

Minutes

Audit & Control Committee

September 16, 2021, 8:35 a.m., Rm #331

Livestreamed on Facebook

Gerace Office Building, Mayville, NY

Members Present: Nazzaro, Gould, Harmon, Niebel

Others: Tampio, Ames, Abdella, McCoy, Bentley, Green, Guttman, Telford, Swan, Hernandez, K. Swanson, Reynolds, Crow, Dennison, Bourke, Pinkoski, Wendel, Lis, Carrow, Schuyler, Schmidt, Contiguglia, Henry, Meleen, Swanson

Chairman Nazzaro called the meeting to order at 8:35 a.m.

Approval of Minutes (8/19/21)

MOVED by Legislator Niebel, SECONDED by Legislator Harmon.

Unanimously Carried

Privilege of the Floor

Mr. Norm Green, 54 Oneida Drive, Dewittville, N.Y.

Legislator Niebel: Have a seat Norm.

Mr. Green: I've been to two other committee meetings and they didn't invite me it's because my oldcolleague Terry Niebel is here –

Legislator Niebel: It's because we're so close.

Mr. Green: Good morning gentleman and ladies. I'm here today to speak about the 41 projects that are being proposed for funding under the American Rescue Act. I've been critical of the process that took place. There were no public hearings on the Rescue Act's fund spending. A small select group of County only people assembled by the County Executive, (*inaudible*) heard only from the County department heads. This money is being awarded to the entire County and we've missed out on Silver Creek, we've missed out on Jamestown, we've missed out on Sheridan, not so much for the Town of Harmony, but, we've missed out on the metropolitan areas and hearing from the metropolitan areas, its particular significant that the major funding item is a sewage line. People keep saying its clean water, all of these people that are in that area

right now have septic systems that presumably are working correctly. The Chautauqua Lake Watershed will not be significantly impacted if we fund this project.

Legislator Niebel: Are you talking about Phase II of the sewer district?

Mr. Green: Yes. The money for sewage and water is available, all the time, based on the scoring process. These projects along the lake are hard to get a high score because, as we can imagine, because the millionaires from Cleveland, Ohio are the ones that live in this sewer district. We know in Fredonia as an example, which was awarded, each community in Chautauqua County, as you know was awarded money. Fredonia was awarded less than a \$1 million dollars. It's (*inaudible*) in Dunkirk, was awarded (*cross talk*)..., Fredonia has the most serious water problem in Chautauqua County. Read the newspaper. If you were looking for a clean water project, you'd be looking at Fredonia. On top of that, I ask that this Legislature go back to the drawing board, start this process over. I've heard from some of the Legislators that what I'm saying rings home to them, that this process was flawed. It's pretty simple, we have lots of time, let's start it all over again, let's include our partner communities, Dunkirk, Fredonia, Jamestown which have been ignored. They have been ignored in this process. I hope that you'll consider that, think about starting over. It's within the power of the full County Legislature to start this process over and I hope you will.

Legislator Niebel: Norm, you do know or perhaps you don't, I did move to amend this resolution. We are going to or at least the amendment was and it comes to Audit & Control this morning, to take \$863,000 out of the Phase II Chautauqua Lake Sewer District project and put it into the North County Water District to replace a 45 year old water tank. That occurred last night so we are making adjustments, there were some adjustments and I think there are suggestions from other committees that we'll be discussing here this morning.

Mr. Green: And I understand that the full Legislature is the one that is going to decide this and that was a good amendment. But the truth is, it needs to start all over again, the process. And you represent the Town of Pomfret which really isn't the Village of Fredonia in your case and we have a big problem in Fredonia and the County has an opportunity now. That being said, I would prefer the different spending ideas, big ideas, ideas that are going to pay dividends in 20 years that we're going to look backwards and say, hey, this money was great. I think the (*inaudible*) that was a great idea that was included but so much of - and I'm not going to nitpick every item but so much of what took place was great in the eyes of a bureaucrat. Somebody that spends their time out of the bureaucrat itself so I have (*inaudible*) for bureaucrats. I was a Commissioner like yourself but we really need to look at Dunkirk, Fredonia, Jamestown, and (*inaudible*) areas and Sheridan, Silver Creek, and Westfield and we need to look at how we're spending this money and how that's going to impact these communities and our County as a whole. I'll listen to you on Facebook.

Legislator Niebel: Norm, just one other point. You suggested that it was the County Executive and department heads that made the decisions -

Mr. Green: I said it was a select group of people - (*cross talk*) I'm using the quote of the newspapers.

Legislator Niebel: O.k., just as far as - maybe not a correction but a clarification. We did have a number of Legislators –

Chairman Nazzaro: I was going to comment on the process but I thought, normally we don't get into a discussion when we have privilege of the floor, so, (*cross talk*)..

Legislator Niebel: This is Norm.

Chairman Nazzaro: So out of respect, proper procedure, Mr. Green has spoken, comments well noted and what we'll do prior to going over the resolution, I hope you're able to stay, I'll make a statement and a comment and then of course any committee member here has that right but I rather now, unless there is others for the privilege of the floor, - are you finished, I'm not cutting you off.

Mr. Green: Oh, I'm good.

Chairman Nazzaro: Anyone else wish to speak to the privilege of the floor? If not, we'll moving into the proposed resolutions. Again, I will make a statement addressing his comments before we get into the resolution and anyone else like yourself Terry, of course.

Proposed Resolution - Amend 2021 Budget for Public Facilities Maintenance of Roads – Presented by Bentley

Unanimously Carried

Proposed Resolution – Quit Claim Deeds – Presented by Meleen – Unanimously Carried

Proposed Resolution – FEMA Hazard Mitigation Grant Program (HMGP) – Presented by Guttman

Unanimously Carried

Proposed Resolution – MOA with NYS DHSES for Temporary Loan of Interoperable Communications Resources – Presented by Swan, Telford

Unanimously Carried

Proposed Resolution – Amend 2021 Budget for Office of the Sheriff – Presented by Swan, Telford –(Typo Correction – 2nd WHEREAS clause – cross out “in access of” and change it to “Less than”)

Unanimously Carried

Proposed Resolution – Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY22 - Presented by Swan, Telford

Unanimously Carried

Proposed Resolution – Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Employer Benefits Costs – Presented by Lis, Schuyler

Unanimously Carried

Proposed Resolution – Authorize Grant Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal – Septic and Wells Program– Presented by Lis, Schuyler

Unanimously Carried

Proposed Resolution – Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased ELC COVID Grant– Presented by Lis, Schuyler

Unanimously Carried

Proposed Resolution – Accept New York State Department of Health COVID-19 Vaccine Response Award – Presented by Lis, Schuyler

Unanimously Carried

Proposed Resolution – Amend Chautauqua County Health & Human Services 2021 Adopted Budget for New York State Department of Health ELC Reopening Schools Award – Presented by Lis, Schuyler -

(Typo correction – ELC stands for: - Epidemiology and Laboratory Capacity for Infectious Diseases)

MOVED by Legislator Niebel, SECONDED by Legislator Gould to amend as follows: *(replace crossed out language with the bold language)*

~~WHEREAS, 2021 revenue for the ELC Reopening Schools Award is now projected to be higher than the budgeted amount; and~~

~~WHEREAS, 2021 expenditures for the ELC Reopening Schools Award are now projected to be in excess of the budgeted amount; now therefore be it~~

WHEREAS, revenues and appropriations associated with this award were not included in the 2021 Adopted budget; now therefore be it

Unanimously Carried as amended

Late Resolution – Amend 2021 Budget Appropriations to Include Additional IGT Matching Funds – Presented by Lis, Swanson, Dennison

