourage the Law Department to do whatever it takes to get the funding from Dunkirk Aviation to remove these tanks. Thank you. Now I'm done.

Legislator Nazzaro: And I just want to note that's what the last RESOLVED in the resolution says exactly that. For the Law Department to take all the necessary steps to recoup the money. Good luck Mr. Abdella.

Chairman Hemmer: We're not giving up, right? We're not giving up on Dunkirk Aviation?

Mr. Abdella: No. We've received financial statements from their attorney. I'll just leave it at that, at this point but we will be pursuing it.

Chairman Hemmer: Good, thank you. If there are no further comments or questions, all in favor?

Unanimously Carried

Proposed Resolution – Amend Budget for Maintenance of Roads and Capital Improvements
– Funded Roads

Mr. Bentley: I would actually like to withdrawal this resolution and the reason being is that in the mail today, I just received my CHIPS, PAVE NY, and Extreme Weather allocation letter. It basically states that 80% of my money is not subject to a budget reduction by the Governor. With that, I now no longer need to apply to local share to County Road 85, that we desperately need done, over by Sinclairville and Cockaigne. That road is in very bad shape. It's being used by the wind farm to haul stone and gravel right now and they are beating it up pretty bad. It was in bad shape to begin with. This portion was the portion that was not being used by the wind farm. It would have been the County's portion to complete the road. We may want to just paying part of it so this would have been the allocated portion to the County. But now that we have CHIPS funding, we now can use it out of our State-aid and funded roads and bridge money. So with that, I no longer need this resolution so I would ask the Committee to either take no action or withdrawal it.

Legislator Gould: Will we get any reimbursement from the wind farms people?

Mr. Bentley: Yes, we're getting approximately \$800,000 for this road so it's a 100% reimbursement for the road they are using.

Legislator Gould: Good.

Mr. Bentley: Yea, they use it and abuse it that bad, we make them pay for the damage that they incur.

Legislator Nazzaro: We had that resolution last month, right?

Mr. Bentley: Yes, that was to accept the permit, the additional permit fee. We had originally received about \$2 million dollars and they we received a request to do an additional road. That was part of this one.

Legislator Nazzaro: Can't we just withdrawal this?

Chairman Hemmer: Yes, what is the procedure?

Legislator Gould: I think we can just withdraw it.

Mr. Abdella: Yea, the thing is that at this point, we have no Legislator sponsor. It was just at the request of the County Executive so I think you could just table it at this point and then it will show on the next –

Legislator Gould: Table it and then never bring it off the table.

Mr. Abdella: Yea, -

Legislator Nazzaro: Maybe you should just make a motion to pull it because a table, it will just sit there right?

Mr. Abdella: Yea, I think I would just have the committee state or decide that you are going to take no action on it because it appears to be no longer necessary. Then that way, it just dies. It doesn't show up on your agenda next month as a table resolution. You could vote it down, that's another way but, I think based on Brad's description, you could just take no action.

Chairman Hemmer: O.k., do we need a motion?

Mr. Abdella: Someone could make a motion to have the committee take no action on the resolution because it appears to be unnecessary.

Legislator Scudder: I would like to make that motion.

Legislator Davis: I would like to second that motion.

Chairman Hemmer: All in favor of the motion to take no action?

Unanimously Carried

Proposed Resolution – Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020

Mr. Bentley: This is for CARTS and this is going to be in conjunction with a press release that just went out probably about a half an hour ago which we're bringing the CARTS weekday, city and rural routes back to their original runs and times. We received this grant funding to help support CARTS. As we all know with the COVID-19 that we've seen a decrease in ridership as all public transportation systems have. The Federal government has issued this funding to help support all those public transit systems so this is our award. As you can see here, it does actually cover different things. Standard operating assistance up to \$2.05 million dollars

that will be reimbursed for any basic operating loss incurred that we could file for reimbursement due to the decrease ridership. We're still obligated to maintain our prior budgeted local share. Unlike the airports where that money could go to the existing local share operating, this is done differently. This can only go towards future - well, up from January/February 1st, from then on forward, operating revenue deficiencies. It also includes \$37,000 for Appalachian development funding and \$61,000 for our mobility management manager. This is also being done through our normal 5311 grant which we use to buy our buses, so it's filtering through there. This was a very good thing and it allows us to get our CARTS system back up and running as we approach Phase III for reopening here and it's 100% federally funded, there is no local share except with the grant.

