

Minutes

Public Safety Committee

September 15, 2021, 4:00 pm, Rm #331

Gerace Office Building, Mayville, NY

Livestreamed on Chautauqua County's Facebook

Members Present: Niebel, Bankoski, Pavlock, Whitford

Members Absent: Hemmer

Others: Tampio, Ames, Chagnon, Dennison, Quattrone, Wendel, Swan, Telford, Engstrom, Guttman, Schmidt, Whitney, Thomas, Geise (by Zoom)

Chairman Niebel called the meeting to order at 4:00 p.m.

Approval of Minutes (8/18/21)

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford

Unanimously Carried

Privilege of the Floor

No one to speak during the privilege of the floor.

Proposed Resolution – FEMA Hazard Mitigation Grant Program (HMGP)

Chairman Niebel: Is there anybody here for that one? Let's see, this is by the County Executive Paul Wendel. P.J., you have a resolution here for FEMA Hazard Mitigation Grant program. Do you want to discuss that or Kathleen? It's pretty much self-explanatory, but Kathleen if you want to, go ahead.

Mrs. Dennison: I don't have a lot more to offer other than what is written but I do know that I worked with the Department of Emergency Services to establish that the grant has been received and that they have already accounted for it within the proposed 2022 budget. They are not planning to make any changes in this calendar year associated with the grant by having incorporated it in the future budget.

Chairman Niebel: And Kathleen, it's a 25% in-kind grant and it's for 3 years?

Mrs. Dennison: Correct.

Chairman Niebel: Any questions of Kathleen? All in favor?

Unanimously Carried

Proposed Resolution – MOA with NYS DHSES for Temporary Loan of Interoperable Communications Resources

Captain Telford. This is a computer monitor and computer itself that we have had in our dispatch center for the last several years. It's connected throughout New York State so in the event of an emergency, we can use that to contact other agencies, other counties, whether it be a neighboring county or across the State. Knock on wood, we haven't had to use it but it is in place and it's at no cost to us.

Chairman Niebel: And Rich, it operates through March 31, 2024?

Captain Telford: That is correct.

Chairman Niebel: Committee, any questions of Rich or Jen?

Legislator Bankoski: So we're just going to continue to keep that computer and monitor in our command center?

Captain Telford: That is correct, yes.

Chairman Niebel: Anything else? Those in favor?

Unanimously Carried

Proposed Resolution – Amend 2021 Budget for Office of the Sheriff

Mrs. Swan: This is a resolution, we are going to be needing to increase our appropriation accounts, our .4's, and the Navigation account. The primary reason for this is we had to actually replace a hard drive in one of our boats this year. Obviously that was an unanticipated expense, quite costly, so that's actually what creates the need for that. Additionally we are decreasing the grant account by the (*inaudible*) grant funding that we will not be receiving this year since that application was not submitted on time last year. We don't have the funding this year and so that no longer applies. So that's what the two adjustments are that you see in the documentation.

Legislator Bankoski: That is just one of the boats?

Mrs. Swan: Yes.

Chairman Niebel: Jen, it's more or less just a housekeeping thing for you guys?

Mrs. Swan: Yes.

Chairman Niebel: Committee, anything further?

Legislator Pavlock: Just a general question. As far as the grant work that the Sheriff's office does, is there a certain individual that does all of this or is it looked at on an individual basis or –

Mrs. Swan: I handle the finance and (*inaudible*) of it. There are various officers who are actually the primary point of contact depending on what the grant is actually for. So for example, in this case, the VALA(?) grant, well, actually that's a bad example because the VALA grant is managed by the D.A.'s office. So, we have a Stonegarden grant and that is primarily managed by one of our bomb team members. He's actually the person who oversees the activity of that grant because he's mostly tied to that particular team. So, it depends on the initiative but there are various points of contacts for each grant.

Legislator Pavlock: Like you said, you missed this grant opportunity, are there others or –

Mrs. Swan: No.

Legislator Pavlock: Or others that you've missed or (*cross talk*).. aren't sought after because it's – is there more grant opportunities? This is just kind of a general question?