Unanimously Carried

Proposed Resolution – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Mallard Cove Repairs – Presented by McCoy

Unanimously Carried

Proposed Resolution – Amend 2021 Budget – Village of Lakewood Loan – Presented by McCoy, Dennison, Abdella

Unanimously Carried

Proposed Resolution – Authorizing and Approving a Settlement Agreement in an Action Relating to the Opioid Crisis (Big 3 Distributors) – Presented by Abdella

Unanimously Carried

Discussion – American Rescue Plan Money Projects

Chairman Nazzaro: That takes care of the proposed resolution except regarding the ARPA, American Rescue Plan Act that have been approved. Now we're going to go into a discussion first, if I understand this right, on the American Rescue Plan money projects. I just want to make a brief comment that there was a very organized process to this. Our County Executive, as he had stated at the special legislative workshop, appointed a committee. There was, besides department managers, there was four legislators I believe on it, Chairman Pierre Chagnon, Majority Leaders Jay Gould, Mark Odell was on it, I believe, and myself, Minority Leader and Audit & Control Chairman. So we had a process. We met every two weeks. Mark Geise headed up the process, we have volumes of projects come in. It was a very long task. This is now coming to the legislative body to review the projects and that is why most of you are here. We received the justification for each project. So this part of the meeting I would like transcribed because I think it's important because there has been comments made that the public was not involved. Well, we can argue that point, that's not why we are here, these are monies that came into the County, we're elected officials, we are listening everyone, the plan has not been approved yet but now we're going to the next step. We're going (*inaudible*) projects so before the meeting, we have 41 projects. For example, I'm on Public Facilities and we went through every project. I think here what we are going to do unless the committee objects, because I've heard every one of these projects –

Legislator Gould: Many times.

Chairman Nazzaro: Many times. Legislator Gould, Jay, has offered to read each project in the order that they serve, we'll start with project one. (*Inaudible*), I'm not going to ask the department manager or representative to come up to justify the project unless the committee here has a question regarding the project. If they do, then you are invited to come up. If, there is anyone who wants to speak on a project, because the plan here is to make a – we have an amendment resolution, is to bring it to the full Legislature for next Wednesday night and as you know, like with the budget or any resolution, amendments can be made on the floor. So it's not a done process. So, Jay is going to read each project, if a manager, again, I don't want to deny anyone the privilege to speak on their project. I'm assuming unless this committee has a question on the project, is going to be part of this resolution. Are we good?

Legislator Niebel: Just a question. Some of the committees have made suggestions for different projects and stuff, that is my understanding so when Jay reads the list of things, will somebody say whether or not one of the other committees, like maybe Administrative Services has proposed a change or alteration to these things, these projects? How is that going to work?

Chairman Nazzaro: That's a good question and Pierre is not here today but we had talked about this and P.J. you are welcome to chime in at any time, of course. Because this is a discussion, that, like in Public Facilities, we took no action, correct Jay?

Legislator Gould: Right.

Chairman Nazzaro: But we had discussions on, especially for myself, a couple of the projects, so I will comment. I did not make any official amendment. I could have. So in Public Safety, when we get to that project, you can comment on that. So, what we're going to do, again, I did not have any recommendations come to me because we did make a statement if anyone wanted anything to be brought here – it's like the budget. When we start budget hearings in a couple of weeks, each standing committee can make a recommendation to amend the budget and then that goes to Audit & Control for final review. So, I have not received, other than this one that was handed here, any amendments.

Legislator Niebel: O.k., so Public Facilities has no recommendations but you had suggestions or –

Chairman Nazzaro: We had discussion.

Legislator Niebel: The same with Administrative Services or don't we know?

Chairman Nazzaro: I don't know.

Clerk Tampio: There was no recommendations (*cross talk*)....

Chairman Nazzaro: Did any committees, Olivia or Kathy, make any proposed amendments other than what you made in Public Safety.

Clerk Tampio: We have not (*cross talk*)..

County Attorney Abdella: Just to clarify, it's my understanding Public Safety actually formally voted on an amendment so I think the view is that the resolution before this committee is that resolution as amended by Public Safety.

Chairman Nazzaro: So we have to act on that one, correct?

County Attorney Abdella: The resolution that you would be acting on includes the amendment from Public Safety which you would be free to reverse, that's one option, or, you could adopted it with their amendment still there.

Chairman Nazzaro: So when we get to this particular project Terry, you can comment on what happened, o.k.?

Legislator Niebel: Yes.

Chairman Nazzaro: This is a little different. We've had discussions about - this is more complicated to me than doing the budget. P.J., you have said this numerous times that this is a good thing but there is a lot of viewpoints on this but we're not trying to exclude the public. This is a public meeting. So, anyone is welcome to be here and comment.

Legislator Niebel: And the Legislature represents the public.

Chairman Nazzaro: Yes.

County Executive Wendel: You made a great point in that this is much like the budget process in a sense where this plan is not etched in stone. This will not be what is carried out. It's a moving document if you will, living document as the term is used sometimes, but, these will evolve and as you saw Public Safety made a recommendation and there will be other recommendations and each one of these will be reviewed in detail as it comes to the committees as they start to get funding for the project. So, much like - some concern was brought yesterday by Legislators, we got this a week ago and now we have to act on it. We will have the time throughout this process, much like the budget hearings but a lot longer. It won't have to be done in a week's time or two weeks' time. This will be as the project is coming out. So, again, right now it's, the overall project, some may seem rushed, but, the detail and the deliberation and diligence will take place before they are finally approved and set and budget amendments made and our (*inaudible*) and everything happens as the formal process (*inaudible*)..

Chairman Nazzaro: Thanks P.J., and again and I forgot to mention that, you're going to have continually budget amendments and approving coming to the committees. As you all know, we received \$12.3 million. Received the first tranche, new word, of half of it, so we have \$12.3 million, so the money is in the bank as they say, so it's important that we start approving these things so we can start spending the money and getting these worthwhile projects going.

County Executive Wendel: Just a quick clarification, I'm not sure if you were going to address it too. But, statements made earlier, we sat down with both municipalities and I have dates where Chairman Nazzaro was there, Mr. Geise, and others with Leadership from both municipalities and at both of those times, they were moving in other directions. So the statements that the County had ignored municipalities is simple just not correct. We did reach out. The first one specifically was broadband only and that meeting took place back in March when we met with everybody. We wanted to focus on a broad band portion and we did meet and the City of Jamestown had a different focus. As we move forward, we did ask specifically on questions of what projects can we work together and at those meetings, the other cities had other avenues they were pursuing. I'm going to make that clear, we didn't ignore. There were no opportunities provided to this group, and maybe Chairman Nazzaro, you would like to speak to that you can, we asked and at that point, both cities did not have anything that they wanted to and still if things persist and we move on down the road, as you know, there are some complexities to this, you'll see that Public Safety made a recommendation on a sewer project. Well, we are looking at other funding sources for that sewer project so if those funds were to come through and let's say in the Infrastructure bill, then we utilize that money back into the process and we would look at the projects that may not have made the list or new projects. So as we say, this is an evolving process. It's systematically put into – organized in a way that the \$12.3 million dollars in what we refer to as year 2, are more infrastructure projects where if the Infrastructure bill comes through or if other funding sources come through for let's say the sewer project, that monies could then be utilized in more projects with ARPA money. So, we have set up contingency to where we will be able to shift, (*inaudible*) reexamine other projects.

Chairman Nazzaro: Thank you and our Executive is correct. I agree, we met with the cities, discussed things and they basically had their own plans set up, specific needs but we extended the olive branch and we wanted open communication. It was a good meeting but they are moving on with their projects and we need to move on with ours. We also have Mark Geise on, where are you in Vermont?