Chairman Hemmer: No local match?

Mr. Bentley: Nope.

Legislator Nazzaro: So Brad, what period of time again? It's going to cover the shortfall due to reduced ridership because of COVID-19.

Mr. Bentley: I'll have to give you the exact date but the one I remember is February 1st, and I can get that for you for Audit & Control.

Legislator Nazzaro: February 1st through when?

Mr. Bentley: Whenever. Until we run out of the money or when they put an end date on it. Right now there is no end date.

Legislator Nazzaro: O.k., so there is no end date.

Mr. Bentley: As of now.

Legislator Nazzaro: As of now.

Mr. Bentley: We'll have to see if they decide to do something. It's a large sum of money and it will get us through a fairly lengthy period of time.

Legislator Nazzaro: I can imagine as time goes on it might – how do you separate the reduction of ridership due to COVID-19 as opposed to a bad winter storm?

Mr. Bentley: Through the end of the year, we have what is budgeted so we know what our local share is budgeted for. So we can compare to what is budgeted to be able to determine those - what we can claim. I think that would pass an audit for the grant itself. We'll have to supply all the records of ridership and what we expected versus what we got. So we'll be using our budgeted (*inaudible*) to determine those facts.

Chairman Hemmer: Are we going to have a limit to the number of riders in our plan for this year? How are they going to determine that?

Mr. Bentley: As with most public transit systems, we'll all trying to figure it out. We do have decreased ridership, we've taken extra steps on our busses to make sure, every rider wears a face mask or face covering. We have some, I think almost all the busses – we're trying to get Plexiglas for the drivers, the busses are cleaned on an extra basis throughout the day and at night. We encourage people to sit as far away that they can while riding the bus but as with anything, the mass transit in New York, if it's full, it's full, you try and do what social distancing you can. We encourage it but it's a little hard to formally police. We're not putting a limit on the busses yet and I don't think it's been an issue as of today but we'll have to monitor that. Obviously if there are any guides that comes out that we would meet the following in that regards.

Legislator Nazzaro: If our County gets up to \$2 million which I realize it's the maximum, which we're not going to get all of that because our local cost is not that but can you imagine what New York City gets.

Mr. Bentley: You can probably look that up somewhere.

Legislator Nazzaro: It's got to be huge.

Mr. Bentley: I will say that our revenue is significantly off as one can expect. Not only we're not doing the runs but the ones that we are doing, we're seeing the ridership down, half to maybe more. But we actually have to have these runs going – we can't wait (*inaudible*) to get the runs back. You have to have them out there and start advertising and that's why we put out the press release to make sure everybody knows we're back to full strength for the week day. We're not quite there for Saturday service yet but we're working on it.

Chairman Hemmer: Any other questions concerning this resolution?

Unanimously Carried

Proposed Resolution - Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant

Mr. Bentley: Yes and even more good news. This was announced previously but now we actually have the breakout. We were awarded this \$1.5 million pre COVID, but now that we actually have the breakouts we can go into a little more detail and we can get the grant accepted. Again, this is 100%, so there is no local share and we put in for purchasing 3 hybrid trolleys. Along with that, we're looking to rebrand CARTS.

Legislator Gould: What is rebranding?

Mr. Bentley: Probably renaming and getting it to be more – I'll say this. I've lived in the County a long time and been around for a while, I didn't know what CARTS was until I probably took this job. I didn't understand fully what it does. So, I think the name needs to be more in line with getting a little bit more recognition to help ridership. I think there is a little bit of a stigma maybe associated to the CARTS name so rebranding may entice new riders and make it a little bit more understandable that it is the County's public transportation system. It's not just

set for certain clientele. So it will help with that rebranding effort. Along with that, the third thing is, a route net, which is a software program that will actually allow us to advertise our routes on the web as well as, we have GPS's on the busses so you would be able to track where the busses are on the route. You'll know when it's expected to your next stop. It's going to be a game changer for technology. We will still maintain the –if you want to call in and ask a question for those that don't have the technology capability but again, this is about improving our next ridership level and expanding our services to those who may not know that it is out there. The fourth thing is, consultant service to actually try and optimize our routes. I think that we have been running the same routes for quite some time. I think they do work but there could be some opportunities to improve those routes so this will help to get a consultant on board that can look at some of those demographics and look at what improvements we can make to assist them. This is a huge, huge win for CARTS. To not only get trolleys, rebrand, get a technological upgrade where you can purchase a ticket on your phone, cashless fares, it's going to really change the whole dynamic on how we operate CARTS. It will take us a while to implement it, it won't be overnight so anybody that thinks that we're going to get done (*inaudible*), will take us into next year to get some of this done. Any questions?