Mrs. Swan: It's something that we keep an eye on annually to see what programs are out there and what could be applicable to us. In this case, this particular grant was actually, it's actually managed and applied for by the District Attorney's office so we don't have any actual control over the application process. We are a party that is involved in that initiative but we don't have a hand in that process unfortunately. There was something that was over sought there but yes, as far as other opportunities, between me being in contact with our reps on a regular basis, we do get regular emails every time a new program application is coming due or every time a new opportunity pops up. So we look through the criteria to determine whether or not it could be applicable to us and if we feel it is, we reach out to our rep and then we proceed accordingly.

Legislator Bankoski: It's probably more beneficial to our department because, I don't know if you (*inaudible*) you're the bottom guy, you know you are getting this money, you'd be more apt to be aggressive and also looking out there for other things and you just being the one person overseeing everything.

Mrs. Swan: I hope that answered your question.

Legislator Pavlock: It does, thank you.

Mrs. Dennison: I believe there is a typo in the resolution. In the second WHEREAS clause, it says, "the Office of the Sheriff will receive revenues in excess of the budget" it should read "will receive revenues *less than budget*".

Mrs. Swan: Thank you.

Chairman Niebel: We can just treat that as a typo. Any other questions?

Unanimously Carried

Proposed Resolution – Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY22

Mrs. Swan: This is a new funding year of a program that we’ve participated in for the last couple of years now. It’s related to the Buckle Up New York initiative and this is just for this year’s chunk. The reason why you see the budget amendment that does not match the grant amount is because it starts in the fall of this year and goes until next fall so the portion that applies to this particular budget year is what the amendment is for and the rest is already budgeted in the 2022 budget.

Chairman Niebel: Committee, any questions?

Unanimously Carried

Discussion – American Rescue Plan Money Projects

Chairman Niebel: Is there anyone here to speak on this?

Mr. Geise: Mr. Chairman, all of the department heads were invited to the committee meetings to discuss their projects. I don’t know, the District Attorney is there, Sheriff’s office, EMS, and there are 9 projects that would fall under Public Safety. I don’t know how you want to handle that. If they are there, maybe you would want them to talk about their projects or if you have any questions from the work group session the other night.

Chairman Niebel: Mark, there are these 9 projects listed here. It was pretty well discussed last week so, I think what we’ll do is take a few seconds to look this over and if the committee has any questions, we’ll either ask you or the department heads or the County Executive who are here right now.

Mr. Geise: That sounds good Mr. Chairman, thank you.

Chairman Niebel: That might speed things along a little bit. Actually, I don’t have any questions of any of these last 9 on the sheet here. Committee, do you have any questions?

Legislator Bankoski: I have no questions but I just want to be on record that I support all 9 of these requests under Public Safety. I think that this money that we’re receiving, I think this is game changing money for all of our departments and I really think that all the proposals that were made at last Wednesday’s workshop were well within reason. I don’t think there was any pie in the sky things. I think all the things they addressed and asked for are all well documented and needed. I just think that maybe we should move forward and we’re either supporting this stuff as a committee and move forward and send it onto –

Chairman Niebel: Well Bob, the next item is the proposed resolution so this is the discussion now and the next will be the actual resolution adoption by the committee.

Legislator Bankoski: I'm good.

Chairman Niebel: Is there anybody else from the Committee that would like to speak?

Legislator Pavlock: I guess a question. The department heads were asked to provide a wish list. Under Public Safety, how many more projects were submitted on that wish list? How many are we missing?

(Cross talk)...

Chairman Niebel: We had 41 projects that were discussed at the last meeting, the legislative workshop. Were there projects that came in late or that didn't make the cut, anything that would fall under Public Safety?

Mr. Geise: Certainly, all of the departments had *(inaudible)* long wish list, maybe three or four times as many projects that are listed here but as a committee, we went through and we talked them through with the departments and agreed that everybody wasn't going to get everything they asked for and these were the top priority projects that we all agreed on. That has County wide impact that were sustainable, that wouldn't increase future cost for the County. They served an immediate need so that's really what we did. I don't have the exact number on me right now but there were a lot of other projects.

Chairman Niebel: If we're o.k. with the discussion part, we'll move on to the proposed resolution, actually adopting or talking about the actual spending plan.

Legislator Whitford: I just have one question. I mean, this is a general question, not specifically aimed at Public Safety but, when you were going through this process, was there a lot of weight put on how each project would affect the 2022 and 2023 budget as far as their list that may have shown up on the upcoming budget and this would help in that process? I mean, some of your decision making -

County Executive Wendel: What we had to take into account was the ARPA funding is not designed for O&M, operation and maintenance so a lot of those items that would be operational and maintenance would be our budget items. Therefore it's something that really isn't reflective of the ARPA fund. The ARPA funding is for those one-time injection of funding that would not be – a program started and then funded incrementally throughout the rest of -

Legislator Whitford: So there was minimal affect on the 2022 budget?

County Executive Wendel: Correct. These are all items that – it wasn't something we pulled out of the budget and put here. These are items *(inaudible)* because this process started long before the budget process. We started this back in March when we first got wind of the

funding so that's when the list started to come in. More hard line, we put the information out to get us ideas of what you would like to see (*inaudible*)...

Legislator Whitford: O.k.

Chairman Niebel: P.J., you guys started to meet in April to discuss this stuff.

County Executive Wendel: March actually. (*Cross talk*).. part of our Finance committee so what we did was we added a COVID Finance committee that had been meeting for the last year and then (*inaudible*) department heads to have a more broad band approach to the decision making. So other department heads were in there throughout the process. It wasn't just the team doing it or two department heads. There were multiple departments within the discussion.

Chairman Niebel: And the Legislative Leadership as well.

County Executive Wendel: Yes.

Mrs. Dennison: If I could just add a couple of comments to what P.J. just mentioned. As he said, yes, the Directors to the department was (*inaudible*) if there were expenditures that they need to make regardless of whether they received ARPA funding, they were asked to put those in their operating budget for 2022. So those expenditures are in the tentative budget. Also on the capital side I just want to relay message from the County Planning Board. The Planning Board raised a questions about projects that are capital eligible and would those be reviewed by the Planning Board? Because strictly speaking, they are supposed to be reviewed by the Planning Board before they are considered for funding by the County Executive and by you. So, I did, just yesterday, look at all of the projects and (*inaudible*) determination of which ones are capital eligible and also which ones have not previously been reviewed by the Planning Board. There are 15 of those and so the Board is considering having review sessions at their upcoming – probably October or November that they would plan to go through the normal review process of the projects that are capital eligible.

Chairman Niebel: O.k., so Kathleen, some of these projects that – these 41 projects are included with some of the departments in the 2022 budget?

Mrs. Dennison: There is very few. The only operating change that we made was there was a request of purchase of personal protective equipment so Health and Human Services had put some money into their 2022 budget for PPE purchases.

Chairman Niebel: O.k., and if they get this, they won't need it for the budget?

Mrs. Dennison: Right. As it stems now, we removed that from their budget because we're expecting it (*cross talk*)... That was the only operating item that was changed. The rest of them are all, as P.J. suggested, it's all new endeavors that would only be undertaken with the ARPA funding.

County Executive Wendel: (*Inaudible*) too is, I know that EMS put in for a new dive boat, so yes, that's going to be ongoing but they already have a boat that is failing so the cost of operate the boat is there. But that's a new more efficient boat, we might, again, I don't know, as if you can see cost but this potential cost reduction with that newer boat (*cross talk*)...

Chairman Niebel: And possible resale value of the old boat, maybe.

County Executive Wendel: Maybe, possible, (*inaudible*)....

Chairman Niebel: Alright, any further discussion?

Chairman Chagnon: If I might and I shared these thoughts with the other two committees Monday night, for those of you who weren't able to be at the presentation a week ago, it was pointed out that this is our plan (*inaudible*). This resolution encompasses our plan for the ARPA funding but if those 41 projects are approved in the plan, each of those projects will then come back through committee review for legislature approval with a detailed description, budget, timing etc., so this is the plan. These 41 projects are the plan but each of those projects will then come through the legislative process for detailed review for each of those projects.

Chairman Niebel: When we get to the proposed resolution, the next item on this agenda, we can propose adjustments to the plan, we can, correct?

Chairman Chagnon: What was discussed at the committee meetings Monday night was that since it's a difficult process with this plan to make changes from one perspective that if you say you want to take out money, then you have to decide where you want to put it back in. Because we have to have a plan for the whole of the ARPA funding.