Mr. Geise: Yes, Northern Vermont.

Chairman Nazzaro: But he headed the committee so he put together these spread sheets or his staff did. So, with that, again, any department manager representative is welcome to speak on the projects but if we don't have discussion on it, then obviously we're moving forward with it. So, Jay, you are going to keep us moving now.

Legislator Gould: First project, number one:

Healthy Housing/Lead-based Paint remediation – *no discussion*

Strong Start Chautauqua - *no discussion*

IT Upgrades for PH –

Chairman Nazzaro: You might want to state the amount if you want. The first one was \$700,000, second one was \$378,000 and the IT Upgrade is \$110,000.

Legislator Gould: The next one is:

Ag Building Upgrade/Building Consolidation/Relocation Costs - \$1,100,000 – *no discussion*

Replenish PPE - \$90,000 – *no discussion*

Purchase Deterra Pouches - \$45,000

Chairman Nazzaro: That was a pouch that P.J. brought in that day, right?

County Executive Wendel: What it does is, these pouches have been available and what it does is, you take any opioid, medication, narcotic and put it in there and add warm water and it renders that (*inaudible*) and then it can be disposed of property.

Legislator Harmon: (*Inaudible*) three years, correct?

County Executive Wendel: Yes.

Address Isolation/Quarantine Housing - \$100,000 – *no discussion*

HVAC/Indoor Quality Improvements for County Owned Properties - \$640,000 – *no discussion*

Paving Project at EOC for drive through PH clinic - \$250,000 - *no discussion*

Community Contracts/PH Emergency Response Planning & Preparation - \$200,000

Chairman Nazzaro: So we'll take a pause there a minute Jay. Great job. So right now for Public Health, the projects that he just listed off, 10 of them, it's \$3,613,000. So, I'm just going to take a pause, any questions or comments from our public – Christine, is there anything that you want to say on this? Again, we had a work session on these so unless there is any new information to share, no, o.k., is the committee good with those? So, my intent is, those projects will move forward out of this committee. O.k. now we're under Infrastructure:

Legislator Gould: Number 11:

Provide Broadband to Unserved or Under-served Communities - \$2,500,000

Chairman Nazzaro: Again, the cities, especially Jamestown, has their own projects set for broadband. We offered to work with them but they are doing their own projects.

Legislator Gould: Number 12:

County Internet Bandwidth Upgrades - \$173,000

County Executive Wendel: If I could just on that one, just real quick. That is another one that and Mr. DeAngelo isn't here but, it's a significant (*inaudible*) necessity to County government as we move forward because with individuals working remotely and with other services, we now have a lot more field office but we also have applications on Surface Pro's etc.. We realized that the bandwidth is crucial here in County government. So, it's a smaller price but it's something that I think we would like to move quickly on because that is a real need in my book.

Legislator Gould: Number 13:

Water/Sewer Infrastructure for Shovel-Ready Site(s) - \$1,400,000 - no discussion

Purchase 60 Ton Crane - \$650,000 - no discussion

Purchase 2 new dump/plow Trucks - \$480,000 - no discussion

Purchase one new snow blower - \$810,000

Chairman Nazzaro: I'm going to take a pause there. If I may, we had quite a discussion on this in Public Facilities. To your point Terry, no action was taken. Personally, I still have mixed feelings on this one because \$810,000 is a lot of money. Brad Bentley explained currently that we have three snow blowers, one is like a 1962 or 63', one is like 1982, and one is a 2002. So, the reason I brought it up in Public Facilities, I said, can we use that money for something more, that would have more long term affect to the County and it's a significant portion of this money. The discussion was and Brad you are welcome to come up, was how often are these used? So based on what I heard during Public Facilities and I'm sure Brad is going to comment, I was going to propose here that we take the \$810,000 out and use it for, I specifically was going to put it my recommendation of, \$200,000 into project #20, occupancy tax; \$310,000 into project #19, and increase the amount of water and sewer shovel ready sites and another \$300,000 into project #13 which is the land. The purpose of that was, economic development is so critical to this County and we need to have sites available, purchase land, and as we heard Mark Geise speak during the work session, each acre goes between \$10 and \$20,000, is that right Mark? So, I'm still questioning whether I should propose an amendment based on new information that Brad put into an email based on his staff's input.

Mr. Bentley: As I come to these committees, I always try to bring you guys the information and if I don't know something, I try and say I don't know and sometimes you guys make me guess, that's fine but I always want to come back and I always ask questions of my staff. Sometimes my staff comes to me, they watch the meetings and that's what happened here, some people watched the meeting and they said, well, you may not know, but we actually do use those plows more routinely than you think. We (*inaudible*) in our discussions as during the heavy snow events, the blizzard events. But in reality, the one that's the newest, the 2002 is out in Sherman and they use that probably, I think they said about 8 times over the last winter on five or six roads where we had drifting. What it is, is, they push the snow back from the drifts and (*inaudible*) shovel the driveway, right? If you don't shovel the drift out (*inaudible*) it just drifts right back in that quick so our plows can only reach so far with the wing. These snow blowers

push it back farther and eliminate the drift and if anybody driven on a road, you are going at speed and the last thing you want to do is come up on a 2 or 3 foot snow drift in the middle of the road, unexpectedly. It could be some very dangerous (*inaudible*). So, they also indicated that (*inaudible*) accept for its broken down for half the winter, they couldn't get parts. That's a 20 year old piece of machinery. I'd bet anybody that has a 20 year old car, you couldn't find parts for that today and to (*inaudible*)... That's not even saying anything about the two older machines. They are up at Sheridan and as I (*inaudible*) it kind of becomes a self-fulfilling prophecy, if it doesn't run, you are not going to use it and you are not going to (*inaudible*), that doesn't mean that we couldn't have used it if we had something that was working. So, I'm going to make another pitch here that I say that this is actually a worthwhile expenditure because it's more than just emergency use only and the staff has educated me. I think for as long as I have this job, they will continue to educate me on the things they do and I'm glad for that. (*Inaudible*) every day, that's what I call it.

Legislator Niebel: This is a little bit more information than we had last Wednesday. I don't remember if it was you or whoever asked the question and I may not have the numbers right but I think Brad your response was that we used it 3 or 4 times and now here today you are suggesting it's at least twice that and if we didn't have to repair or if it wasn't down the use would be a lot more. If you get this new one then you will also replace or the blower from the Sherman shop would move to the Sheridan shop to replace the 1962 snowplow?

Mr. Bentley: Yes, that way at least I have two in the County that are –

Legislator Niebel: Half way descent.

Mr. Bentley: I have one that is reliable and the other one fixable. We'll band-aid it together. Like I said, ideally I would love to have more but, again, (*inaudible*) they are very expensive pieces of equipment. But just having something –

Legislator Harmon(?): (*Inaudible*).. purchase. That third piece, if we get this, you get this, would that be access equipment that could be sold to offset some of this costs?

Mr. Bentley: We have couple of different options to us. We can put it up for auction, which will probably be the first. Sometimes other people are trying to band-aid their stuff so sometimes you'd be surprised that there is value in some of these older machines. But I also will say that, we have snow blowers at the airports. They tend to be bigger and linear because they are doing runways and not necessarily made for roads. If you guys recall, we're getting a new snow blower up in Dunkirk, we're going to look at the one that they are getting rid of, we do have to give them fair market value but, it could be something that could potentially go to replacing the '82 machine. We're going to take a look at it and make sure that it can be used on the roads without a lot of detriment. We look at all options basically for doing this.