Legislator Nazzaro: Brad, originally weren't we originally going to get 2 trolleys and now we're doing three?

Mr. Bentley: I think we always said three. I don't know that I put a number out there before just because we didn't have the details of what the \$1.5 million was so I think I was being generic. So if there was two, I apologize but it also depends on the cost what (*inaudible*) ... How about this, we'll purchase as much as what \$600,000 can get us.

Legislator Nazzaro: So the expectation these trolleys will be here when, next year, in 2021?

Mr. Bentley: I have my folks working on spec-ting those out and looking at (*inaudible*), so depending on how the manufactures are doing at this point, if they are back to normal or somewhat normal, what kind of lead times we're looking at, as with any grant, they are going to want to know what we're doing so we're going to have a little bit of interaction back and forth with the State to confirm what we're doing (*inaudible*) of a grant. We're checking most of that this month.

Legislator Nazzaro: You are just full of good news today Brad.

Mr. Bentley: Yea, I feel like I'm bringing in a lot of good news but what does that mean for the rest of you? I don't know. No, this is a combination of a lot of effort. I applaud – I want to send out a huge shout out to Michele Westphal. Her and her team put this grant application in and I'll say, a little bit of a wing and a prayer trying to go after this grant and we thought it was a very much a long shot but as we've come to know, if you don't ask, you don't get and this, wow, what a job she did. I can only say this changes the whole landscape of the public transportation system for Chautauqua County.

Legislator Nazzaro: Well done and please let Michele know that we appreciate all her hard work.

Mr. Bentley: I'll pass it along to her.

Chairman Hemmer: The title on this thing says 2018. Is that when we started?

Mr. Bentley: Yes and they (*inaudible*) years as you know, when they announced the grant and when it actually comes out, you apply and get awarded. It seems like the lag is getting greater between the announcement and the actual award. I think there is some, obviously some underlining circumstances that delay (*inaudible*) of these grant awards. But yes, it is 2018 and not a typo.

Chairman Hemmer: These trolleys, are they just a regular bus chaise engine, transmission with trolley tin on top? They are not going to pose a big maintenance problem or anything, are they?

Mr. Bentley: Anything that we have new does come with some extra requirements to maintain but it being new, it's going to be under warranty. I mean, major mechanical issues will be covered through the (*inaudible*). But this will be hybrid technology so part of the reason why we got the grant was the fuel efficiencies. That is one of the State's goals, was to improve the efficiencies. If anything, that was the thing that won the grant with the trolleys being a hybrid technology. So, we're going to look at – when we looked at it there was some C&G fuel hybrid type technology. Gas and electric so no matter what technology we ultimately chose for the busses from what's available, will kind of dictate that from the pricing structure.

Chairman Hemmer: That all sounds good. Any other questions?

Unanimously Carried

Memo – RNG and Flow Control

Mr. Abdella: I would be happy to start it off. So in your agenda was, leading off with a two page memo that gave an overview of the proposal renewable natural gas agreements and then the companion solid waste flow control local law that would be arising largely because of those proposed RNG agreements. Associated with both legislative actions are resolutions that make SEQRA findings regarding the RNG agreements and also the proposed flow control local law. I'm guessing that probably most of you have read the memo. The landfill gas to energy market has been changing and the generation of electricity which we have been doing since 2010 is not producing the revenues that we would like in which most importantly would sustain the payoff of the debt service relating to that plan. So what has emerged in these every changing green energy situations is that a so called RNG, or renewal natural gas, facility would provide a greater return even in the current natural gas market. An RFP had been issued some time ago and this is the developer who has emerged as our best alternative which is a partnership of a renewable energy financing firm from California but then a local natural gas gathering company, Ehmke that operates extensively in northwest Pennsylvania and in southwestern New York and

