

Agenda

Public Facilities Committee

March 18, 2024, 4:00 p.m., Legislative Chambers

Livestreamed on YouTube

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (02/20/24)
- C. Privilege of the Floor
1. Tabled Resolution – Authorize MOU with NYSERDA to Conduct a Feasibility Assessment for the Development of a Utility-Scale Solar Photovoltaic Renewable Energy Project at DKK
2. Proposed Resolution – Acceptance of CARTS Public Transportation Section 5311 Capital Grant
3. Proposed Resolution – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.01
4. Proposed Resolution – Authorize Extension of the Agreement Between the Portland Pomfret-Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services
5. Proposed Resolution – Amend Resolution 262-19 – Confirming User Charges: Portland Pomfret- Dunkirk Sewer District
6. Proposed Resolution – Reallocating Salary Grade for Bridge Construction Supervisor and Carpenter
7. Proposed Resolution – Setting Salary for Carpenter Trainee
8. Proposed Resolution – Setting Salary for Senior Carpenter
9. Other –

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize MOU with NYSERDA to Conduct a Feasibility Assessment for the Development of a Utility-Scale Solar Photovoltaic Renewable Energy Project at DKK.

BY: Public Facilities Committee:

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

WHEREAS, the County owns and operates the Chautauqua County Dunkirk Airport (“DKK”) in the Town of Sheridan in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, New York State Energy Research and Development Authority (“NYSERDA”) is pursuing the opportunity to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at the facility, and

WHEREAS, the Airport Commission has considered and agrees to a MOU with NYSERDA to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at DKK; and

RESOLVED, That the County Executive be and hereby is authorized to approve a Memorandum of Understanding between Chautauqua County and the New York State Energy Research and Development Authority to conduct a feasibility assessment for the development of a utility-scale solar photovoltaic renewable energy project at the Chautauqua County Dunkirk Airport

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Acceptance of CARTS Public Transportation Section 5311 Capital Grant

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the County of Chautauqua has been awarded grant funds by the New York State Department of Transportation, pursuant to Section 5311, Title 49, United States Code for the following project:

Mobility Management Program	\$173,623
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WHEREAS, funding for the Mobility Manager is shared at a rate of 80% Federal, 10% State and 10% local dollars, and

WHEREAS, \$91,282 for this program are included in the 2024 Adopted Budget and the balance will be included in subsequent year budgets; therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for the project referenced above.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.01

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the project for Bridge Painting BINS 3326160, 3325420 and 3324160 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of Project costs, now estimated to be \$400,000, to be funded by \$320,000 Federal funds, \$60,000 State Marchiselli funds, and \$20,000 Local funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project PIN 5764.01; and

WHEREAS; the local share is currently calculated to be \$20,000 and can be covered with existing funding in account D.5112.390; now therefore be it

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

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

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

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

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2024 Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Bridge Programs (Funded) \$400,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program \$ 20,000

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R458.9002 Federal Aid- Surface Transp Program \$320,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

D.5112.389.R358.9003	New York State Aid- Marchiselli Funds	\$ 60,000
D.5112.389.R503.1000	Interfund Transfer – Interfund Transfer	<u>\$ 20,000</u>
		Total: \$400,000

DECREASE CAPITAL REVENUE ACCOUNT:

D.9901.----.R503.1000	Interfund Transfer – Interfund Transfer	\$ 20,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Extension of the Agreement Between the Portland-Pomfret-Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District (County District) has had an Agreement with the Village of Fredonia (Fredonia), Agreement No. 19-44-01, pursuant to which Fredonia provides sewage treatment services for County District (the Agreement); and

WHEREAS, pursuant the Agreement, County District remains responsible for, and charges its customers for, maintenance of County District's sewage transmission lines; and

WHEREAS, Fredonia's charges to its Village customers cover both (i) maintenance of Fredonia's sewage transmission lines and (ii) sewage treatment; and

WHEREAS factoring in County District's maintenance of its transmission lines, the Agreement calls for Fredonia's charges to County District to be one-half the rate that Fredonia charges Village customers, plus extra charges in the event of heavy flows; and

WHEREAS, the Agreement expired on December 31, 2023; and

WHEREAS, County District and Fredonia would like to extend the term of the Agreement, but have not yet come to agreement on a payment rate or formula for the extension term; and

WHEREAS, County District would like to pay Fredonia for sewage treatment services while negotiations continue; and

WHEREAS, anticipated Agreement charges for 2024, based on current Agreement terms, are included in the 2024 County budget; now therefore be it

RESOLVED, That the Portland-Pomfret-Dunkirk Sewer District Board is authorized to enter into a contract amendment to extend the term of the Agreement on the same terms and conditions, and to pay Fredonia in accordance with current Agreement terms, through December 31, 2024, with the understanding that a future Legislative Resolution may be requested to amend payment terms once negotiations have concluded.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend Resolution 262-19 – Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District, the Administrative Body of the Portland-Pomfret-Dunkirk Sewer District, has, pursuant to Section 266 of the County Law, and after a Public Hearing held on September 26, 2023, established a change to the scale of charges for the collection, conveyance, treatment and disposal of sewage for the Portland-Pomfret-Dunkirk Sewer District; and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective; therefore be it

RESOLVED, That the Charges by the Portland-Pomfret-Dunkirk Sewer District adopted by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

**CHARGES BY THE
PORTLAND POMFRET DUNKIRK SEWER DISTRICT**

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 Portland-Pomfret-Dunkirk Sewer District, a county sewer district 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 Portland-Pomfret-Dunkirk Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. **User:** The assessed owner of 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
CHARGE AREAS**

Real property within the District shall be classified as follows for the purpose of making charges hereunder.

- A. Property served by a collector sewer to which
1. Sewer service from the sewer system of the Van Buren Point Association, Inc. was available prior to 1984.
 2. Sewer service from the sewer system formerly owned by the Shore Acres Association, Inc. was available prior to 1984.
- B. Property served by a collector sewer which was constructed by the District.

**SECTION IV
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 generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries, shall consist of one unit.
- B. Each separate dwelling unit within one building shall consist of one unit.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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.

D. The unit designation of all other uses shall, at minimum 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 12,500 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 ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill. At the request of the property owner, the actual wastewater 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 and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxicity as to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to ensure a proportional distribution of operation and maintenance cost to each user or user class. At a minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

SECTION V

SCALE OF CHARGES

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

A.	CHARGE AREA	ANNUAL RATES PER UNIT
	A1	\$ 440.00 608.00
	A2	440.00 608.00
	B	400.00 568.00

B. \$0.0120 per gallon (or \$12.00 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined under the same criteria as is stated in Section IV D hereof.

SECTION VI

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 adding the following two items:

1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).

2. The actual or estimated water use of such parcel in gallons multiplied by \$0.0120 determined in accordance with Section V B hereof

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. In the event that the Administrative Head discovers that it omitted a charge which should have been made under Section VI 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 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 Administrative Head 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 VII APPEALS

In accordance with Section 266 of the County Law and Resolution 235-03 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 the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 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 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 Board of Directors of the Portland Pomfret Dunkirk Sewer District 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 Board of Directors 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, Gerace 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/her 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 Board of Directors 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 District Board 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 the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his or her appeal.

SECTION VIII 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 judgment, 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 judgment 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 IX EFFECTIVE DATE AND REPEALER

These user charges shall be effective May 1, 2024. The user charges confirmed by Resolution 262-19 of the Chautauqua County Legislature shall be repealed prospectively as of midnight on April 30, 2024.

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Reallocating Salary Grade for Bridge Construction Supervisor and Carpenter

BY: Public Facilities, Administrative Services and Audit & Control Committees:

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

WHEREAS, the Director of Public Facilities requested a review of the Bridge Construction Supervisor and Carpenter salary grades; and

WHEREAS, the Human Resources staff reviewed the salary grades and duties currently being performed by Bridge Construction Supervisor and Carpenter positions as compared to similar positions in that department; and

WHEREAS, the position of Bridge Construction Supervisor and Carpenter is covered by the terms of the CSEA 6300 Agreement and is allocated to Grade 14 and Grade 10, respectively, of the CSEA 6300 salary schedule; and

WHEREAS, the Human Resources staff has recommended that the position of Bridge Construction Supervisor be increased three (3) grades on the CSEA 6300 salary schedule; and

WHEREAS, the Human Resources staff has recommended that the position of Carpenter be increased two (2) grades on the CSEA 6300 salary schedule; and

WHEREAS, the Reallocation Committee, as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade changes; now therefore, be it

RESOLVED, That the title of Bridge Construction Supervisor currently allocated to salary grade 14 shall be reallocated to salary grade 17 and the title of Carpenter currently allocated to salary grade 10 shall be reallocated to salary grade 12 as follows:

2024 CSEA 6300 SALARY SCHEDULE											
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
10			21.51	22.50	23.05	23.89	24.54	25.34	26.10	26.88	27.69
12			22.90	23.89	24.54	25.34	26.21	27.04	27.85	28.69	29.55
14			24.30	25.34	26.21	27.04	27.94	28.94	29.81	30.70	31.62
17			26.81	27.94	28.94	29.99	30.98	32.11	33.07	34.06	35.08

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Setting Salary for Carpenter Trainee

BY: Public Facilities, Administrative Services and Audit & Control Committees:

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

WHEREAS, the Director of Public Facilities has requested that salary be set for a new position that involves semi-skilled carpentry work, primarily in the construction and maintenance of bridges plus a wide variety of other carpentry and masonry work; and

WHEREAS, the Human Resources Department has classified the position as Carpenter Trainee and supports the request that the salary be set at Grade 8; now therefore be it

RESOLVED, That the title of Carpenter Trainee be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 8:

Grade 8 2024: (\$20.30- \$26.11) per hour

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Setting Salary for Senior Carpenter

BY: Public Facilities, Administrative Services and Audit & Control Committees:

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

WHEREAS, the Director of Public Facilities has requested that salary be set for a new position that involves skilled carpentry work, primarily in the construction and maintenance of bridges plus a wide variety of other carpentry and masonry work; and

WHEREAS, the Human Resources Department has classified the position as Senior Carpenter and supports the request that the salary be set at Grade 14; now therefore be it

RESOLVED, That the title of Senior Carpenter be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 14:

Grade 14 2024: (\$24.30- \$31.62) per hour

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date