Chairman Nazzaro: I will make a comments as I was the one that brought it up in Public Facilities that I'm not going to recommend or propose an amendment based the information because it is used, to your point Terry, more than we thought. Safety is important. As you had heard in the committee, it hasn't been used in a couple of three years so, we have good information. I don't expect you to know when every truck is out in that so I appreciate that

information but I wanted to bring you up here because we had discussion in Public Facility and I'm not going to make any propose amendment.

Mr. Bradley: I'm never afraid of being wrong and if I'm wrong, I'll come here and correct it.

Legislator Gould: Number 17:

Purchase Long Arm Excavator - \$400,000 – *no discussion*

Air Service Development Study - \$72,000

Chairman Nazzaro: Being a member of Public Facilities, I know there are mixed views on this, I'm not overly supportive of this one and I'll open it up to comments. I've been on here since 2008, I actually served as co-chair for airport study and basically it covered many of the things we have discussed over the last number of years. We also have had other studies. Be aware, this is not a business plan. This is my personal opinion and I'll decide whether I want to propose an amendment if I have any support. If I don't, we move on. It's only \$72,000 but this is for EAS to determine – to get EAS, we were denied, is, you have to do this study so when you apply again for an EAS, you have the study saying yes, this market can support a commercial air service or study could come back saying no, this does not support commercial air service, in which case the issue now is dead in the water. Because part of this says, we will abide by this report. Either we'll apply or not. My personal opinion is, we have a new FBO, I think they are doing a great job. I'm supportive of the airports for private, for industrial, for charter, I just think we have to recognize that the days of commercial air traffic out of Jamestown is in the past. We were averaging 6 passengers a day. This is just another study and I know it's only \$72,000, but, I think we need to move on and focus on the things that are FBO and the County Executive's (*inaudible*), so, I'm interested in your comments and if I see this as no support, we move on. I just wanted to bring it up.

Legislator Harmon: (*Inaudible*)

Legislator Gould: I'm a firm believer that we've had too many studies and not enough action. So, I will support removing this from this list.

Chairman Nazzaro: O.k. Jay, Tom, you said you were too.

Legislator Niebel: Just a quick question? Brad, what was the justification (*inaudible*) study? Why did you think it was necessary? We have had studies in the past and we have had a lot of problems with commercial flights or commercial carriers?

Mr. Bentley: I'll actually start by partially agreeing with that you guys are saying. I'm not a big fan of studies myself. If I'm going to do a study it better have an absolute purpose. These studies don't get anything done. However in this case, I believe that there is a purpose. Now, how much that purpose someone can consider valid, that's what we're here to discuss. This is

specifically for essential air service and essential air service only. Without making a business case, it's a paper that (*inaudible*) in the event that the study does show the case, you need this study to apply for it. You can't apply without it. The firm that Ron's engaged to do this, they have experience in this area. I believe that they may have some (*inaudible*) that may not be out there in the public or not readily available that could lead to a final answer in this area. I don't know what those results are going to be but if there is somebody that can do it, I believe this firm has the expertise to kind of do it. That's kind of my take on it and Mark, if you could add in here.

Mr. Geise: When we applied to the DOT in the past, we were really using information about the market demand that was more anecdotal than anything. I mean, obviously we had meeting with businesses and others and we made a case but the DOT basically came back and said well, these aren't real numbers. You can't use these made up numbers if you will, to make your case that there is a demand for this. So this would either make the case that there is a need for this or not and if it does come back that there is a need, then, we would use that to apply for the EAS and the DOT would base their case on approval on those numbers. But I think this is important because I really think that a lot of the reasons why we weren't successful in the past is we didn't have the right carrier. They cancelled flights and they didn't provide a good product. I think the results of this if they come back positive that there is a market would not only allow us to apply for this EAS and hopefully be awarded but also would attract a quality carrier for this. So, I think \$72,000 is not a lot of money in the scheme of things and like Chuck said, you know what, if it comes back that no, there is not a market here, it puts it to rest and we don't go in this direction anymore. So, I think it is important personally.

County Attorney Abdella: To follow up on that, I think (*inaudible*) is going to be the Legislature's choice but, the decision to not do the study is in fact, at least at this point and time, a decision to no longer pursue commercial air service at the airport because DOT has said, without this, you have no case. So, I just wanted to put that in that context.

Chairman Nazzaro: Thanks Steve. Comments from the committee.

Legislator Gould: Maybe we ought to move it to next year. Move this study to next year where we might have some money back from the sewer line because there might be other means of funding that. That was a thought that I had too.

Mr. Geise: I know that Ron has done a lot of work setting the stage if you will to apply this year. So, that would certainly throw a monkey wrench in those plans.

Mr. Bentley: Personally, I would like to have this answer. Either move forward –

Legislator Gould: I can tell you what the answer will be. (*cross talk*)

County Executive Wendel: What I have done is and again, I said this last year because remember in Planning Department had looked at capital projects, it ranks – airport study is number one, removed, I put it back in, it was subsequently removed again. My philosophy has been this. We've done studies, correct, but this is a group of people that have a specialized

understanding of what exactly we're looking for. I've said it before, quoted in different areas, but, *(inaudible)* they said we need to get this, to fit into this using only these parts. Well, *(inaudible)* is the same thing, these are studies that we've done in the past. Here's the information we have, now we need to find out, to our point, a definitive answer. Do we have the market, are we able to sustain the essential air service and have a final answer once and for all. I think that's what this – I think I'm confident that's what this study is going to do. As Jay said, it will answer those questions. There may be something out there that we're not looking at, that we're not capturing. Uniquely again, we have two County airports. Many counties our size only have one, some don't have any. But again, just getting that final look at this. This is exactly what we want, one of the responsibilities and again, it puts to notion and I'm firm that whatever the study reveals, should it reveal that we're not supportive of an essential air service, then we need to focus on another concept, where we could be focusing on private aircraft charter, industrial group, general aviation is what they refer to. Again, I would just feel that this would be our last study that we would look at and then move forward based on the study.

Mr. Geise: And I would call it an analysis more than a study. It's an analysis of the market.

Chairman Nazzaro: Thank you.

Legislator Niebel: Based on what P.J. has said and Brad and Mark, look, I'm willing to give it one more shot but quite frankly, this is it. I'm reluctant but this is probably our last shot at commercial flights.

Legislator Harmon: How long is this analysis going to take? Months, weeks, days?

Mr. Bentley: Mark, do you remember what the date they gave us?

Mr. Geise: Yes, I think its short term, I think it's less than a few months.

Mr. Bentley: *(Inaudible-cross talk)*..

Legislator Gould: Three months or so.

Chairman Nazzaro: Jay, is there anything you want to say?

Legislator Gould: Just that I've seen too many studies and when you only have 6 passengers flying in and out of here in a day, you are not going to have commercial service ever. We're too close to two other big airports. I drive down south quite a bit when I go to south, there have been counties that have tri-county airports, three county airports. Here, we tried to do it in every county and it won't work. But, whatever the rest of you want to do, I will go along with it.

Legislator Niebel: There is your analysis right there.

Chairman Nazzaro: I won't, I'm reluctant to say this, but I won't oppose an amendment. I think I could probably garner support for it. Just keep in mind because I want to be positive here,

I too, like you Jay, these studies, keep in mind and this is the other reluctance but I'm not going to propose an amendment. Let's say they come back and say yes, you can support 10 passengers a day which is what you need, right, for EAS, or something like that?

Mr. Bentley: Well (*inaudible*)..

Chairman Nazzaro: Well, a flight gets a formula (*cross talk*) the trouble I have with this is the cost. We're all taxpayers because the Federal government is subsidizing all these things. So the carrier gets this boat load of money to provide service to 10 people, 12 people, you pick the number and the cost per passenger is huge. It's just blows my mind that the government has money to do that. To me, I almost would rather see money in here for a business plan. I would rather have shifted the \$72,000, and I know it would take more, to do a business plan because I think the airports are (*inaudible*) because what's going to happen, let's say they come back and say, yes, you could support it, doesn't guarantee that you are going to get a carrier, number one. Doesn't guarantee that it's going to be approved number two and when you do get a carrier, I hope that we have better luck than we did with the other carriers. Then there is going to be additional cost because you have to maintain that airport up to those standards, so you are going to be applying for more grants and then, you are going to need a business plan and it's going to be a big cash demand to maintain the airport. So, I would rather see the money go to a business plan but, I'm not going to propose an amendment.

Mr. Bentley: On the other side of the EAS, when you have essential air service at the airport, our local share drops from 5% to 2 ½% for projects. Plus you get revenue on hangar space, TSA, you have employment, so there are drivers to Chautauqua County (*inaudible*) by having essential air service, not just a (*inaudible*). I would probably argue the opposite, it would probably add money to Chautauqua County. I know it's a build it and they'll come kind of argument but, any opportunity for additional people to come here for tourism, it's tax dollars, occupancy dollars, (*inaudible*) we need this stuff. Before you even get down those roads, get the study and see what it says. If it says no, walk away. If it says yes, that might entice a business partner to come in to propose an outline using the study.

Chairman Nazzaro: We'll see what happens. I want it to work but, o.k., no amendment coming out of here. Mr. Gould, what's next?

Legislator Gould: Now we're going into infrastructure division.

Chairman Nazzaro: I just want to say one thing. Infrastructure (*inaudible*) that we're moving forward as presented the \$6,485,000 total. Now we're going to move to Economic/ Workforce Development projects.

Legislator Gould: Number 19.

Site Acquisition for Shovel-Ready Site(s) – \$1,400,000 – no discussion

Occupancy Tax Program Bolster - \$800,000 – no discussion

CCPEG – Multitude of Economic Development Initiatives - \$500,000 – no discussion

Workforce Development Initiative WIB, JCC, CCVB, & other Workforce Partners - \$352,000 – no discussion

Environmental Permit Fee Waiver Program - \$240,000

Chairman Nazzaro: This is a new program, correct?

Legislator Gould: Right.

CCE Agricultural Improvement Program - \$232,540 – no discussion

Marketing Assistance to Businesses & NFPs via CCCC & CCIDA - \$400,000 – no discussion

Chairman Nazzaro: So for economic/workshop development, \$3,924,540. So again, anyone is welcome, if there is new information or something they want to add, these projects are going to be moved to the full Legislature for approval and further discussion. I know we're going through these and others are wondering, why am I here. But this is your opportunity.

Legislator Gould: For us to ask why you are here.

Chairman Nazzaro: That's right Jay. Now we're going to go under Clean Water projects. I think we're going to have an amendment or you already have an amendment.

Legislator Niebel: We do.

Chairman Nazzaro: O.k., so go ahead Jay.

Phase 2 of the S&CCLSD west side extension from Stow to the terminus of the NCLSD at Prendergast Creek - \$8,408,342

Chairman Nazzaro: By far this is the biggest project in here. Keep in mind, the County Executive said numerous times, the Infrastructure bill, a good portion if not all of this possibly could be funded through that then we would move the monies to other projects. But, an amendment was made, correct.

Legislator Niebel: Yes.

Chairman Nazzaro: So you want to talk about that?

Legislator Niebel: Absolutely. Last night in Public Safety we did amend this. What we did was, we included the repair and rehabilitation of the North County Industrial Water District, water storage tank. The amount for that was \$863,000. This water tank services the North County Industrial Water District which really is 13 customers. One of the customers is Ralston Purina, one of the largest employers in the northern part of the County. The storage tank is 45

years old, it's in desperate need of rehabilitation repair. That's why we included here under the clean water but look, we did include a covenant. We suggested that money – actually we made the amendment that the money come out of Phase II of the South County Sewer District but we did have a covenant if, Audit & Control found a better place or suggest that it come out of some other projects, we were open to suggestions. But we took it out of this because that was the largest amount and it seemed like it would impact this project the least.

Chairman Nazzaro: Thank you, very thorough.

Legislator Niebel: Just one other thing Chuck. This project did come in and it followed the same criteria as the other projects but it was received late.

Chairman Nazzaro: And we were provided, the Legislators, I have a copy here, the same format, same rationale. So I'm going to open that. That is an amendment that has been passed onto this committee. Is there any comments specifically on that, the \$863,000 that is being removed from the Phase II sewer project to be used for this? I'll open it up for discussion or Mark, or County Executive, or anyone in this arena wants to speak to this so we can hear the same rationale. I understand you talk to Public Facilities, Kathy, so is there anyone that wants to speak to this to the Committee?

County Executive Wendel: Again, this wasn't something that was overlooked in the process and Chairman (*inaudible*) this came in late. It's not to say it's not valid, it's (*inaudible*), I support it 100%, there is no question about it. When you do this, you are finding if you take a project out, we don't look at it as saving money, we have to balance this out because this money has to be spent. So again, the sewer project although again, it was mentioned and it's only for a certain area, well if we all remember back, I'm not sure how many years ago but I remember seeing a rendering in the Post Journal of a 6 story hotel that wanted to be developed in Stow and that was not developed because we did not have sewer or water which would be a huge economic impact. The Gebbie Foundation just did a study, actually have people in here saying that we are a prime location for conferences. I was approached yesterday by an Executive by NYSAC saying do you have space for about 400 people in a conference. Wouldn't it be nice to get a conference here, maybe the likes of NYSAC, if we had a facility? So this sewer would enable more development in that Stow area thus bringing more economy to the area. It's something that hindsight being 20/20, I think they've stated the original project (*inaudible*) years ago was \$4 million dollars. It didn't happen. For the sewer project, this would make sure that we get further along but to Legislator Niebel's point. This North County water tank is crucial as well. So again, not over looked, not left off of the projects, it's there, it's needed, I support it 100% and don't have an issue with it at all. But that sewer project isn't specifically for a small area. Should we continue that Phase II project, this will provide 80% of Chautauqua Lake residents with a municipal waste water treatment system which is significant. It's something that has – I like to talk about it. Rollie Kidder has articles in the paper quite a bit as the importance of this so again, it's an economic value. Not just the convenience. It's something for clean water, and it is a huge economic impact if we develop that area. Let's say that developer comes back now and they have a 4 to 500 bed facility, large conference center. Conferences want to come, they are already telling us that now, so, a great opportunity for us both ways but this tank is definitely needed and I support it 100%.

Mr. Geise: If I could also echo what the County Executive just said. I 100% support pulling the money out of the Phase II sewer project and allocating it to the North County Water District water storage tank project.

Chairman Nazzaro: Thank you. Based on what I've heard, I'm very supportive of it. I think it was a good amendment. So, when we vote, it will be in there. Now we actually have 42 projects, right? O.k..

Repair or Rehabilitation of NCIWD water storage tank - \$863,000

Soil & Water Conservation District - \$250,000 – no discussion

Legislator Gould: There is another Soil & Water Conservation District that we talked about as well. We return some of our four dams in the Conewango watershed and that is quite an extensive project if you want to do it right. You better come listen Kathy in case I say something wrong. The problem with these dams are, first they were created by the Federal government quite a long time ago. I'm pretty familiar with them because I worked on these dams when they were built and they were built to protect Cherry Creek. If they are not functional, Cherry Creek (*inaudible*) the three river stadium and that would not be good. The cost of replacing these valves are around \$80,000 which isn't too bad. There are four dams but the problem is, if we replace the valve, the valve opens the pipe to drain the pond and the ponds are full of silt so the pipe won't work. The clean these ponds, it's around \$400,000 and that's (*inaudible*), is that correct?

Ms. Pinkoski: We were thinking around \$250,000 per dam for the valve and the (*inaudible*).

Legislator Gould: That is a project that should be added to this. It's very important for Cherry Creek.

Ms. Pinkoski: And Conewango Valley, downstream of Villenova basically (*inaudible*)...

Legislator Gould: They are new houses that are built just below these dams and would flood away very easily.

Ms. Pinkoski: Cherry Creek actually gets flooded currently and we get calls from Cherry Creek people about flooding. The thing is, they don't even know that these dams exist or what flooding would look like if these dams were in place or function or one breeched, heaven forbid.

Legislator Gould: So I would like to add a million to this list to protect these dams over there and take the million away from the sewer extension.

Chairman Nazzaro: So Jay, for clarification, that's for the new valves for the dam and then -

Legislator Gould: Then the clean out of them. (*cross talk*).. we started on one of the dams cleaning them out once.

Ms. Pinkoski: At dam 33 and (*inaudible*) that was budgeted – I think George budgeted that originally, (*inaudible*)...

Legislator Gould: You inherited it.

Ms. Pinkoski: It carried over in a couple of budgets and it was done – I personally haven't seen what was dredged but they said there is more to be dredged and the pipes weren't actually exposed yet but (*inaudible*)....

Mr. Bentley: The contractor we hired started kind of from distance away, he probably should have started closer. So by the time he got (*inaudible*) was allowed by the DEC to excavate and dredge. He hit his limit and (*inaudible*) authorize more money. I'm supportive of this project. I don't know where it ranks in the scheme of things. To put things into prospective, the valves are kind of an emergency function. You have the dam itself, you have a spillway, and then you also have columns that come up, I don't know if you have a picture. The reason there is a concrete column is, as it rises, the spill goes through that first so the valve itself is kind of like (*inaudible*) last resort. If all else fail, look at the valves. The valves haven't been operated in many, many years. (*Inaudible*)...., so they are basically all frozen solid (*inaudible*)....

Ms. Pinkoski: (*Inaudible*) annualized so we talked Chemung County. They also got federal funding for these dams back in the 60's and 70's and they operate their valves on annual basis. But the thing is, if you have that (*inaudible*) annual basis, we won't have to (*inaudible*) capital project to do this.

Mr. Bentley: I don't know if there is other funding out there that could be used for this, we might be able to leverage dollars or there are some cost sharing between us and Cattaraugus.

Ms. Pinkoski: This was just (*inaudible*) four dams because there are four or five in Cattaraugus County in the Conewango Watershed that also protect Cherry Creek and downstream and then Cattaraugus also (*inaudible*) so they have even more. So this would just be for our four dams which is all Chautauqua County is responsible for. (*Inaudible*) has to budget every year for the dams for the annual maintenance for the large (*inaudible*), so he budgets \$7,500. They do the basic (*inaudible*) maintenance to upkeep them but this is kind of a capital project way beyond their scale.

Mr. Bentley: So the dams are not in danger of imminent failure. We do have to mow them, watch for animals, and they do function. The fact that these valves don't work is a problem, where it ranks in the priority of things. I think it should be funded. It's a tough call. When you want them to operate them, it's going to be a problem.

Ms. Pinkoski: Because we inspect, the district inspects them monthly so that's when we see like in the pictures here, with (*inaudible*), that riser is a lot taller, it's all buried by water, so the (*inaudible*) impacted but these are kind of in more rural areas where you don't really have

people living on them or seeing them. So we do these inspections and we see that problem. I mean when we had the blockage in 2019, we had our staff out there in October in like freezing rain in a row boat poking at it with a fireman's stick trying to dislodge it. The thing is, if that's impacted, we find it, then you have a storm event, you could have a failure. I mean, storm events are changing constantly.

Mr. Bentley: They were able to clear it before it got to the spillway but they are on the edge. Again, that could also be maintenance of just some dredging, some trees and trash off of the *(inaudible)*.

Ms. Pinkoski: But the legal aspect if there is any failure, it falls on the County. We have been active in monitoring them but we have no legal authority to work on them since we've owned them and that's why we're trying to *(inaudible)* for them more but the District's only role in this is implement watershed management with *(inaudible)* in the whole watershed. So we can't go out there and fix themselves regardless. We have to work in tandem with the County.

Mr. Bentley: We have to work with the landowners because actually the farmers actually own them. The County doesn't actually own them.

Ms. Pinkoski: The landowner but you have to maintain *(cross talk)*..

Legislator Harmon: How long have these valves not been working?

Mr. Bentley: Twenty plus years.

(Cross talk)....

Mr. Bentley: Jay, when was the last time you operated one of those?

Legislator Gould: About 15 years ago, one of our Soil & Water employees was instructed to go down and open a valve. They used to open them and let them run for a day and then they would shut them up again just to test them once a year. He opened them up and forgot that he had opened the valve up in the morning and went away and then 2 days later there was a big article on the TV station from Buffalo about the fish kill at the dam. So they did work at that time. That was probably 15 years ago, at least, maybe more. I lose track of time.

Chairman Nazzaro: I'm not questioning the value of that project. It sounds like it's a much needed project. Granted the valves have not worked in years. I guess one thing Jay to follow proper procedure is, at the full Legislature, if you want to pursue this, you should at least fill out one of these – oh, you did?

Mrs. Dennison: They did. It's inside –

Ms. Pinkoski: I sent this suggestion to Mark Odell back in March/April as well.

(cross talk)...

Ms. Pinkoski: Like I said. I sent this suggestion to Mark Odell and he reached out to the District about potential projects, so this is something that we haven't be able to find a way to pursue funding for it because it is like a maintenance issue more than like a water quality or flooding issue.

Chairman Nazzaro: So this project did not come up for discussion?

Legislator Gould: No, it never made (*cross talk*)..

Mr. Bentley: I think my email to Pierre and Jay, my recommendation was to, either a; partially fund it from the sewer because I'm a big believer in the sewer project, there is a lot of value in it, so, I'm sitting with two competing causes that I wholly (*inaudible*). So either partially fund it now, but I don't know that I would go the full million, maybe do a half a million or (*cross talk*).. or wait until next year, whenever we know what the Federal Infrastructure amount and then maybe come back and fully fund this.

Legislator Gould: Sooner or later it's going to have to come out of your budget. Sooner or later.

Mr. Bentley: Which is all of our budgets.

Chairman Nazzaro: I guess the question I have is, we've already taken \$863,000, well it has to be approved by the Legislature yet, but taken \$863,000 out for the storage water tank. If you take another million out – I'm not against the project. I'm more in favor of what you are saying Brad. See what we get from the Infrastructure bill but wouldn't that negatively impact the sewer project if we took another million?

County Executive Wendel: You would. The concern I have is that this is something we've known and it didn't go through any of the capital projects. A million dollars of their capital projects fund is not significant. I'm disappointed that this has never made that capital project knowing that there was just a necessity for the operation of this dam. In the transition from Legislator Odell, I can see (*inaudible*). This is the first time I have heard of this. Again, I see the value of it without a doubt. I'm just concerned it never made the capital projects or anything prior to this knowing that these valves haven't worked for so many years. Because again, my position has always been, limiting the liability of our County and those things not operational does not limit our liability, it extends it tremendously. I did when I was a Legislator, I took the tour of those, they were earthen dams that, there is quite a few, many people don't realize how many there are here in Chautauqua County and that something that – those (*inaudible*)... The hopes are, as we said before, strategically as this plan was set up, the larger infrastructure projects were in year two in the hopes that we would have definitive answers from the Infrastructure bill. I was told this weekend, our friends from NACO, liaison with the Federal government and with Congressman Kecko(?) out of Syracuse, they are moving along with that but chances are this may be competitive, they didn't, they didn't say they will increase the competitive grant opportunities which is concerning. So the belief is, we're not looking favorable that the money will come directly to the County. It would decrease Federal projects, specifically for New York State and/or Chautauqua County or regions that would have competitive bids.