Chairman Niebel: Understood.

Chairman Chagnon: What the other two committees on Monday night decided is that they would pass their concerns or suggestions to the Audit & Control committee. Similar to what we do with the budget process that the Audit & Control committee finalizes the recommendations from all of the committees into the resolution that goes to the Legislature for renewal and approval.

Chairman Niebel: But, sometimes with the budget process Pierre, those committees will actually make amendments and pass those onto Audit & Control. Look, I understand what you are saying. I just think that perhaps an amendment to some of these things would carry more weight and more force than just a suggestion that there be a change and that the Audit & Control committee try to find the financing for it. So, what I may propose, or I will propose later is an amendment to the plan with a covenant that if Audit & Control decides there is a better way to do it or that they recommend that we take funds from a different program, that they do it.

Chairman Chagnon: That is certainly appropriate Mr. Chairman.

Chairman Niebel: Mark, are you o.k. with that?

Mr. Geise: Yes.

Chairman Niebel: Before we get to voting on this, could I ask about one – the actual resolution, the second to the last RESOLVED, That projects that change substantively or removed from the ARPA Plan, and/or the introduction of new projects using ARPA funds, will require the Department Head responsible for managing the project to propose an amendment to the ARPA Plan, and be it further, o.k., that is the rest of that RESOLVED. O.k. Mark, maybe you are not the person to answer this but why is this RESOLVED in here? If the Legislators decide that they'd like to make an amendment to this Plan, why should we have to ask the Department Head for their permission?

Mr. Geise: We're talking like later on. So the Plan gets approved and it goes to the Legislature and then in some point in the future maybe a project is removed or the cost is 25% more than what they estimated, they need to come back to you and amend their project with you if there is a substantive change in the project.

Chairman Niebel: O.k., I'm not so sure why they have to do it because the Legislature approves the funding and the expenditures. So really, I wonder why we have to get back to the – I mean, look it, I realize there is implications for the department but really, I think that is a decision for the Legislators.

Mr. Geise: It is. They would come back to you and ask you for an amendment to it. So you make the decision, they would explain why they would need it.

Chairman Niebel: O.k.. Committee, any other questions?

Chairman Chagnon: Mr. Chairman, if I could just add to that. In my opinion that places the onus on the department head that their estimate wasn't right and now not only do they have to come back to you and potentially ask you for more money but maybe they could suggest where you could find that money in one of their other projects.

Chairman Niebel: That would be helpful.

County Executive Wendel: Like you say, it's (*inaudible*).. it's not like something we can create and we save money, it has to be spent somewhere. You save a \$1,000, you have to find somewhere else to spend it.

Chairman Niebel: Mr. County Executive, this is huge thing. There is a lot of moving parts, so it's – everything just has to come together.

Legislator Pavlock: Just kind of a general question. Let's say we find some other funding for this and more monies become available. It's easy enough to just add another project midstream? It doesn't have to have pre-approval or anything – the money is specifically earmarked for one particular thing?

County Executive Wendel: Like the Chairman said, it's free flowing, it's kind of a moving document. We could make changes throughout the process. Again, we said, our larger infrastructure, the larger projects (*inaudible*) come though then we can free up more. For example, we have funding for a project from another source. That money can back down – for example, the sewer project. There is opportunities that we're looking for funding elsewhere but the idea is, at least with the ARPA funding, we know it's going to be more for planning to get this done, it's a long awaited endeavor. So we want to make sure we have guaranteed money in the ARPA fund, should we get other funding, that frees up \$8.3 million dollars that we can now fund other projects. So we'd go right back and now we start to go back through our project list and see what projects we can put in (*inaudible*)....

Mrs. Dennison: As a further answer to Mr. Pavlock's question, the only thing that is stipulated is that we had to use a formula to determine how much of the money could be spent – well, how much of the money is attributed to revenue loss or that could be attributed to revenue loss. That's approximately \$18 million dollars. So we have an \$18 million dollar portion of the total award which we allow (*inaudible*) to spend that. But that portion, we cannot exceed that portion on projects (*inaudible*)...

Chairman Niebel: It can't be used directly for tax reduction?

Mrs. Dennison: It cannot be nor a contribution to fund balance so it has to be spent.

Chairman Niebel: O.k.

Legislator Pavlock: One final question. Are we under any particular time constraint to get this resolution through? What is the time table? Do we have to have it done this month, is it by the end of the year? We feel rushed a little or at least I may because we only reviewed this a week ago and now we have to approve this spending pretty fast.

Chairman Chagnon: I would answer the question this way unless the County Executive would like to take this one. I'll go first. As I was describing earlier, this is a process. So we come up with a plan and once we have a plan, the advantage of that is that then we can tell the Federal government, we have plan for the whole amount of the ARPA funding for the County. We have half of that in receipt now. We're not going to get the other half until next year and we have to demonstrate to them that we have a plan. That is one reason to get this going. The second reason is because it's a process, each of these projects aren't going to start the day after we approve the plan. Then they have to come back through the legislative process for approval to spend the money with a detailed resolution for each of those projects. Some of those projects will be very beneficial to the residents of this County right now. We've got half the money sitting in the bank. Why wouldn't we start implementing some of those projects as soon as we can that are beneficial right now? That's the pressure that I think we're feeling Dan.

County Executive Wendel: This money, we are told, has to be spent in two years. So you have to have a plan. If we were following the original –again, even the funding itself has changed throughout, what can be funded, the latitude of things (*inaudible*) to be funded.

Originally it was, the first half had to be appropriated in the first year, second in the second year, so in two years this money had to be spent. (*Inaudible*) now that's changed -

Chairman Niebel: P.J., it has changed to, we do have to have all money expended by the end of 2026. That is my understanding.

County Executive Wendel: Right, appropriated by 2024.

Chairman Niebel: Having said that, I think we should have something in place by the end of the year but like Dan, I do feel a little rushed because it was only two weeks that we even learned about these projects. A week ago, thanks to Mark and all of the department heads who explained these projects to us, but I have to tell you, at least in my case, it's a lot to digest in a week or two. But having said that, I would like to see us do something before the end of the year and actually – o.k., I'm o.k. Pierre with about 90% of these expenditures and stuff, but, not all of them. P.J. mentioned the South County Sewer District in Chautauqua Lake. Look, 36% of the funding goes to Chautauqua Lake and the South County Sewer District for Phase II. I realize how important it is, Chautauqua Lake is really one of the jewels of Chautauqua County but as equally important to the folks around Chautauqua Lake, the sewer district, for those of us in the northern part of the County, the North County Water District is equally important. I don't see anything in here for the North County Water District. So, Mark what I would like to propose is an amendment to this resolution and we're on the proposed resolution. (con't)..

Proposed Resolution - American Rescue Plan Act (ARPA) Spending Plan

Chairman Niebel: I would like to propose an amendment to give to the North County Water District \$863,000 for their water tank. Mark, that was a project that came in – I believe it came in late but it has the same criteria, follows the same guidelines as the other 41 projects. Funding amount being requested, what is the basis of your cost estimate, describe how the project will benefit the County as a whole, everything is here, I believe you've seen that.

Mr. Geise: Yes, I've seen it.

Chairman Niebel: So, look, I would like to propose that we fund that and again, with the covenant that if there is a better way to do this, Audit & Control can recommend it or change it but I'd like to decrease project 28 by \$150,000. That was the study for possible implementation of a taxing district for the lake. That was the study for that and then I would like to decrease the actual South County Sewer District by \$713,000. So instead of Phase II for the South County Sewer District being \$8,408,382, it would be \$7,695,382, roughly 90% instead of 100% for Phase II. That's what I am proposing as far as an amendment. Mark, I know that you are not happy with that but do you have –

Mr. Geise: No, it's up to you. I'm not happy or unhappy.

Chairman Niebel: O.k., again, I appreciate – you did an awful lot of work on this but I just think that this is an important project that has been neglected. I'd like to see it covered in this round of the funding. If we get some grant money or whatever, then we can relinquish this and it

could go back to the ARPA funding but I think as far as equity, I think this is needed for the northern part of the County, especially the water district. So, that's the resolution that I'm proposing.

Legislator Bankoski: I would like to speak to that also. I mean, within the last two weeks when they had the major water break in Dunkirk, that water tower wasn't able to supply water to Ralston Purina and a couple of the other large plants where they have almost 400 employees who couldn't go to work because they didn't have water. So I think by addressing this, it will enhance our capabilities so that doesn't happen again.