is headquartered in Erie, Pennsylvania. The package here would be that the developer would take over the besides developing the RNG facility, would also take over responsibility for maintaining the electricity generation facility and with to some degree, have the ability to utilize either form of energy benefit or generation to utilize the landfill gas in the most beneficial manner. The County would be, in essence, removing – trying to accomplish two things financially. One is to help assure the (*inaudible*) of the electricity generation plant but then secondly, remove the County as a, you might call it, risk player in this energy business and instead receive royalties for the energy generation whether it be RNG, renewable natural gas or electricity generation. The proposed resolution provides that the County's payment would be based on the amount of landfill gas produced, not based on ever changing market prices or renewable energy credits and so forth. The County would be out of that risk business so to speak. A condition of entering into this agreement would be that the County adopt a flow control law which provides that all municipal solid waste, regular waste produced in the County, along with C&D waste, if generated in the County, would be required to come to the County's landfill facility. That produces a couple of benefits for the County. One is, of course is that it makes this RNG agreement viable. It also does act as a underpinning of the expansion of the landfill which is underway right now. That construction which I believe is in the range of \$17 or \$18 million dollars expansion with a 20 plus year life expectancy. A flow control law which has been adopted by many counties in New York, actually 11 others, were involved in the solid waste business helps assure the County, the taxpayers, of the economic viability of the landfill. I say that however what I will also state is, the County's philosophy in operating this landfill has been to give our local customers, residences, and industries, the most cost effective solid waste solution and rate. This landfill does that and it also provides a number of additional services to our residents and local governments in terms of household hazardous waste, (*inaudible*) tires, acceptance of C&D waste, credits for local municipalities to address urban blight, just a number of programs associated with that, all that benefit the County's residents and businesses. The philosophy has always been to provide the best rates and frankly, this landfill we have found acts for the whole western New York region as a check on the pricing. We are a competitor if you will, keeps the private landfill honest in the marketplace. Albeit even if we are adopting flow control, there is no intent whatsoever to change that philosophy. So it is a big step but I think it's the right one. It has been discussed at various times in the past by County Legislator's and County Executive's and I think the RNG agreements are the catalyst that is putting, so to speak, over the top for you to present it for your consideration. We could certainly answer some questions. I will mention one thing that has emerged in the last few days regarding the flow control law. As is stated in the environmental review documents in the resolution and local law it's estimated at this point that really nearly 100% of locally generated solid waste is coming to our landfill. Purposely this local law excepts out from flow control requirements, recyclables and organic waste along with some other hazardous wastes, regulated medical waste, but with the recyclables and the organics the purpose for accepting that is that many companies are engaging in environmentally sustainable practices as far as their management of their waste and as does agribusiness and others. Some of our local farms with digesters and composters and such and whatnot. So the intent was not to have those wastes covered by this local law. However, one of our major industrial companies, Nestle Purina who is engaging in this sort of environmentally sustained solid waste management has notified us that a small amount of their MSW is not currently coming to the landfill. The reason for that is that Nestle Purina in their global policies is seeking to have none of their waste go to landfills. So the small amount of MSW that they

produce there instead of sending to a facility that incinerates it and converts it to energy and at the current time they would want to continue to be able to, as part of their overall environmental sustainability program, have this small amount of MSW continue to go to a non-landfill processing solution. That would really not change our status quo at all as far as what we're currently receiving but I'm working on as an additional exception to the law and after conversing with Pantelis and also Purina and others about this is, in additional exception that would allow waste that are processed pursuant to an environmental sustainability program, approved by the Deputy Director of our landfill and in furtherance of what could be legislative policy that those waste would also be accepted out from the flow control requirement. So that's the main feedback that I have received at this point relating to this packet of legislation that may cause us to tweak it but that's a summary in addition to the memo as to the reasons behind this legislation. I'd be happy to answer any questions as with Brad, I'm sure.

Chairman Hemmer: Any questions?

Legislator Nazzaro: So Steve, you say we're going to have to revise this?

Mr. Abdella: Yes, we may be adding some additional exception to the flow control law relating to these environmental sustainability programs. My plan would be to be able to bring that to Audit & Control on Thursday. I've already drafted and it's pretty simple language but I want to get feedback from industry as well as others and get back to you. I'm not positive whether that will mean that will be deemed an amendment of sufficient magnitude that we would amend it on the floor of the legislature and need to wait until July to adopt it. But, I'll let you know that in the next few days but that does not cause great concern if we decide if we need to do that. But it was appropriate to bring these items together at the same time. The renewable natural gas and the flow control because they do go hand in hand.

Legislator Nazzaro: No, I agree they go hand in hand and I agree the language that you put in to change the flow control, we want it to be clear but also not so binding that it's going to cause somebody else coming to us in the future, we got to control that, but also have a little bit of, I don't want to say wiggle room but, we just don't know what unforeseen things can happen. Like this, it was sort of unforeseen.

Mr. Abdella: That's right and the technology is changing frequently even almost as importantly when you are trying to draft laws is, that the terminology, the words they use to describe it are changing all the time. So if you try to insert in a law, for instance the word zero waste landfill, or zero landfill waste, suddenly that term is obsolete and doesn't mean what it might mean now. So, my inclination is to try to draft something that speaks more to a generic concept of environmental sustainability as opposed to grabbing the latest term of (*inaudible*) as far as what they are calling these programs. So, I'll be back to you on that at the next meeting and into the full Legislature by way of an email or otherwise as this moves forward.

Chairman Hemmer: So you are pretty certain that you'll have the final wording by Thursday or is it probably going to end up being at the full Legislature meeting when we amend it?

Mr. Abdella: I'll let you know but I mean if we were trying to move to adopt by next Wednesday, I mean my strong desire would be to have the language to you at the time of the regular full Legislature prefile Friday morning and preferably at the Audit & Control meeting Thursday morning. But I'll definitely keep you posted on that as soon as I can provide you more detail.

Chairman Hemmer: I guess it's probably a real noble idea for Purina. I hope it doesn't catch on for a lot of other businesses that they move in that same direction. It will take the stuffing out of our landfill.

Mr. Abdella: I mean there is the regular garbage production of our residents. There is no real expected change in that on site but I think this is mostly particular to food manufacturers that produce a lot of organic waste or recyclable waste but we shall see.

Chairman Hemmer: O.k., any other questions on the memo? Anybody need any more clarification?

Legislator Nazzaro: I think it's important for the public to understand, this is for commercial haulers, commercial businesses, not private. I mean, not the residential. A resident is still free to take their waste wherever it's approved, correct? I mean, for commercial and licensed haulers businesses.

Mr. Abdella: If a resident takes an individual bag or threw a garbage outside the County or the State, they can still do that. But any commercial hauler who picks that garbage up and that includes municipalities, would be required to deposit it at the County's landfill.

Chairman Hemmer: Will look forward to that, the enhanced language. O.k., let's move along.

Proposed Resolution – Approving SEQRA Findings and Determinations for Landfill Renewal Natural Gas (RNG) Agreements

Mr. Abdella: This resolution making SEQRA findings we (*inaudible*) RNG plant. The main thing here is, that similar to the electricity plant, the purpose of the RNG facility is to responsibly take care of the methane or landfill gas emitted by the landfill and rather than simply flaring it off, find a beneficial use both financially and environmentally. So this is producing that same benefit that the electricity generation did which is converting that landfill gas into a renewal source of energy and hence, there is a negative declaration associated with the SEQRA findings in the attached documents.

Chairman Hemmer: Sounds good. Are there any questions concerning this?

Unanimously Carried

Chairman Hemmer: Next on the agenda is Part I for the renewal natural gas, Part I of short form environmental assessment form and Part I, Part II, and Part III all for the RNG project. Did everybody get a chance to look those over and have any questions on those? O.k., then we'll move onto the proposed resolution.

SEAF Part 1 – RNG Project

SEAF Parts 2 & 3 – RNG Project

Proposed Resolution - Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)

Mr. Abdella: I'll just state briefly that as far as the financial piece you'll see that the first 10 years of the agreement contain a based payment of a \$1 million dollars per year. Then a small royalty amount in addition to that. That corresponds to the remaining debt service on the existing gas to energy electric plant. So, as mentioned earlier, the goal here is to assure the path of that debt and then in the latter, 12 years the payment has a nominal base payment and then a royalty payment which would be the source of potential additional revenue to the County during that period.

Legislator Nazzaro: So Steve, I can tell you, I won't be a Legislator in 22 years, you may be County Attorney in 22 years, I sort of doubt it but, what happens at the end of 22 years?

Mr. Abdella: So at the end of 22 years, the developer would be required to remove their RNG facilities unless the County were to renew this agreement or unless the County were to desire to purchase those RNG facilities. During the full course of this agreement the County retains ownership of the gas to energy electric plant so that would remain in the County's ownership and the County would simply become responsible at that point to take that operation of that plant back from the developer at that point. It is (*inaudible*) to know where things will stand at that point in terms of solid waste disposal but all of the facilities will have essentially gone through an acceptable useful life. Whether they will be able to continue will be the question after that.

Chairman Hemmer: Any other questions concerning this resolution?

Legislator Nazzaro: I just want to make a comment. I want to commend Steve and his staff and Pantelis, and Brad, and everyone who has worked on this. I know that this has been a long process. A lot of hard work, a lot to think about especially because of the flow control law too, so, thank you for all involved in making this happen.

Mr. Abdella: You are very welcome.

Chairman Hemmer: I agree. This should be very good for the County and an excellent outcome. Any further questions or comments on this one?

Unanimously Carried

Proposed Resolution - Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in Chautauqua County

Chairman Hemmer: We talked a little bit about it already. Steve has explained it pretty good. Do we need any additional comments or explanation on this one? This is going to be added to or modified so should we vote on this at this time Steve or should we wait and pass it onto Audit & Control committee to vote on this or should we vote on it as it is and realize that it's going to be amended?

Mr. Abdella: I think you could go ahead and vote because it will be relatively minor amendment. I'm just looking at the prefile packet though and the environmental assessment form that are attached to it, it's looking to me like your packet may have gotten two sets of the assessment forms relating to the RNG project and not what are separate and distinct assessment forms for the local law. I will connect with the Legislature and get those to you. In light of that, I guess I would just give a brief explanation of that and you can hold off on voting on this, this one. The local law also have a negative declaration and that's because the law itself does not resolve in any material change in the solid waste flow into Chautauqua County. The law does not create any additional refuse being generated. As stated, almost a 100% of the existing waste already comes to the County landfill so that will not change. So to the extent it benefits the renewable natural gas project. It will not have any environmental impact, it will just continue our ability to use landfill gas in an environmentally beneficial way. I think you could take no action on this resolution and we'll make sure you get the proper environmental assessment forms tomorrow.

Chairman Hemmer: O.k., so we will not be voting on this proposed resolution due to not having the proper SEQRA forms. So we can move along then to the actual local law.

SEAF Part 1 – Flow Control Local Law

SEAF Parts 2 & 3 – Flow Control Local Law

Local Law Intro. 1-20 – A Local Law Providing Solid Waste Flow Control in Chautauqua County

Chairman Hemmer: Is that another one that we need to take no action because we do not have the SEQRA?

Mr. Abdella: Often in Committee we don't vote on local laws. I think once in a while we do but I'll mention that this local law is sponsored by yourself Mr. Chairman, along with Legislators Nazzaro and Davis. As you will see in the language of the local law, this is kind of the final step in local law legislation that dates back to the 1990's as far as the regulation of the County's landfill. This flow control would be really kind of the final step in that legislative process. As mentioned, it applies to the MSW, municipal solid waste, and construction and demolition debris does not apply to the recyclables and the organic waste, regulated medical waste. The adoption of this law will either be at the June meeting or July for action and we'll

provide further information about that amendment. So happy to answer any questions but no need to vote on the local law tonight.

Legislator Nazzaro: The effective date of this local law is January 1, 2021? What is the reason for that instead of being sooner? Or does this have any effect on the Chautauqua Green Energy agreement, that date?

Mr. Abdella: It will not impact the project because there will be up to a two year construction window on the new RNG facility. The allowance of roughly 6 months for the law to take effect is to allow the Division of Solid Waste to put together associated implementation regulations and permit procedures and have adequate time to share those with local waste haulers and put a system in effect without rush prior to it taking effect. So that is why there is that 6 month buffer on the effective date.

Legislator Nazzaro: O.k., I am good with that, thank you.

Chairman Hemmer: O.k., that complete the resolutions now onto the discussions.

Discussion – Review of Departments and Services – Re: Preliminary 2021 Budget – Department Heads under Public Facilities

Other

Chairman Hemmer: O.k., any further talk on this or do you want to wind this up and take it up on the next meeting?

Legislator Nazzaro: Gave us a lot to think about and at the next meeting we can finalize it.

MOVED by Legislator Gould, SECONDED by Legislator Nazzaro to adjourn.

Unanimously Carried (6:15 p.m.)

Respectfully submitted and transcribed,
Oliva Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer