

Regular Meeting
Chautauqua County Legislature
Live Streamed on Social Media
Wednesday, June 22, 2022 6:30 p.m.
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on June 22, 2022. Would the clerk please call the roll?

Clerk Lee called the roll and announced a quorum present (Absent: Harmon)

Legislator Hemmer delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (05/25/2022)

1st Privilege of the Floor

Chairman Chagnon: That brings us to our first privilege of the floor. Members of the public may comment on any subject relating to any local law, resolution or motion appearing on the agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. Is there anyone wishing to address the first privilege of the floor? Seeing no one, we will move further down the agenda.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 05/25/2022**

COMMENDATIONS:

**CERTIFICATE AWARDS
To High School
VALEDICTORIANS and SALUTATORIANS
By
Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.**

**SCOTT CUMMINGS
By
Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.**

COMMUNICATIONS:

1. **Affidavit of Publication (2) – Legal Notice- Publication of Resolution No. 141-22 (Post-Journal and Observer)**
2. **Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: Extension of South Chautauqua Lake Sewer District (Post-Journal and Observer)**
3. **Affidavit of Publication (2) – Legal Notice – Public Hearing of Local Law Intro No. 4-22 (Post-Journal and Observer)**
4. **Letter – Department of Planning and Development – Chautauqua County Ag. Development & Enhancement Strategy 2022**
5. **Letter – Western Regional Off-Track Betting Corporation – Invitation to Annual Legislative Night at the Races**
6. **Report – Finance Director Crow – March 2022 Investment Report**
7. **Report – NYS Department of Taxation and Finance – 2022 State Equalization Rates**

6:35 P.M.

PUBLIC HEARING

Pursuant to County Law §254 Upon a Proposal to Extend the South Chautauqua Lake Sewer District from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake

(6:50 P.M.)

Chairman Chagnon: Okay, now we have on our agenda a public hearing, so I'll invite the District Director and the District Engineer, and the Consulting Engineer who prepared the map and plan to come down front, so they can be prepared to answer any questions that might come forward during the public hearing. Okay, so I will convene the public hearing. Anyone wishing to address the public hearing on the proposed extension of the sewer districts, please state your name and address.

My name is John Jablonski and I'm representing the Chautauqua Watershed Conservancy at 71 East Fairmount Avenue in Lakewood. First, I'd like to commend the county legislature, county leadership and county staff in putting this proposal together. I think it's wonderful for the public health of everyone living around Chautauqua Lake and relying on it for drinking water and everyone on private wells and everyone swimming in Chautauqua Lake. It's great to see this move forward. Secondly, I would like to request that the conservancy's eight preserved parcels, which are mostly wetlands-it should never be developed and are held for the purposes of nature preserves be removed from the map for this proposal and I will leave you with a listing of tax parcels for that purpose. And I would also suggest that any other State mapped wetlands that are in this area be removed because we shouldn't be encouraging people who would be potentially paying assessments in this district on lands, which should not be developed, because they are wetlands that are helping protect the lake from pollution coming off the roads and other places, also be removed from this proposal, so I thank you for taking that into account and who would you like me to hand this list of properties to?

Chairman Chagnon: Okay. Anyone else wishing to address the public hearing? Anyone else wishing to address the public hearing?

My name is Mark Corey. My address is 5747 Magnolia Road, lot 117. I live within the Chautauqua Escapes Development. I don't know if the hearing is for the purpose of detailed engineering type discussions, I believe the proposal is to serve our area. All of us being on grinder pump systems, we will all be pressure customers. I'm a civil engineer by trade. I designed water and sewer projects in Pennsylvania. I understand the concept of small diameter force main sewer systems and the efficiencies of them. If there were four or five houses in my neighborhood I would say that that's a great idea, there are probably 75 to 100 on Magnolia Road and within the Chautauqua Escapes. I'm not speaking on behalf of the Chautauqua Escapes Homeowners Association, but myself personally. I would think that a public sewer lift station would be appropriate, we would be gravity customers not pressure customers. Along the lines of the association and how the association might be traded, is it possible that the association would be a single customer. We could be a pressure customer. The individual lot owners within the escapes would be gravity customers to our current system, and we would then pump into your forced main. That'd be a question that I would ask for myself.

Chairman Chagnon: I'm going to ask the experts over here, but first, could you explain where your property is located?

Mr. Corey: Certainly. Magnolia Road is a dead end road. It's a boundary between North Harmony and Chautauqua and its west of 394. Dead ends at the lake. Chautauqua Escapes is a private community of 55 to 60 mostly seasonal homes. I'm there full time.

Chairman Chagnon: Okay, thank you for that.

(Inaudible)

Mr. McGarvey: So we have not done detailed design yet, we're early in the stages where what we would refer to as conceptual design. We have not looked at the individual sewer collection approaches for all properties. This is phase two of an ongoing project. In phase one, it was our experience, after collecting site specific data such as soil *(inaudible)* and survey information, that low pressure sewers were the cost effective way of installing the sewer system due to existing soil conditions. So from that perspective, we anticipate similar type of soil conditions as we move north into phase two that would more than likely benefit from a low pressure sewer system being installed. As far as the association goes as a single *(Inaudible)* I really can't speak to that at this point, but we can look into that in greater detail. I don't know the specifics of that or the legalities of it. Anything to add?

Mr. Corey: Thank you for that. If we do become individual pressure customers, is it the homeowner's responsibility to maintain and ultimately replace that grinder pump system, or is it yours?

Mr. Walsh: The installation of the grinder pump that will take place through the project, the infrastructure, that grinder pump- the pump, the electricity and (*inaudible*) are completely the responsibility of the South and Center Sewer District. The only responsibility of the homeowner during the life would be between the house to the tank, so if there was ever a backup-lateral plug that would be the responsibility of the property owner. Anything within the infrastructure of the grinder, the tank, the pumps, the plumbing is the responsibility of the district, and on that note, you would call the district when there would be a problem, we would dispatch a crew to fix your problem.

Mr. Corey: I appreciate that answer, and that of course alleviates some of my concerns initially and long term, thank you.

Chairman Chagnon: Thank you. Next?

John Proctor: I also live on Magnolia.

Chairman Chagnon: Could you please give us your name and address?

I'm John Proctor and I live on 5827 Magnolia.

Chairman Chagnon: Thank you.

Mr. Proctor: Are we going to have to put in 300 gallon tanks for your grinder pumps?

Mr. McGarvey: No, no you're not so as was mentioned a moment ago, the project capital expenditure will include the installation of the grinder in the well that goes with.

Mr. Proctor: Okay who determines if I have to be on a grinder or if it is going to be gravity?

Mr. McGarvey: That's part of the engineering and a future phase of the project and- to a moment ago that detailed engineering has not been done but we will be looking in the areas once again, based on our experience in phase one of the project that's probable and likely that low pressure sewers would be appropriate, and that will require grinders and then we look at the individual properties and layouts to determine the most cost effective and efficient layout of those grinders. In some cases, multiple properties will be serviced by a single grinder. In other cases, because of the physical layout, an individual property may need its own line.

Mr. Proctor: Right, if it arises that the line goes on the other side of the street, who pushes it underneath the road to connect my house to the (*inaudible*)?

Mr. McGarvey: That is part of the capital project. We bring the service, if you will, more or less up to where the grinders are located or where the property line is and then homeowners bring it from there.

Mr. Proctor: Okay, thank you.

Mr. McGarvey: You're welcome.

Chairman Chagnon: Okay. Next.

Wayne Morris- 5754 Magnolia Road. I'm on the other side of the Escapes. There's half a dozen places up there that are privately owned and two to possibly three are what I would call landlocked. How do those people hook up?

Mr. McGarvey: That is something we'll have to look at the individual layouts of that and if they are landlocked the potential solution is the acquisition of an easement to be able to get that sewer line a lateral heading from that property to the nearest blinder (*inaudible.*) As part of the project, easements are often required.

Mr. Morris: You have to cross two to three properties to get to those four properties. As far as our deed and paperwork go, there's no legal right of way across our properties to get to them.

Mr. McGarvey: As I mentioned, there may need to be additional easements obtained to be able to get that access and provide that service to those properties if they are landlocked as you describe them.

Mr. Morris: And then if something happens to that line, say it plugs up on my property. I deal with the mess?

Mr. McGarvey: We have to look at exactly how that easement is set up, and whether it's the individual property service line or if it's part of the sewer districts assets.

Mr. Morris: So if I have access to Magnolia Road I would assume I would go right to (*inaudible.*) Correct?

Mr. McGarvey: That level of detail has not been done yet. That level of design has not been done yet. We'll have to see if there's a grinder that serves your property, perhaps a grinder that serves your property and the neighbors. We need to look at the most efficient way to minimize overall capital expenditure.

Mr. Morris Okay, thanks.

Mr. McGarvey: You're most welcome.

Mr. Walsh: One thing I'd like to add, about the easements- The easement is a legal access for the sewer district to come onto your property and service the infrastructure that is owned by the districts. That also entails if there was ever a break in the line, the pressure main is also the infrastructure of the South and Center and we would repair that as well. And that easement gives us legal access to that one object.

Mr. Morris: But right now, you have no idea where it would go?

Mr. McGarvey: No, no specifics yet sir.

Mr. Morris: Would you possibly use an easement that's already in place?

Mr. McGarvey: Quite possibly if there is an easement that grants the sewer districts access, then yes. If it's an easement that provides access for another entity then no, we need to have one that's specific.

Mr. Morris: There's an easement that runs not quite across the back part of our property but it goes all the way beyond the properties that I'm talking about that are landlocked.

Mr. McGarvey: Well we'd certainly investigate that and if there's a possibility to become a member or a part of that easement, maybe that's (*inaudible*.)

Mr. Morris: (*Inaudible*) person's private property, but it is a full twelve foot easement. As far as I know, it can never be taken away because it supplies a house that sits down in there. (*Inaudible*) that would be the least inconvenient standing one if something happened to it.

Mr. McGarvey: Okay. I'd certainly like to investigate that. Least inconvenient sounds great to me.

Chairman Chagnon: Thank you. Next

My name is Tony Camaresi (?) I'm in the Escapes at 122 Overlook Dr. This is really a point of information. You keep referring to some other design work, some this some that and the future. How about just 30 seconds a minute and a half, on what's the real timeline here. When do I get to turn off one and start another?

Mr. McGarvey: So I believe there's a copy of some fact sheets in the back of the room here and in that fact sheet, we have a general layout of the schedule as currently envisioned for this project with survey and field data collection efforts starting next spring, followed by detailed engineering. We anticipate construction beginning in the winter of 2024 and concluding in the winter of 2026 so by winter of 2026 it'd be that (*inaudible*) into this public system, which will then provide that treatment. I must say that that's the current schedule currently envisioned. We are in the process of working with the sewer districts in the county to obtain funding for the project. If for whatever reason that funding adjusts our timeline, then it needs to be adjusted.

Chairman Chagnon: Next

Hi. Michelle Share (?) 3922 Parkway. We are just south of Camp Chautauqua and what we're wondering is we are a private road that has about 18 houses on it. So, does the grinder pump go just to where the county road ends, which would be Woodlawn? Or will it go down to the individual houses? How are you planning on addressing those kinds of issues?

Mr. Walsh: So I can probably actually answer that for you. I'm familiar with where you're at and we actually have spoken to a couple residents down there and we understand that there's an association or a corporation that owns that road, so what we would anticipate doing is requesting an easement along that private roadway to install a force main along that private roadway. And we would still be most likely looking for individual easements to serve the properties with grinder pumps, so the intention would still be to bring the force main down that private road and put the grinder pumps in along the property lines to serve you. You would not be expected to get your sewer up to the county road.

Michelle Share: So, it's similar to what they did with the gas lines?

Mr. Walsh: Yes in that area, yes, exactly.

Ms. Share: And then do you plan on going door to door, so to speak, to access or to assess the situation with each individual house at some point in time and, if so, when?

Mr. McGarvey: Yes, we definitely would and we use a similar approach as phase one where the engineers went basically door to door and kind of looked at where existing facilities were on properties to determine the best location for the grinders. As far as when, I mean again looking at the schedule, it would be during the design phase which right now we're looking at spring of 23 through spring of 24 is the design phase.

Ms. Share: Thank you.

Chairman Chagnon: Thank you. Next.

My name is Roger Jacobs. I'm at 4072 West Lake Road. My property is one of seven properties that run from Westlake Road down to the lake between the (*inaudible.*) So what I'm wondering is for one of these seven properties, is it possible that now, all of these properties could be if there was a main that went between those two points they could be gravity fed from the houses to that point? Essentially, where the old, I guess trolley lines were? That area along the lake. Is that a possibility, and if it is a possibility would that be something that would require all the homeowners' approval to do that? How would that work?

Mr. McGarvey: So we could look in and will be looking at the different collection mechanisms, whether it be gravity, a low pressure sewer. If the layout of the properties are such that gravity sewer could potentially pick that up. Normally the gravity sewer would still be located within existing right away and individual properties would have laterals that would discharge into that gravity sewer. So that's still a possibility if I understand the way the properties are aligned. Once again, based on our experience from phase one that the soil conditions as you got closer to the lake prohibited any deeper type of construction necessary for some gravity sewers so there's some challenge there, but it will be investigated as part of the detailed design.

Mr. Jacobs: And my next question is, is this going to be mandated? I mean to people that are currently on septic now, I know they have to pay but do they have to hook up?

Mr. Walsh: Yes, it will be mandated by existing county law.

Mr. Jacobs: Okay, Thank you.

Chairman Chagnon: Anyone else?

(Inaudible)

Melissa Bell (?) 6191 Davis Road. My concerns are that when I read, even from phase one and well, the gentleman just asked about it being mandated but even like phase one, I think that a lot of people thought that it would not have been mandated because the way it stated was in order to- because of the people who are not adhering to the rules and regulations for the septic's so you know, one of the main reasons that my husband and I chose to stay on the property that we're on is because of saving that cost for the septic and the location that we're at is, as I understand we're being hooked up because of the campsite there. But I can say that I've had my drinking water tested and it's actually like the purest water. I drink my water right out of my faucet no problem and we maintain our septic so I was quite surprised to find you know that we would be mandated into the system. I am also concerned about the economic conditions that are arising, right now, I mean they are talking about a recession. And we're talking about wealthy people on the lake who you know, this is no big deal for them, but for a lot of people in the Community, it is, and I actually do have a friend who's in the other section, who also did not realize that they were going to be mandated onto the system. He still has not realized yet the total costs that he's going to have. He still has this rough estimate and he's in phase one, so we haven't even heard from actual people. Or can we save costs by our friends with backhoes? Can we dig our own trenches in order to hook up? I mean you're talking about \$3,000 to \$5,000 to hook up to it. It just seems a little on the extreme side. I'm actually close to the road. But yes, my concern is about my well being damaged because of you know how good the drinking water is and it's right in my front yard. And I wish I'd written down some more comments. I actually came home from vacation and did not even know about this and very quickly had to do some research so I'm very ill prepared. But I just wanted to voice my concerns. This is kind of not really openly known, and I think that there's a lot of people who, if they're you know the notice I received in the mail, if their actual tax parcel ID number was not listed in that short notice that was received they don't even realize at this point that they are included. I'm sorry. I don't have any questions, just statements and concerns.

Chairman Chagnon: Thank you for your statements and concerns Thank you. Anyone else wishing to address the public hearing?

My name is Bob Richter. I live at 4011 West Lake Road. I'm on the West side of 394 and we're talking about all these people that live on the lakeside. Will we be able to hook up into the sewer district on that side of the road?

Mr. McGarvey: Yes, we do have parcels that are on the west side of the road that will be connecting into the system in a similar fashion to how it's currently begun on phase one.

Mr. Richter: The original plan looked like the only time you were going under 394 was to go up Davis Road.

Mr. McGarvey: The individual sewers for the laterals for individual households are not shown on any of the maps we did. That's more of what we refer to as *(inaudible)*. Okay, but if you're within the red line boundary areas and your property is close, you can be connected, yes.

Mr. Richter: So then, would I have to pay for it from my house to the line and the other side of the road?

Mr. Walsh: No you'd only be required to pay from your House to the grinder pump that would be placed on your property or in your yard or on your side of the road.

Mr. Richter: Because I wasn't sure if there was a grinder pump on that side. It made it look like it was only on the lake side.

Mr. McGarvey: That level of detail was not shown on these individual maps, but in those instances more than likely based on phase one experiences it would be a grinder necessary, because that would be a pressure pipe that we'd have to get into. You can't do that by *(inaudible)*.

Mr. Richter: Okay, thank you.

Chairman Chagnon: Okay anyone else wishing to address the public hearing?

My name is Patricia Zadowski (?) our address is 3869 Route 394. Our concern is we are right on the corner of Morley Road and 394 and from the map we received shows that the line I believe, will come down on our side of the road. We actually have two properties, we have a cottage as well as our house that we are potentially looking at having to hook into the system. Is there someone we can speak to to get a better idea of the total cost we are looking at for our cottage, our house plus having our septic disabled? And then the annual cost. We're concerned about whether we need to start looking to move.

Mr. Zadowski: The main reason is like our cottage is not a separate entity, the water and the septic went through the house into the main subject line from the house. So you couldn't sell the cottage independently. So it's *(inaudible)* very unique property. Like we said, all the water is from one well, it runs through the house first and goes down to the cottage. The septic has its own holding tank for the cottage. It runs up into the house into a leach field. So, how would all that work? Would we have to connect up twice or will they basically use the cottage and then go through the same holding tank and go to the house and through that system?

Chairman Chagnon: Appreciate that this is a very unique situation and because it is a unique situation, what I would suggest is that the district staff should come out to your location and look at the unique situation and understand that and they could certainly answer the questions that you're asking.

Mrs. Zadowski: One other concern I just wanted to mention is several years ago when 394 was widened, we lost a significant portion of our front yard and since that time we've had quite a bit of erosion now if the line comes down again on our side of the road, chances are we're going to lose even more. Is there something that the district will do to help prevent our front yard eroding away?

Mr. McGarvey: So, part of the design for the sewer will be restoration of the property back to its current condition. So it would be our vision, at this point, not knowing the specifics and the details of even which side of the road it's going down, to be honest with you at this stage of the game. But as we do site restoration we would be returning the property to the grading elevation that it's at right now is the standard approach.

Chairman Chagnon: Anyone else?

Ms. Bell: I know we're supposed to have a limited amount of time, but actually I did ask a question during that and I just was so frazzled that you guys didn't realize that you didn't answer it. It was about whether or not we are permitted in order to save on costs because I mean, I know I had friends who helped me by digging when I had to put in a new electric pole who had a backhoe. We were able to help minimize the cost in that way. Is that a possibility? I still don't understand how something as simple as what you're talking about costs \$3,000 to \$5,000. Because nobody that I know in Phase one has actually you know, realized these costs, I mean we're in the complete dark and this is how many years forward? How many years from now, even if you get the funding, do you expect that it would even be that anybody would be hooking up in this room?

Mr. Walsh: So \$3,000 to \$5,000 is a cost estimate, we cannot specifically tell each potential customer what the cost will be, but the contractors that you are expected to hire which you can hire a wide range of contractors, but they will need to be licensed or sorry, they will need to obtain a permit from the South and Center Sewer District. They will need to show their insurances and they will need to install your gravity lateral to the grinder pump specifically as detailed by the South and Center Sewer District, so it has to be three to four feet deep. It has to be embedded in pea stone, it has to be *(inaudible)* 35 every hundred feet and needs to have a clean out and so all these things, there is a cost associated with these contractors to do that, so \$3,000 to \$5,000 is just a guess-an estimate of what the cost would be to each homeowner. Was that clear?

Ms. Bell: Not really but that's okay. Still in the dark. I was talking about just simply digging the hole even. You know, that's what I was talking about, because the electric company had no problem and then I didn't have them. So it was a strange situation when we put our home in but yet, there were a lot of things I was able to save money on in that way.

Mr. Walsh: Let's talk after. Let me talk to you afterwards, and I'll explain a little bit more clearly. I understand what you're asking me and I will try to sit down with you for a minute afterwards.

Ms. Bell: Okay I'm sorry.

My name is Rick Mater(?) I live at 5747 Magnolia Road- lot eight. I think in the future, when we have one of these meetings, probably be advantageous for all of us. We should have a PowerPoint presentation to explain what a gravity pump is and what it looks like. I think everybody's confused about what we're talking about. I think if we had some sort of PowerPoint demonstration, I think it would help folks understand that your system is a very simple system, but I think everybody's getting confused with septic tanks and everything else but once you use pump stations and they're just little pumpers so just a suggestion. .

Chairman Chagnon: Thank you. Next.

My name is Susan Cooper. I live at 4084 Traction Avenue and I'm going to follow up with suggestions also. First of all, if many of us are seasonal and the location of this building was not listed on the data, nor was the room. Where's the legislation chambers? So a bit more information would help and my second point is also informative. So I believe a lot of people did not have any idea what this envelope and the return address stood for. In fact I'm surprised I opened it and in talking with some of my few neighbors I know. A few of my neighbors said what is SCCLSD? A suggestion may be on the outside of the envelope, put sewer information or updated information or something like that. Will there be another meeting planned? So that we who found this building in this room could come and learn even more, and with the suggestion of a PowerPoint etc, etc.

Chairman Chagnon: Well ma'am, this meeting is considering extending the district-creating the district. So from here a lot of things have to come together before we're talking about designing the system. We have to get funding. We have to hire an engineer. We have to go through lots of steps to get to that point. Once we get to design there'll be a lot more communications with the property owners.

Ms. Cooper: Okay and that's really where if an envelope is more than just SCCLSD.

Chairman Chagnon: Point well taken. Thank you. Good question.

Ms. Cooper: Also, where is this building and then what rooms specifically?

Chairman Chagnon: Good suggestions, thank you, thank you. Anyone else?

It's Roger Jacobs again. So, could you just go again through what your process is going to be? You say you're going to speak with the property owners. Is that before the design? Probably not before preliminary design, but you probably have a number of design steps. Can you just explain to everybody when you're going to talk to people? When you know when the design is going to be finalized?

Mr. McGarvey: So from phase one efforts as an example the process that we follow this through some of the what we refer to this is that conceptual design that we move in the preliminary design, where we start looking at the individual details, looking at the property layouts start on paper, identifying what appears to be the best layout for some of the sewer. Then

we would have teams go out there and do surveys of some of that information so that we have more specifics. If necessary, we will also do soil (*inaudible*) to collect that additional data as far as soil conditions. We would have staff or did have staff on phase one and when anticipated on phase two that would go out and look at the individual properties to try to identify and ascertain an understanding of some of the existing conditions there. As an example, if the house is here, and on the West side of the house is the existing septic tank. Then it's likely that's how the lateral comes out of the house and goes septic tank so we would like to, if possible, minimize expenditures by having a grinder in that general area and continue along that path instead of putting it on the opposite side of house. So through that process on phase one we did have an opportunity to speak to a number of homeowners about, you know, conditions and where that existed, and then we would take that information and do the preliminary layout of the grinders. And as the Chairman mentioned during this stage there's a lot of communications and we would anticipate public meetings where we would talk about the potential design, the potential layout, what streets the pipes might be going down, work through some of those details until it's probably around a 90% final or something of that nature. Then it gets reviewed by the various regulatory agencies getting their approvals. It's then finalized and put out for bid once we receive bids and recommendations made in the legislature, or the district make award to the lowest responsible bidder that contractor is hired and he or she begins construction work. In the fact sheet, right now, we do have the anticipated schedule once again it's all predicated on getting the funding that's necessary and that has that design phase starting next spring and early in that phase I was mentioning that surveys and site visits and things of that nature, so I would anticipate that happening over the next summer. And then hopefully get in the summer fall of 2024 with construction commencing in the winter of 2024 and concluding in the winter of 26.

Mr. Jacobs: That's fine. Thank you. During that description, though, you did not mention speaking with individual homeowners. When is it appropriate for individual homeowners to -if they have questions to contact you? Do you have some sort of contact information because we don't have anyone to talk specifically to the people that are designing it for their particular concerns?

Mr. McGarvey: My belief, right now, based on the schedule is that it'd be the summer of 2023 when that information is being collected when personnel are out in the field, looking at individual property layouts and the routing of the mains there's opportunity at that time to discuss it. I would envision and anticipate public meetings where this information is then presented after that preliminary design is completed. That would certainly be an appropriate time for any public comments or any questions about individual property. On phase one at those meetings we also provided contact information as well as locating it on a Facebook site that the districts managed. There are a few different ways to communicate at that point, if you start having individual questions. And then, once again using phase one as an example, a number of easements were necessary, as those easement documents were prepared it shows specifically where grinders would be located. And that was another interface opportunity with the public to talk about specifically this property in this property where the grinder is located and things of that nature. So I believe there's a number of opportunities during the process to have those helping us

Mr. Jacobs: As long as we're able to- because again, in my situation I'm envisioning that a collective of these seven properties would probably want to get together and speak with

somebody as a group because if you know the map, you can understand what I'm talking about and I just want to make sure that we have that kind of input. You know at an appropriate time when it's not too late.

Mr. Walsh: And just add in phase one we had a public meeting and we invited any potential customer, homeowner in the area to call the district staff and we met with a lot of homeowners with a lot of questions, what is best for you the grinder pumps, you know just a few feet either way can make the properties, you know far easier to work with so with those conversations are had

Mr. Jacobs: Was that during a public meeting or as an individual?

Mr. Walsh: Afterwards. We were readily available. We come out on site with you, and you can show us all the details that we need to know, because there's a lot of hidden treasures in the ground that we could should be identified.

Mr. Jacobs: That'd be great.

Chairman Chagnon? Okay anyone else?

Back again- John Proctor is there a monthly charge, and if it is what is the average price once it's all done?

Mr. McGarvey: There will be a 30 year zero percent interest on the loan of the construction. That service will be paid for by the customer. With that desk service and in combination with the wastewater fee-s so currently the South and Center Sewer District resident pays \$350 annually for the treatment and conveyance and all the maintenance of the sewer system. The new customer and phase two would be applied to the State Controller and in Phase one that cost cannot exceed \$1,000 per year. And then you would be charged quarterly basis.

Chairman Chagnon: Okay anyone else wishing to speak to the public hearing? Anyone else? Seeing no one, then I will close the public hearing, thank you all for your comments and your questions.

(7:32 P.M.)

PRESENTATION:

**Planning Board's Review of
2023 Capital Projects
By Doug Bowen**

County Executive Wendel, Mr. Chairman, County Legislators, ladies and gentlemen: My name is Douglas Bowen, and I am Chairman of the Chautauqua County Planning Board. The County Administrative Code charges the County Planning Board with the responsibility of

annually reviewing capital requests from county departments and making recommendations to County Government with respect to estimated costs, project justification, and priority. This evening I am here on behalf of the Chautauqua County Planning Board to present the Board's report, with recommendations for the 2023 Capital Budget, and the 2024-2028 Capital Plan.

Ranking the capital projects objectively is a difficult task. We are choosing between projects, across departmental lines, that result in different types of benefits for different segments of the County's population. This is compounded by the fact that we are faced with a rising public demand for new and better services, while feeling the pressure to lower the tax burden. Departments look for alternative funding sources for capital projects, but the options are limited. Dealing with the impacts of COVID and the current investment market has only added to the challenge. Inevitably, the end cost of doing business falls to the taxpayers.

To aid in the rankings, the Planning Board places emphasis on 9 areas to review the projects presented. These areas include

The "operating budget impact" which is the extent the project will increase revenue, increase expenditures or additional cost savings.

"Planning", the extent to which the project conforms to existing County Plan or promotes established departmental goals.

"Economic Impact", extent to which the project enhances economic development, protects the environment, directly adds to the tax base, or creates new jobs.

"Cost Effectiveness", extent to which the project is cost effective.

"Service Improvement", the extent to which the project improves the quality of service.

"Functional Area Priority", Priority of project among requests in its functional area.

"Financing", extent to which the project can be financed with non-general fund revenues. e.g. user fees, grants, timber sales etc.

"Mandate", does the project help the County meet an existing or new mandate.

"Safety", Extent to which the project eliminates, prevents or reduces an immediate hazard or safety issue.

As I have said in the past, the Capital Project review process is a process of obtaining good information, and making the best use of the information requires a partnership with all parties involved. The Planning Board does not underestimate the human effort required to execute the capital planning and budgeting process by county departments. However, in the end the investment of time is well spent and if done correctly will benefit county operations and the taxpayers.

This year, the Planning Board reviewed 48 county funded capital projects, 2 enterprise funded capital projects, and six FAA/State funded capital projects for the 2023 capital budget. An additional 55 projects were reviewed for the 2024 – 2028 capital plan. These projects were submitted by 14 various Chautauqua County departments. If you separate out the sub-departments that are under the umbrella of "Public Facilities" there were submissions from 7 different departments and divisions.

The total cost requested for the 50 capital projects for fiscal year 2023 reviewed, without FAA/State funded airport projects, was \$22,497,548. The county share of these projects was \$7,286,188.

The Capital Project Report is broken into multiple tables for your use. Table A, on page 7 lists a total cost, and total County share, of the 2023 Capital Project Requests by department. Table B, on page 9, lists the Board's prioritization of county funded capital projects. The table contains corresponding page numbers to allow easy reference to project information.

Table C, on page 12, lists the Prioritization of the requested Enterprise Funded Capital Projects for 2023, again, the table contains corresponding page numbers to allow easy reference to project information.

Table D, on page 14, lists the Prioritization of the requested Airport Capital Projects, and the County Vehicle Requests are listed on page 16. This follows the same format that many of you have seen in past years and I hope you find the Board's comments enlightening.

As you can see from the number of tables listed, the capital review process is long and complicated. It is important to not just view this as another annual process that we as a government entity must go through. Capital projects are reviewed ranked and prioritized because capital requests, and needs most always exceed available financing.

Before I leave, I would like to thank the County Executive and the County Legislature for the appointments made to the County Planning Board. You have provided the Planning Board with a group of dedicated and knowledgeable individuals with diverse backgrounds who provide valuable insight to future planning for Chautauqua County. That said I would like to thank all the members of the Chautauqua County Planning Board who volunteered many hours reviewing the Capital Projects. I commend them for their efforts.

Thank You

Are there any questions?

Chairman Chagnon: Thank you. Our thanks to you and the Planning Board for all the diligent work you do on this capital planning process. It's extremely helpful to us, especially in the budgeting process, but in terms of setting priorities and making sure that we're focusing on the things we should be focusing on, your board does a wonderful job in helping us. Thank you.

LOCAL LAW INTRO. 5-22 – A Local Law Amending Local Law 7-90 Providing For a Management Salary Plan for County Officers And Employees (re: Director of Emergency Services And Workplace Safety) – R/C VOTE: 17 YES; 2 ABSENT (Harmon, Rankin) – UNANIMOUSLY ADOPTED

RESOLUTIONS:

RES. NO. 160-22 Authorize Entering into an Inter-Municipal Agreement with the City of Jamestown for Performance of Federal-Aid Project PIN 5761.83, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 161-22 Adjust D5112-Capital Improvement Accounts, by Public Facilities AND Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 162-22 Determinations in Relation to the Extension of South Chautauqua Lake Sewer District Bounds from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake, by Public Facilities AND Audit & Control Committees

Chairman Chagnon: So, this resolution relates to the subject of the public hearing. I'm going to make an observation that we heard many detailed questions- excellent questions that many of which were a bit premature in terms of design. We heard some very good suggestions. We heard some very good comments, but to my hearing, I didn't hear anyone who objected to the creation of the district. That was my observation. So, are there any other questions or comments on this resolution? Hearing none, would the clerk please call the roll?

RES. NO. 162-22 – R/C VOTE: 17 YES; 2 ABSENT (Harmon, Rankin) – UNANIMOUSLY ADOPTED

RES. NO. 163-22 A Resolution Authorizing the Issuance of \$24,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County, by Public Facilities AND Audit & Control Committees – R/C VOTE: 17 YES; 2 ABSENT(Harmon, Rankin) – UNANIMOUSLY ADOPTED

RES. NO. 164-22 Establishment of Capital Accounts for South Chautauqua Lake Sewer District (SCLSD) Extension Phase 2, by Public Facilities AND Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 165-22 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 166-22 Authorizing 2023 Levy of Participant's Share of Chautauqua County Self Insurance Plan (Workers' Compensation) Costs, by Administrative Services and Audit & Control Committees – ADOPTED w/ Legislator Parker Voting "No"

RES. NO. 167-22 Amend 2022 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 168-22 Authorize Acceptance of 2022-2023 Aid to Prosecution Funds, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 169-22 Emergency Services 2022 Budget Adjustments, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 170-22 Amend 2022 Budget Appropriations to Include Office of Mental Health (OMH) School Based Mental Health Grant Allocation, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 171-22 Amend 2022 Adopted Budget for Mental Hygiene Department Due to Leasehold Improvements, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 172-22 Amend 2022 Budget Appropriations to Include Additional IGT Matching Funds, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 173-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for National Association of County & City Health Officials (NACCHO) Vector Control Collaborative Mentorship Program Funding, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 174-22 To Accept New York State Department of Health (NYSDOH) State Indoor Radon Grants Program Funding, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 175-22 To Amend 2022 Budget for Implement the Community Contracts/ PH Emergency Response Planning & Preparation Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 176-22 Environmental Assessment of Projects for 2023 2% Occupancy Tax Projects, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 177-22 Authorize Public Hearings Relating to Reapportionment of County Legislature Districts, by Administrative Services Committee – UNANIMOUSLY ADOPTED

MOTION:

A. In Support of Assembly Bill A9990 and Senate Bill S8999 to Allow New York State-Produced Whole and 2% Milk Back Into Schools

Clerk Lee: The motion has received the required amount of signatures to bring to the floor.

Chairman Chagnon: Are there any questions, comments and discussion on the motion?

Legislator Vanstrom: I strongly support this motion. I think that our agriculture industry is extremely important to the economy of this county. I also think support farmers and dairy farms are good. If anybody likes ice cream, thank the dairy farmers.

Chairman Chagnon: O.k., any other questions, comments or discussion on the motion?

UNANIMOUSLY ADOPTED

ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements.

Legislator Vanstrom: I would just like to announce a very fun and exciting event coming up in August sponsored by Cornell Cooperative Extension and other important sponsors for the fifth annual Chautauqua County Farmer Neighbor Dinner. It's going to be held Tuesday, August 23rd at the Grand View of Ellington. It starts at 5p.m., dinner is at 6p.m. It is a buffet you would not want to miss. You can contact Lindsey Ekman at 451-1063 or Hailey Brown at 664-2351 to reserve your tickets. Also, they are selling sponsorships if you want to support this. Individual single dinner tickets are \$20.

I have one more announcement. I just want to congratulate Dr. MaryAnn Spanos. She was awarded through Senator Borrello and the NYS Senate the huge award of being designated the New York State Women of Distinction award this year for our District. That's a very prestigious award and I'm very proud of her and what she's brought to Chautauqua County.

Chairman Chagnon: Thank you. Other announcements?

Legislator Bankoski: On behalf of myself and my esteemed colleague, Legislator Muldowney, we would like to welcome everybody to the City of Dunkirk on the 4th of July to our beautiful waterfront for our 4th of July fireworks display. Second to none. It's beautiful. They shoot them off at the end of the pier. People line up all up and down the lake front and pull up a chair and relax and enjoy the evening. So, we would love to have anybody that's interested come down. It usually generates- I think it's around 30,000 people that venture down for the event.

Chairman Chagnon: Terrific. Thank you. Anyone else?

Legislator Scudder: Yeah. Somebody else might announce this, so I don't want to steal your thunder, but the Chautauqua County Fair is July 18th- the 24th. The USA Today named the Chautauqua County Fair one of ten notable fairs in the Country. I'm not really sure what that means, but it sounds positive. So, let's all go out to the fair.

Chairman Chagnon: O.k., other announcements?

PRIVILEGE OF THE FLOOR

Chairman Chagnon: That brings us to the second privilege of the floor. Members of the public may comment on any subject. A member of the legislature may speak on any subject. Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Anyone else wishing to address the second privilege of the floor? Please state your name and address.

Ms. Crow: Hello, Kitty Crow, Chautauqua County Director of Finance, I live in Fredonia, New York. I'm speaking on behalf of the Real Property Tax Director tonight. Kim did leave a flier in all your inboxes tonight just to give you some details in the upcoming Tax Auction next

month. It is an online auction this year. There is a date by which any bidder has to register online in order to bid on any properties. Also, the auctioneer will be doing additional advertising in newspapers and Facebook pages. I wanted to make you aware of those advertising efforts and just to get the word out that the auction is online this year. So, any questions you can call Kim, too.

Chairman Chagnon: Thank you. Next?

Hi, my name is Greg Rater. I'm from Sherman, New York. I own Slab City Organics and have been recycling farm product for 30 years. I am here today to ask to put an agenda for future meetings in regard to bring recyclable projects to my facility. I would like to read a news article published from the WPNG Channel 12 out of Binghamton, New York in regards to the latest changes to food waste management rules. This was published on May 19, 2022. NYS Department of Environmental Conservation has proposed new modifications to the States waste management governing rules. According to NYS DEC, the new regulations would further reinforce and protect public health and environment by changing how the state can regulate different types of waste and how they can be repurposed and recycled. The proposed changes would take action to ensure the ongoing efforts for protecting water quality and air quality for communities throughout New York State. They are all pointed towards protecting the environment and making sure that only waste that goes to the landfill and *(inaudible)* need to go there. This Rick Carlson, who is a NYS DEC Division of Material Management- we are trying to maximize the amount of recyclables that is available that benefits everybody. So, I respectfully request that this matter be placed on the agenda for future meetings as recycling should be a priority in Chautauqua County. Thank you for your time.

Chairman Chagnon: Thank you. Next to address the privilege of the floor?

Good evening, my name is Shannon Raynor. I'm with the Hartfield Volunteer Fire Company. I live on Beech Hill Road in Dewittville. I'm here to ask you guys tonight- we have a very important law change happening- the EMS cost recovery act was passed through the state. We understand that it's definitely happening. What you guys can help us with is the fact that you guys are completely in control of what CCEMS charges the fire departments once they start charging us as of July 8th. Obviously, we don't have enough time to get all the contracts and all the things ready that we're going to need by July 8th, so we're hoping you guys will help us out and not charge us the suggested retail price of- an ALS intercept trip right now is \$785. For small fire departments like our, that is going to be a huge unexpected hit to our budget. We understand that CCEMS also needs to make money- not make money, but not lose more money. We are really hoping that you guys can help us out with what you decide to charge us when it comes time to start doing that.

Chairman Chagnon: Thank you for your comments. Please come back next month. Anyone else wishing to address the second privilege of the floor?

My name is Anthony Toda. I live at 144 Clifton Avenue in Jamestown. I would like to address gun related violence issues as stated in media reports that even created concerns locally. *(Inaudible)* must be given to protection and enforcement. *(Inaudible)* school shootings and also to causation. Usually the shooter is killed, so the real motive remains unknown. The lack of

protection allows gun violations in the same manner as committing the crime. In the top shooting there is no excuse as why the FBI failed to recognize this threat. I'm going to explain that a little bit here. A few years back Edward Snowden exposed federal law enforcement illegal batch collection capable of monitoring all US phone calls. At that time, law enforcement agencies explained that key words in conversations caused the computer flagging of certain calls. With this basis (*inaudible.*) With the capability to monitor communications based on this technology did exist and still exist. Compared with the top shooting and still having that technology with a big difference. The top shooter communicated intentions on a public website where a (*inaudible*) intrusive search warrant was required. Certainly key words or phrases by someone (*inaudible*). Possessing this technology, the FBI stated they missed this threatening activity. There are other examples where the FBI was actually warned and did nothing. (*Inaudible*) It does no good to restrict gun ownership when law enforcement fails to protect the public. Our county and local governments must advocate for armed school guards and metal detectors in every school. The same way government officials and representatives have the same degree of protection in governmental buildings. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Legislator Gould: Thank you Mr. Chairman. At this time I would like to make a motion to adjourn.

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

Unanimously Carried (8:02 p.m.)

Respectfully submitted and transcribed,
Olivia Lee, Clerk of the Legislature