Chairman Niebel: Thanks Bob and Mark just to expand on what Bob said, this water tank does service the North County Industrial Water District. That District has 13 customers, one of which as Bob just mentioned is Purina which in our end of the County is one of the largest employers that we have. So just for that sake, I think we need to do something to help out the North County Water District.

Chairman Chagnon: If I might add to that. I attended the North County Industrial Water District meeting this past Saturday and it's unfortunate that their representative didn't bring this project forward in time to get it in the original round of plans but I fully support this project understanding how important it is to the industries in that industrial district as well as some of the communities surrounding it. So, I fully support this project.

Chairman Niebel: Pierre, that was an oversight and I apologize or I apologize on behalf of the District.

Chairman Chagnon: O.k., it was the Industrial District.

Chairman Niebel: I know, we should have had it in, we didn't. It came in late but I think it really is a worthwhile project.

Chairman Chagnon: Absolutely, I 100% agree.

Mr. Geise: Mr. Chairman, can we talk about the Chautauqua Lake District plan?

Chairman Niebel: The study plan?

Mr. Geise: The project number 28. You have said that you would like to have that removed, that \$150,000, is that what you said?

Chairman Niebel: Mark, I did. A \$150,000 from that project and then \$713,000 from the Phase II of the South County Sewer District.

Mr. Geise: So can we have a conversation about the Chautauqua Lake District work plan?

Chairman Niebel: Absolutely.

Mr. Geise: So the agency and certainly Pierre can talk about this more eloquently than myself but that agency was formed more than 2 years ago and they've done a lot of work, they did a survey of the potentially affected land owners, property owners around the lake and it's something that the majority of the people surveyed, it was an incredible return rate on those surveys who were in favor of us moving forward. We don't have the (*inaudible*) or skillset to try to determine what this looks like especially when it comes to the watershed. It should be more than just the people around the lake, it should be, if we can, looking at the entire watershed and what does that look like. Here again, if we are going to move forward with all the work that's been done so far, we really need this money to do that. I don't know if you want to add to that Pierre.

Chairman Chagnon: No, I think that's fine.

Chairman Niebel: Mark, if you think this is necessary, we can leave that in and just take another \$150,000 out of the \$8.4 million which would leave \$7,545,342. We can do that. '

Mr. Geise: I would feel comfortable with that Mr. Chairman. I would be comfortable with that. We're just going to have to get on the ball – hopefully that sewer extension project will get funded through the Infrastructure bill or we'll just work hard to find money elsewhere, but I would prefer that.

Chairman Niebel: Or do 90% of instead of 100%, Phase II.

Mr. Geise: Well that's not 100% of what the need is.

Chairman Niebel: Oh, it's not.

Mr. Geise: No.

Chairman Niebel: Well, this would be 90% of what you're asking.

Mr. Geise: If P.J. agrees –

Chairman Niebel: He does, apparently. Bob, so we'll amend this motion to take the \$863,000 out of the Phase II sewer district of \$8,408,342. Would you like to make that motion?

Legislator Bankoski: I will make that motion.

Legislator Whitford: I'll second it.

Chairman Niebel: Any discussion? Seeing none, all in favor?

Unanimously Carried

Chairman Niebel: O.k., as far as the American Rescue Plan, ARPA spending plan, as amended, do I have a motion to accept the plan as we have just amended?

Legislator Whitford: I'll move it.

Legislator Bankoski: Second.

Chairman Niebel: Any discussion? All in favor?

Unanimously Carried

Chairman Niebel: Mark, again, this is the amendment that we would like to make to Audit & Control with the covenant that if Audit & Control has a better funding plan for this project, we're open to that.

Mr. Geise: Sounds good Mr. Chairman, thank you.

Chairman Niebel: O.k., thanks Mark. Pierre, P.J.?

Chairman Chagnon: Well done.

County Executive Wendel: O.k., thank you very much.

Chairman Niebel: Is there anything for "other", as far as the agenda

Other

MOVED to adjourn by Legislator Bankoski, SECONED by Legislator Pavlock

Unanimously Carried (4:57 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk/Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer