

Agenda

Public Facilities Committee

July 19, 2021, 4:00 p.m., Rm #331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (6/14/21)
- C. Privilege of the Floor
- 1. TABLED Resolution – Establishing Administrative Heads and Advisory Boards for County Sewer Districts (Tabled 6/14/21)
- 2. Proposed Resolution – Modification of Membership of North Chautauqua Lake Sewer District Board and Portland-Pomfret-Dunkirk Sewer District Board
- 3. Proposed Resolution – Authorize South Chautauqua Lake Sewer District Funding Applications for West Side Extension Phase II, from Stow to Prendergast Creek
- 4. Proposed Resolution – Authorize County to Apply for Grants on Behalf of the North Chautauqua Lake Sewer District for an Inflow and Infiltration Study
- 5. Proposed Resolution – Authorize County to Apply for Grants on Behalf of the Portland-Pomfret-Dunkirk Sewer District for Inflow and Infiltration (I&I) Studies
- 6. Proposed Resolution – Authorize Agreement for the Purchase and Removal of County Owned Timber from the Thomas Erlandson Park in the Town of Carroll
- 7. Proposed Resolution – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.56 (Bridge Painting)
- 8. Other

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SMA 5/25/21 PMW 5/27/21

TITLE: Establishing Administrative Heads and Advisory Boards for County Sewer Districts

BY: Public Facilities Committee:

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

WHEREAS, Pursuant to County Law section 261 and Resolutions 38-76, 345-77, 246-78, and 26-84, district boards were established as administrative bodies of the North Chautauqua Lake Sewer District (NCLSD), Portland Pomfret Dunkirk Sewer District (PPDSD), North County Industrial Sewer District No. 1 (NCISD), and South and Center Chautauqua Lake Sewer Districts (SCLSD and CCLSD); and

WHEREAS, board members play an important role in communicating with district customers and make valuable contributions concerning user charges, maintenance, operation, and improvement; and

WHEREAS, County staff perform day-to-day district administration and should bear responsibility for district expenditures, purchasing compliance, and related matters reflecting fiduciary responsibilities of the districts; and

WHEREAS, restructuring district administration will further the districts' ability to act nimbly, reduce work engendered in supporting multiple administrative bodies, foster district commonality, advance opportunities for economies of scale, and support consistency with County operations and procedures; now therefore be it

RESOLVED, That effective July 1, 2021, the Director of the North Chautauqua Lake Sewer District, *ex officio*, shall be the administrative head of the NCLSD, PPDSD and NCISD, and the Director of the South and Center Chautauqua Lake Sewer Districts, *ex officio*, shall be the Administrative Head of those districts, each such administrative head having all the powers conferred on, and being subject to all the duties imposed on, heads of administrative units under New York State County Law Article 5-a; and be it further

RESOLVED, That the NCLSD, PPDSD and NCISD individually, and the SCLSD and CCLSD jointly, be served by advisory boards initially consisting of those currently serving as members of each district's administrative board, with each individual advisory board consisting of not fewer than three (3) or more than seven (7) members, and with each joint advisory board consisting of seven (7) members; and be it further

RESOLVED, That the initial terms of such advisory board appointments be for the time remaining in board members' current administrative board appointments, with future appointments made by the Legislature for staggered six (6) year terms, and with vacated positions filled for the remainder of the vacated term; and be if further

RESOLVED, That the Directors meet with advisory board members at least quarterly, supplemented by additional meetings as warranted by district needs and activities.

TABLED – 6/14/21

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Modification of Membership of North Chautauqua Lake Sewer District Board and Portland-Pomfret-Dunkirk Sewer District Board

BY: Public Facilities Committee:

AT THE REQUEST OF: Chairman Pierre Chagnon:

WHEREAS, pursuant to County Legislature Resolutions 38-76 and 263-19, a district board of five (5) members who serve for terms of six (6) years is currently established as the administrative head of the North Chautauqua Lake Sewer District (NCLSD) in accordance with New York County Law §261; and

WHEREAS, pursuant to County Legislature Resolution 345-77, a district board consisting of seven (7) members who serve for terms of six (6) years is currently established as the administrative head of the Portland-Pomfret-Dunkirk Sewer District (PPDSD) in accordance with New York County Law §261; and

WHEREAS, county districts established under Article 5-A of New York County Law are county agencies and not separate legal entities, and pursuant to numerous provisions of New York law, the County Legislature has extensive ongoing responsibility for the oversight of all county districts, including, but not limited to the following:

1. Designates the administrative head and their tenure – can be an officer, board, or other body;
2. Approves all district budgets and amendments, including capital projects;
3. Approves all financing/bonding of district projects, which are guaranteed by the full faith and credit of the County;
4. Approves all user charges and assessments;
5. Approves all employee compensation and benefits, including the management salary plan and collective bargaining agreements governing district employees pursuant to the Taylor Law;
6. Provides for all general liability insurance and defense of district officers and employees, including the administrative head;
7. Provides workers' compensation coverage and administration for all County agencies, including the districts;
8. Approves all policies (including procurement policies) applicable to County agencies, including the districts;
9. Adopts the Code of Ethics governing district officers and employees, including the administrative head;
10. Authorizes the delegation of contract approval to the district administrative heads;
11. Approves rules and regulations for the operation of county districts, including the manner of making connections and the construction of the facilities; and

WHEREAS, New York County Law §261 provides that a member of the county legislative body may be appointed as a member of a county district administrative body, and in furtherance of the County Legislature's oversight role, it would be advantageous to appoint county legislators to be members of the NCLSD and PPDSD boards; and

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

WHEREAS, Rule 2(a) of Section III of the Rules and Regulations of the Chautauqua County Legislature provides that the Chairman of the County Legislature appoints legislative representation to all boards and commissions that are the responsibility of the County Legislature; now therefore be it

RESOLVED, That Resolution 38-76, as amended by Resolution 263-19, is further amended to provide that the NCLSD Board shall consist of six (6) members, with five (5) members serving terms of six (6) years, and one (1) member being a county legislator appointed by and serving at the pleasure of the Chairman of the County Legislature; and be it further

RESOLVED, That Resolution 345-77 is amended to provide that the PPDS Board shall consist of eight (8) members, with seven (7) members serving terms of six (6) years, and one (1) member being a county legislator appointed by and serving at the pleasure of the Chairman of the County Legislature.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TW 7/1/21 KMD 07/02/21 KMW 7.2.21 SMA 7/6/21 KLC 7/7/21 PMW 7/8/21

TITLE: Authorize South Chautauqua Lake Sewer District Funding Applications for West Side Extension Phase II, from Stow to Prendergast Creek

BY: Public Facilities Committee:

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

WHEREAS, Chautauqua Lake experiences nuisance algal blooms and excessive weed growth in part as a result of excessive phosphorus inputs; and

WHEREAS, in 2004, Chautauqua Lake was officially designated as an impaired water body by the NYS DEC pursuant to Section 303(d) of the federal Clean Water Act due to phosphorus loadings; and

WHEREAS, a Total Maximum Daily Load (TMDL) phosphorus allocation for Chautauqua Lake was completed in 2012, which provides an official regulatory plan for reducing phosphorus inputs and restoring the impaired water body, and requires substantial reductions in phosphorus inputs to Chautauqua Lake; and

WHEREAS, approximately 1,200 septic systems still exist surrounding Chautauqua Lake and have been identified as a point source of phosphorus inputs to Chautauqua Lake; and

WHEREAS, Resolution 164-18 extended the South Chautauqua Lake Sewer District (the "District") through the Hamlet of Stow; and

WHEREAS, implementation of a Phase II sewer extension from the Hamlet of Stow through Prendergast Creek (the "Project") will result in an estimated combined total of 773 properties being converted from private septic systems to District sewer infrastructure; and

WHEREAS, government loan and grant funds for the Project may be available from numerous sources including without limitation the New York State Environmental Facilities Corporation (EFC)- EPA Clean Water State Revolving Fund (CWSRF) program, the USDA Rural Development Program, EFC's Water Infrastructure Improvement Act (WIIA) program, the New York State Department of Environmental Conservation's Water Quality Improvement Project (WQIP) program, the DEC-EFC Engineering Planning Grant (EPG) program, and Empire State Development's Empire State Economic Development Fund Program; and

WHEREAS, it is in the best interest of the County and of property owners within the Project area to apply for funding assistance when available; now therefore be it

RESOLVED, That the County Executive is authorized to submit Project funding applications to federal and state government entities, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That when a Project funding application is successful, upon the County Legislature's approval of the funding and allocation of any required matching funds, the County Executive is authorized to execute and submit the contracts and documents necessary to secure funds, and to represent the County in all matters related to Project funding.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SDC 6-24-21
KMD 06/28/21
KMW 7.1.21
SMA 7/6/21
KLC 7/7/21
PMW 7/8/21

TITLE: Authorize County to Apply for Grants on Behalf of the North
Chautauqua Lake Sewer District for an Inflow and Infiltration Study

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, North Chautauqua Lake Sewer District (NCLSD) infrastructure was initially installed in the 1950's and 1970's, and much of the NCLSD's collection system infrastructure has not been updated or repaired since that time; and

WHEREAS, old infrastructure is likely to have cracks and leaks, which can lead to infiltration and inflow (I & I) of storm and ground water into, and leakage of sewage out of, collection system pipes; and

WHEREAS, sewage leaking out of pipes can result in an improper discharge of sewage to the ground, and such sewage can migrate to Chautauqua Lake; and

WHEREAS, storm and ground water entering into collection system pipes is unnecessarily processed through a treatment plant; and

WHEREAS, studies of the Orchard Terrace and Chautauqua Shores regions of the district showed numerous areas in need of repair to eliminate I & I, and studies of the remaining collection system infrastructure is needed to identify additional areas in need of repair; and

WHEREAS, grant funds provide an opportunity to significantly leverage local resources, and available grants include the New York State Department of Environmental Conservation / Environmental Facilities Corporation's Wastewater Infrastructure Engineering Planning Grant (EPG), which provides reimbursement for up to 80% of the cost of a water quality improvement study with a maximum award of \$30,000.00, with applicants providing the remaining local match contribution of at least 20% of the total grant award; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCPD), the Chautauqua Lake and Watershed Management Alliance (Alliance), and the North Chautauqua Lake Sewer District periodically partner on EPG funding assistance grant applications for I & I studies; and

WHEREAS, the estimated project budget for an I & I study is \$36,000, for which \$30,000 will be sought in grant funding, with the NCLSD committing to a minimum cash match of \$6,000; and

WHEREAS, it is in the best interest of the County and of district users to apply for grant assistance when available, and when supported by the administrative heads of the districts; therefore be it

RESOLVED, That the County Executive is authorized to submit applications in the years 2021-2023 for a NYS EPG program grant on behalf of NCLSD for funding assistance for a NCLSD Board-approved I & I study, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That if a grant is awarded, the County Executive is authorized to execute and submit the necessary contract and associated documents to secure grant funds, and to represent the County in all matters related to the project and state grant assistance.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

SDC 6-24-21
KMD 06/28/21
KMW 7.1.21
SMA 7/06/21
KLC 7/7/21
PMW 7/8/21

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize County to Apply for Grants on Behalf of the Portland Pomfret Dunkirk Sewer District for Inflow and Infiltration (I&I) Studies

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, Portland Pomfret Dunkirk Sewer District (PPDSD) infrastructure was initially installed in the 1930's, 1950's and 1980's, and much of the District's collection system infrastructure has not been updated or repaired since that time; and

WHEREAS, old infrastructure is likely to have cracks and leaks, which can lead to infiltration and inflow (I & I) of storm and ground water into, and leakage of sewage out of, collection system pipes; and

WHEREAS, sewage leaking out of pipes can result in an improper discharge of sewage to the ground, and such sewage can migrate to Lake Erie; and

WHEREAS, storm and ground water entering into collection system pipes is unnecessarily processed through a treatment plant; and

WHEREAS, New York State has available grant funds, that can be used to identify locations at which I & I problems have developed, and can provide an opportunity to significantly leverage local resources; and

WHEREAS, available grants include the New York State Department of Environmental Conservation (DEC) / Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant (EPG) which provides reimbursement for up to 80% of the cost of a water quality improvement study with a maximum award of \$30,000.00, with applicants providing the remaining local match contribution of at least 20% of the total grant award; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCPD) and the Portland Pomfret Dunkirk Sewer District (PPDSD) partner on EPG funding assistance grant applications; and

WHEREAS, the estimated project budget for an I & I study is \$36,000, for which \$30,000 will be sought in state grant funding, with the PPDSD committing to a minimum cash match of \$6,000; and

WHEREAS, it is in the best interest of the County and of District users to apply for grant assistance when available, and when supported by the administrative heads of the Districts; therefore be it

RESOLVED, That the County Executive is authorized to submit applications in the years 2021-2023 for EPG grants on behalf of the PPDSD for funding assistance for District-approved I & I studies, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That if a grant is successful, the County Executive is authorized to execute and submit the necessary contract and associated documents to secure grant funds, and to represent the County in all matters related to the project and state grant assistance.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB 6/23/21
KMD 06/23/21
KMW 06.23.21
SMA 06/23/21
KLC 06/30/21
PMW 6/30/21

TITLE: Authorize Agreement for the Purchase and Removal of County Owned Timber from the Thomas Erlandson Park in the Town of Carroll

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua Purchasing Division solicited competitive bids on behalf of the Department of Public Facilities Parks Division to sell sawtimber located on approximately twelve acres of the Thomas Erlandson Overlook Park, SBLs 424.00-2-27, 424.00-2-28, 424.00-2-29, 425.00-1-44 and 425.00-1-45; and

WHEREAS, Marvin Troyer & Sons Lumber, 2059 Clymer-Sherman Road, Clymer, NY 14724 submitted the highest bid with an amount of \$10,250; and

WHEREAS, the total sale amount payable to Chautauqua County is \$10,250 and pursuant to Resolution 164-02, revenue from the sale of timber rights will be dedicated to the capital improvements of the County Parks system; and

WHEREAS, it is appropriate to accept the bid submitted by Marvin Troyer & Sons Lumber, as the offered price exceeds the fair market appraisal; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with Marvin Troyer & Sons Lumber for the sale and removal of sawtimber on the above-noted property at the above-stated price, with the proceeds placed in the Parks Capital Account; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2021 Adopted budget:

INCREASE APPROPRIATION ACCOUNT:

H.7110.25002.4	Contractual—Parks Capital Improvements	\$10,250
----------------	--	----------

INCREASE REVENUE ACCOUNT:

H.7110.25002.R265.2000	Sale of Property/Compensa—Sale of Forest Products	\$10,250
------------------------	---	----------

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

BPB - 6/28/21
KMD 06/28/21
KMW 06.28.21
SMA 06/28/21
KLC 06/30/21
PMW 6/30/21

TITLE: Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.56

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the painting of bridges with BINS 3324170, 3324790, and 3367230 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, which calls for the apportionment of the costs of such program, now estimated to be \$315,000, to be \$252,000 Federal funds, \$47,250 State Marchiselli funds, and \$15,750 Local funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project (PIN 5762.56); and

WHEREAS; the local share is currently calculated to be \$15,750 and can be covered with existing funding in organization D.5112.390; now therefore be it

RESOLVED, that the County Legislature of the County of Chautauqua hereby approves the above-subject Project; and it is further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

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

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program	\$315,000
--	-----------

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program	\$ 15,750
--	-----------

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R458.9002	Federal Aid--Surface Transp Program	\$252,000
D.5112.389.R358.9003	New York State Aid—Marchiselli Funds	<u>\$ 47,250</u>
	Total	\$299,250

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date