

Agenda

Public Facilities Committee

October 17, 2022, 4:00 p.m., Legislative Chambers

Livestreamed on Facebook

Gerace Office Building, Mayville, NY

- A. Call to Order
 - B. Approval of Minutes (09/19/22)
 - C. Privilege of the Floor
1. Proposed Resolution – Amend Resolution 266-19 – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts
 2. Proposed Resolution – Authorize Supplemental Agreement No. 1 with NYSDOT for PIN 5761.83
 3. Proposed Resolution – Amend 2022 Budget for Environmental Monitoring and Treatment of County-owned Property
 4. Proposed Resolution – Amend 2022 Budget for Public Facilities Road Machinery Division
 5. Proposed Resolution – Adjust Capital Project Accounts-Road Machinery
 6. Other -

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend Resolution 266-19 – Confirming User Charges: South and Center
Chautauqua Lake Sewer Districts

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: Legislative Chairman Pierre E. Chagnon:

WHEREAS, Resolution 266-19 sets forth user charges for the South and Center
Chautauqua Lake Sewer Districts (“the District”); and

WHEREAS, the District Board, designated as the Administrative Body of the District
pursuant to County Law §261, held a public hearing on March 19, 2022 concerning a proposed
change to the user charge schedule that will provide an additional unit charge category relating to
certain sites utilized by recreational vehicles; and

WHEREAS, the District Board requests that the County Legislature confirm the
amendment to the user charge schedule; now therefore be it

RESOLVED, That the amended schedule of user charges for the District approved by the
District Board at its meeting on October 4, 2022 is hereby confirmed by this County Legislature
to add a new Subparagraph C-1 in Section III, as follows:

**CHARGES BY THE
SOUTH AND CENTER CHAUTAUQUA LAKE SEWER DISTRICTS**

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a
scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real
property served by public sewers.

**SECTION II
DEFINITIONS**

As used herein, the following terms shall mean and include:

A. District: The South and Center Chautauqua Lake Sewer Districts, county sewer
Districts of the County of Chautauqua organized and existing pursuant to Article 5-A of the
County Law of the State of New York.

B. Administrative Head: The Administrative Head or body of the Districts as
established by the Chautauqua County Legislature under Article 5-A of the County Law of the
State of New York.

C. User: A parcel of property within the District connected or required by applicable
law to be connected to a sewer owned by the District.

**SECTION III
UNITS PER PARCEL**

The number of units attributable to each parcel of property served by public sewers
within the District shall be determined as follows:

A. A single family dwelling which contains facilities which generate or are capable
of generating wastewater associated with activities of a household, and defined as a structure that
contains a separate kitchen sink, a bathroom and sleeping quarters, shall consist of one unit.

B. Each separate dwelling unit within or attached to one building with provisions for
a private or separate entrance and containing facilities to generate wastewater associated with
activities of a household, and containing a kitchen sink, bathroom and sleeping quarters, shall
consist of one unit.

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C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site. Charges with respect to such site shall not commence until the initial occupancy of the site by a facility which generates sewage as long as the sewer line extended to the site is sealed to prevent the entry of any water.

C-1. Notwithstanding Subparagraph C above, a site meeting the following requirements shall consist of one-half unit:

1. the site is served by on-premises public laundry facilities and public restrooms which are connected to a District sewer line, such on-premises facilities and restrooms being located either on the same parcel of property, or on an immediately adjacent parcel of property and available for use by the site;
2. the site is improved by means of a concrete pad or other type of foundation, and/or is fitted for utility service;
3. waste from the site is, or is required to be, deposited into a District sewer line; and
4. the site is available exclusively for the long-term or transient location of a recreational vehicle, regardless of whether the site is occupied.

For purposes of this Section, recreational vehicles include camping trailers, fifth wheel trailers, motor homes, travel trailers, slide-in/truck campers, park model recreational vehicles, and house coaches which:

1. consist of 400 square feet or less in setup mode;
2. are designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use, whether having their own motor power or mounted on or towed by another vehicle;
3. are built on a single chassis and mounted on wheels; and
4. are not subject to regulation under the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards.

D. The unit designation of all other uses shall, at minimum (being subject to increase in accordance with Subparagraph E of this section) be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water District providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this resolution and is not part of a public water distribution system, a water meter shall be installed and maintained by the property owner. At the request of the property owner, the actual wastewater flow from the property may be measured and substituted for metered water use, for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows; said sewage flow meter shall be installed and maintained by the property owner. Prior to the installation for a water meter or a waste water flow meter, the property owner shall make application to the District for a permit for such installation with all aspects of the installation being subject to the approval for the District. Work on the installation shall not commence until the permit is received. The following violations of the requirements of this paragraph shall be subject to the enforcement provisions of the Sewer Use Law applicable to the District, Chautauqua County Local Law 6-94 as subsequently or as may be subsequently amended or replaced (hereinafter referred to as Sewer Use Law): (1) failure to apply for a permit to install a water meter within one month of the notice by the District to do so, (2) failure to

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install the water meter within one month of the issuance of the permit for such installation, (3) installation of the water meter or waste water flow meter contrary to the terms of the permit, and (4) failure to maintain the water meter or waste water flow meter so that it provides accurate readings.

E. In the event any user's discharge to the sewer owned by District is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the facilities of the District, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Sewer Use Law including Chautauqua County Local Law 6-94, Article 9, to justify increasing a unit allocation, or parallel provisions in subsequent amendments or replacements of such Local Law.

SECTION IV SCALE OF CHARGES

Pursuant to Section 266 of the County Law, \$354 per Unit per year is established as the charge for collection, conveyance, treatment and disposal of sewage.

SECTION V BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof divided by four (4) and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The finance director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

C. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section V A of this law, in whole or in part, a bill for such charge shall be mailed promptly thereafter; provided, however, that no such delayed billing shall be made for any quarterly billing period where the last day of such period is more than one year before the date of the mailing of the delayed bill.

D. In the event a property owner submits to the District Director a written request for a bill reduction due to a verifiable water leak which resulted in the introduction of clean water to the collection system, the District Director may, in accordance with a written policy established by the Administrative Head of the District, make a sewer bill reduction. A property owner's request for a bill adjustment shall not suspend the obligation to pay such bill or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its determination on the bill adjustment, any amount of overpayment and penalty, without interest.

SECTION VI APPEALS

In accordance with Section 266 of the County Law and Resolution 222-97 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to South & Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period

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for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Administrative Head shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Administrative Head shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to “Chairman, Chautauqua County Legislature, County Office Building, Mayville, New York 14757”.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint ad hoc committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Administrative Head by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Administrative Head of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to either the South and Center Chautauqua Lake Sewer Districts, Box 458, Celoron, New York 14720 or the property owner at the address stated in his appeal.

SECTION VII SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgement, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgement or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII EFFECTIVE DATE AND REPEALER

This law shall be effective with respect to periods beginning after July 31, 2022. Prior laws enacted with respect to the Districts under Section 266 of the County Law are repealed prospectively with respect to charges for periods beginning after July 31, 2022.

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**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Supplemental Agreement No. 1 with NYSDOT for PIN 5761.83

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 181-19 the Chautauqua County Legislature approved a project for the Replacement of the Hopkins Avenue Bridge over Chadakoin River, in the City of Jamestown, Chautauqua County, PIN 5761.83 (the "Project") and committed 100% of the Project's design and right-of-way costs estimated to be \$380,000; and

WHEREAS, the total cost including constructions is now estimated at \$2,680,000, to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the additional Non-Federal Share for the Project's cost; and

WHEREAS, it is anticipated that New York State will provide reimbursement to the County equal to 75% of the Non-Federal share; now therefore be it

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

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

RESOLVED, Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual-Capital Improvements, County Bridge Program \$ 58,300

DECREASE REVENUE ACCOUNT:

D.9901.----.R503.1000 Interfund Transfers—Interfund Transfer \$ 58,300

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program \$2,300,000

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R503.1000 Interfund Transfers—Interfund Transfer \$ 58,300

D.5112.389.R458.9002 Federal Aid—Surface Transp Program \$1,840,000

D.5112.389.R358.9003 NYS Aid—Marchiselli Funds \$ 401,700

Total \$2,300,000

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**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2022 Budget for Environmental Monitoring and Treatment of County-owned Property

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County owns a portion of the former Roblin Steel Site (“the Site”) at 320 South Roberts Road, Dunkirk, New York; and

WHEREAS, according to New York State Department of Environmental Conservation (NYSDEC) correspondence dated April 1, 2022, a Corrective Measures Work Plan (CMWP) was requested associated with the December 2021 and March 2022 groundwater laboratory analytical results for the Site, which found increased levels of total volatile organic compound (VOC) concentrations for groundwater monitoring wells; and

WHEREAS, the County, which is obligated to initiate corrective action based on these elevated VOC concentrations, has submitted a CMWP which has been reviewed and accepted by NYSDEC; and

WHEREAS, the CMWP includes various required activities including: the construction of new monitoring wells; additional sampling, analysis and reporting of groundwater at the new wells; the treatment of groundwater on the site; and required reporting; and

WHEREAS, LaBella Associates has submitted a proposal in the amount of \$69,200 to perform various tasks as prescribed in the CMWP; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute any and all needed agreements to effectuate the completion of the CMWP; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget in order to advance the required supplemental environmental work on the site:

DECREASE APPROPRIATION ACCOUNT:

A.1990. ----.4	Contractual—Contingent Account	\$69,200
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INCREASE APPROPRIATION ACCOUNT:

A.9901. ----.9	Interfund Transfers—Transfer to Other Funds	\$69,200
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INCREASE APPROPRIATION ACCOUNT:

D.5010. ----.4	Contractual--Public Facilities Admin	\$69,200
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INCREASE REVENUE ACCOUNT

D.9901. ----.R503.1000	Interfund Transfers-Interfund Transfer	\$69,200
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County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**



TITLE: Amend 2022 Budget for Public Facilities Road Machinery Division

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, fuel pricing has exceeded budgetary estimates for all of 2022 and the Public Facilities Road Machinery division is anticipated to exceed initial budgetary estimates; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance-	
	Unassigned Fund Balance	\$561,000

; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9901.----.9	Interfund Transfers-Transfers to Other Funds	\$561,000
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INCREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual-Road Machinery	\$561,000
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INCREASE REVENUE ACCOUNT:

DM.9901.----.R503.1000	Interfund Transfers--Interfund Transfers	\$561,000
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County Executive

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**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Adjust Capital Project Accounts-Road Machinery

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Department of Public Facilities (DPF) has funding in the County's 2022 budget for capital project H.5130.25980 (Falconer Shop Fuel System) and capital project H.5130.25977 (Sherman Shop Fuel System) to upgrade the fuel systems located at the DPF Falconer and Sherman Highway Facilities; and

WHEREAS, the Chautauqua County Purchasing Department received bids to complete the fuel system upgrades at the DPF Falconer and Sherman Highway Facilities and all quotes received exceeded the anticipated budget due to rising costs for both projects; and

WHEREAS, the DPF would like to transfer funds from capital project H.5130.25977 (Sherman Shop Fuel System) to capital project H.5130.25980 (Falconer Shop Fuel System) to complete the Falconer Shop Fuel System Project while attempting to secure additional funding for the Sherman Shop Fuel System; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

H.5130.25980.4	Contractual—Road Machinery, Falconer Shop Fuel System (2017)	\$30,000
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INCREASE REVENUE ACCOUNT:

H.5130.25980.R503.1000	Interfund Transfers--Interfund Transfer	\$30,000
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DECREASE APPROPRIATION ACCOUNT:

H.5130.25977.4	Contractual—Road Machinery, Sherman Shop Fuel System (2017)	\$30,000
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DECREASE REVENUE ACCOUNT:

H.5130.25977.R503.1000	Interfund Transfers--Interfund Transfer	\$30,000
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