That was something that came to me two days ago. So, I agree with this project, I just wish this would have been approached sooner than now.

Chairman Nazzaro: I agree, that's why I said I didn't see it.

Legislator Gould: Probably some of that is my fault for not explaining it completely when Mark Geise heard about it. So, I'll take the blame for not moving it on.

Mrs. Dennison: I actually have a question for Mark. Is this project one of the ones on the master list that just didn't rise high enough to get funded?

Mr. Geise: No.

Mrs. Dennison: Or was it just *(cross talk)*?

Mr. Geise: No. I didn't see it until like a week and a half ago. So, I sort of want to echo what the County Executive said that, I really think that this Conewango project is very necessary, no doubt about it but I also think it's kind of an optimal project for the Infrastructure bill money that is inevitable because of where it's located, what it does, public safety, etc., so I'm for waiting on it until the Infrastructure bill comes and not messing with the sewer project. That's my personal opinion.

Ms. Pinkoski: The only thing with pushing it off is if there is a storm even this fall, this spring, the Legislature chose not to act on this as soon as possible so that's just a point I want to make. You can say they are functioning now. The dams are over 50 years old, they are past their useful life as *(inaudible)*, we're lucky that the Commissioners have upkeep them to this point with the County largely, not your fault, by not doing much, I guess, but in the event of a catastrophe, the County's liable and it could happen at any time even with the best intention.

Chairman Nazzaro: You could take the snow blower Jay.

Mr. Geise: If I could comment on that, even if this project got approved this month for funding, we're a ways away from the project actually being done because it has to go through this whole process of being detailed, come back to the Legislature, accounts being assigned to the project, so I don't see this project happening this fall anyway even if it was approved this month.

Ms. Pinkoski: But if you bank on the Federal Infrastructure money, that same process is going to happen. When you get that money and you still are a year farther and now we have to do the same process, so I don't understand, I guess.

(cross talk)

Ms. Crow: To throw another point out there. If this project, if it's deemed very critical, there is other sources of funding that could be considered, such as fund balance. That would be more – *(cross talk)*. If it rises to the critical level that you all decide is a necessity, we would dedicate funds and there is options besides just this ARPA funding. But a lot of capital projects are being held to critical level so it then fit – the decision is, really what is the most critical?

Chairman Nazzaro: And I agree with Kitty. Government has a responsibility to protect citizens so to that point, it's something and I know that it is sort of after the fact and you gave very good arguments, not blaming anyone, this was a new project that came forward. Jay, you're certainly free as far as this committee and as a Legislator to propose an amendment to this.

Legislator Niebel: I have one more question. So this \$250,000 that is in here, this line item, this is for valve replacement and dredging for one dam?

Ms. Pinkoski: For Soil & Water, right now?

Legislator Niebel: Yes, for Soil & Water.

Ms. Pinkoski: No, the one that is in there right now is for working with municipalities. There is a lot of streambanks along road shoulders and the areas that we were going to target with that money are areas that we're removed from qualifying for the 2% grant funds from the State Legislature change.

Legislator Niebel: So this doesn't have anything to do with the –

Ms. Pinkoski: No, and the thing – that's the thing. Soil & Water can't work on the dams or can't (*cross talk*).. we're just advocating for the dams.

(*cross talk*).....

Mr. Bentley: Terry, that's for the Chadakoin and the Conewango Creek, the \$250,000 –

Legislator Niebel: Streambank stabilization?

Mr. Bentley: Yes. That separate even though the dam has (*inaudible*).. So there are annual inspections of the dam each year. We have expertise that go out and walk, we're looking for gopher holes, (*inaudible*) assessments, the valves have been noted year after year as not functional and in need of replacement. I would say that we're probably pretty close to bringing in a capital project to the process if the ARPA money had not been available, it probably would have (*inaudible*) to the capital projects.

Legislator Niebel: Have the dams been inspected this year?

Mr. Bentley: Yes.

Legislator Niebel: And did somebody note the valves?

Mr. Bentley: Yes, so they have been noted for years. It's a liability, it's a risk. Similar to the DPF, I have liability all over the place for shoulders, for signs, markings, it's what is (*inaudible*) and acceptable form of risk. And we have limited dollars that we can fix everything up with. I would say to Jay, (*inaudible*) definitely looking at putting forth the capital project which is why we were out there dredging (*inaudible*). We were trying to do it one at a time, this was certainly an opportunity to bring this issue forward but it may not be the only issue where this funding could go.

Ms. Pinkoski: The reason why it's more so now than in the past is because we had the blockage in 2019 and we did have that issue and concern because people are recreationally trapping beavers (*cross talk*)...

Legislator Niebel: Jay, I understand what you are saying, I tend to agree, but I don't know about a million dollars. I think that's a lot. If you could reduce that a little bit, you've got me on this.

Legislator Gould: You don't live in Cherry Creek, do you?

Legislator Niebel: I don't but it is marked by district and I have concerns about it.

Legislator Gould: Either do I.

Legislator Niebel: But I think a million all at once at this time, especially in light of the fact that I think we will get some additional funding. How much more, I don't know, but, if you can reduce that a little bit, you've got me.

Legislator Gould: That's a problem I have. I wouldn't know which dam to start with.

Legislator Niebel: I know.

Legislator Gould: If I knew which one was the worst one, then I would know which one to start with.

Ms. Pinkoski: I would say the one that we have the most - we have two that we have reoccurring beaver concerns, so I would say start with those two that have had blockages that we've had to remove and those would be the two biggest risks which would be Villenova and Farrington Hollow(?) which are the two top ones in the watershed.

Legislator Gould: So now we're down to half a million. Is that better?

Legislator Harmon: (*Cross talk*).. if you would receive half of that, it's going to take a while to get things done, correct?

Ms. Pinkoski: We can see what the costs are.

Mr. Bentley: And again, as we talked about, whatever plan (*inaudible*) it's going to come back to you guys for the final say on it.

Legislator Gould: We're going to end up doing it one way or the other in the next couple of three years.

Mr. Bentley: I just wonder, whether or not this would qualify for other monies? They may both qualify for other funds.

Chairman Nazzaro: So I guess I have to ask the question, are we proposing an amendment?

Legislator Gould: Half a million for the watershed dam.

Chairman Nazzaro: Where do you want take it out of?

Legislator Gould: Sewer and I want it for next year because it's too late for this year.

(Speaker inaudible)

Legislator Gould: Year two.

Chairman Nazzaro: But we're approving the whole plan, this plan represents –

Legislator Gould: Both years.

Chairman Nazzaro: So is that an official amendment?

Legislator Gould: Yes.

Chairman Nazzaro: O.k., so Mr. Gould has made an amendment just for clarification to allocate \$500,000 to Soil & Water, project 43, which would be called Conewango Watershed dam rehabilitation.

Mr. Bentley: You can put DPF/*(cross talk)*.

Chairman Nazzaro: And the proposal Jay is to take \$500,000 out of the project 26, Phase II of the west side expansion. Is that your proposal?

Legislator Gould: Yes.

Legislator Niebel: Is there another place that could come out of?

Legislator Gould: I don't know yet.

Chairman Nazzaro: So that is the motion, so we need a second to discuss it.

Legislator Niebel: I will second it so it moves onto discussion.

Chairman Nazzaro: O.k., so we have a second by Mr. Niebel so now it's open for discussion, the amendment.

Legislator Harmon: I'm in favor of the amendment.

Legislator Niebel: But is there another place we can get the money from?

Legislator Harmon: The snow blower. Na, I'm just throwing it out.

Chairman Nazzaro: Now that Tom has thrown it out there, it's just a discussion. But at the time, know that you may not have and I'm not proposing to take from the snow blower –

Legislator Harmon: No, I was just (*inaudible*).., we need the snow blower.

Chairman Nazzaro: I guess the point that I want to make or Terry's point, is there another place you want to take it out of? I think what I am hearing from this committee at least, we're looking at two of the dams, Villenova and Farrington Hollow that are more critical. Now I have to ask, the affect again on the sewer expansion. I'm pretty confident we're going to be getting this Infrastructure bill so at the end of the day, everyone is going to get this (*inaudible*). So does this affect, Mark or P.J., if this is approved before I call vote, I want to make sure – does it have a detrimental effect because we already took \$863,000 out. I just want to make sure. I'm not against the project but I want to know the consequences.

Legislator Gould: I am not against the sewer project at all. I hate to take the money out of there but this is kind of a critical need that we should be working on.

County Executive Wendel: I do not disagree whatsoever. The bottom line is that this was never brought to the table. Again, it's very concerning. I'm very concerned. You are talking critical – I have spoken (*inaudible*) administration time and time again of limiting our County's liability and knowing that these are not in operating order. And \$500,000 or a million now, if we have a failure of those dams, our fish kill is going to be an understatement as to what could happen in Cherry Creek and the County's liability on that to me is very disappointing. I know it's our liability but these are critical projects that need to get done. So if we have to, we have to make the arrangement to – to be honest, I wouldn't play around. I would spend the million dollars and as much as I support and we need that sewer project for economics as well as the cleanliness of the lake, I can't sit here knowing from our expertise saying that there is a liability in those dams that have reached critical level. The first time we're hearing about it now, it needs to be taken care of.

Chairman Nazzaro: Thank you and well said because I was going to say basically the same thing. This now has come to our attention and we have a responsibility and if we don't do this, it (*inaudible*), number one, safety to the residents around Cherry Creek and the potential liability, and Steve is probably cringing over there, to the County if we don't act. So, I will support this, the \$500,000 but also I hope that we can find an additional \$500,000, maybe not through this process but - I'm not going to say the "f" word here, fund balance because I don't like to take it out of fund balance but, we need to find a way to do this project also. Again, with the Infrastructure bill, I think we're going to be able to do the sewer, I hope we're going to be able to do this, maybe a couple new trucks, do other things so with that, are we clear on the amendment?

Legislator Niebel: Yes.

Chairman Nazzaro: Do I call that here? Do I do this now then? I want to call a vote to approve the amendment. All in favor of the amendment to take \$500,000 and put it into the Conewango Watershed dam project. All in favor?

Unanimously Carried

Chairman Nazzaro: O.k., so now back to the projects. We're on 28.

Chautauqua Lake District Work Plan - \$150,000 – no discussion**Jefferson Project County Contribution - \$250,000 – no discussion**

Chairman Nazzaro: So for clarification, the other one is going into infrastructure, the project we just amended?

Unknown Speaker: Correct.

Chairman Nazzaro: So the clean water projects, well, it's actually reduced, right now it's stated at \$9,058,342, so you have to reduce it by \$1,364,000, \$863,000 for the storage tank and the \$500,000 for what we just discussed. O.k., moving into Public Safety.

Remodel Print Shop to expand District Attorney's Office - \$70,000 – no discussion**New Handguns - \$64,610 – no discussion****Personal Ballistic Vests - \$30,000 – no discussion****Body & Mail Scanners - \$318,000 – no discussion****Communications - \$175,000 – no discussion****Message Board - \$30,000 – no discussion****EOC Upgrades - \$41,500 – no discussion****Replace Dive Boat - \$135,000 – no discussion****EMS Equipment - \$121,200 – no discussion**

Chairman Nazzaro: Any comments at all on the public safety project? They total \$985,310. O.k., we have a few under miscellaneous.

Digitize County Records - \$33,808 – no discussion**Upgrade County Trails - \$250,000 – no discussion****ARPA Administrator (part-time) - \$250,000**

Chairman Nazzaro: And that's over 3 years or 5 years?

Mrs. Dennison: Five years.

Chairman Nazzaro: I don't want anyone to hear that \$250,000 for administrator – it's five years with benefits. So those miscellaneous projects total, \$533,808. So, with the one amendment that was made previous and then the additional amendment, the projects total for the two years \$24,600,000. So with that, any further questions or comments from the committee before I call the question and this would move to the full Legislature.

Mrs. Dennison: I just want to add a comment that I made in one of the committee meetings, kind of a procedural note. Is that, any of the projects on this list that are deemed – fits the definition of a capital project and they have not been reviewed by the County Planning Board, they would need to go before the Planning Board before they would be presented for funding authorization. I estimate that there are – well, before the two added today, with those two, that would make 17 projects that are eligible capital projects that have not previously been presented to the Planning Board.

Chairman Nazzaro: So 17 of the 43.

Mrs. Dennison: Yes. There are some projects in addition to those 17, there are a number of projects that are on the list that are capital eligible but have already been presented to the Planning Board and been accepted by the Board.

Chairman Nazzaro: So what you are saying is, 17 of the 43 projects, considered capital, have to go to the Planning Board?

Mrs. Dennison: Yes. Thank you Kathleen. Any further comments or questions from the committee?

Legislator Niebel: Just a comment. Even though we may be approving this ARPA spending plan, we can still make adjustments and changes at the Legislature meeting next Wednesday.

Chairman Nazzaro: Correct, because we're going to vote on this now and I'm anticipating that it's going to move forward and then it would be just like, again, I'm equating it to the budget, or any resolution per say, we can make changes. Again, I have to emphasize, I think this has been a good process. I know there has been some critical of this but, there is a lot of work that has gone into this and I want to thank Mark Geise and his team, our County Executive and all the department managers who sat through this pretty quietly, accept for one, just kidding, but this has been a very good process and there is a lot of input. So I don't want anyone to think there was not input. Didn't we hold public meetings, we talked about that. Terry to your point, that's why we're elected, we're representing, that broad representation, your representing different parts of the County. The project that we just amended is completely opposite of where I live. I live in Jamestown but it's a worthwhile project and it has my full support and that's up in the Cherry Creek area. So, it was a good process. We need to move forward, we got half of the money and once this is approved, again, there will be amendments or resolutions coming before the various committees and Audit & Control obviously to be voted on but we can get started on these projects because we have half of the money.

Legislator Gould: I think there will be amendments even next year because some of these may be funded from other sources.

Chairman Nazzaro: Absolutely. The Infrastructure bill specifically. So with that, any other questions or comments? Seeing none, motion to approve the plan as amended?

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

Unanimously Carried as amended.

Other

Chairman Nazzaro: Anything under “other”? The only thing I have under “other”, very brief. We have budget hearings starting – the County Executive will present his Executive budget next Wednesday, looking forward to that. Then we have our schedules out for the first week in October. Again, hope that everyone will be able to attend and will work through the 2022 budget plan. Anything else?

Legislator Gould: I move that we adjourn

Legislator Harmon: Second.

Unanimously Carried (11:21 a.m.)

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