

Minutes

Public Facilities Committee

January 14, 2019, 4:00 pm

Gerace Office Building, Mayville, N.Y.

Members Present: Hemmer, Nazzaro, Scudder

Members Absent: Wilfong, Gould

Others: Tampio, Ames, Dennison, Bentley, Himelein, Abdella, Almeter

Chairman Hemmer called the meeting to order at 4:02 p.m.

Approval of Minutes (12/10/18)

MOVED by Legislator Scudder, SECONDED by Legislator Nazzaro to approve the minutes.

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Resolution- Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five-Year Capital Improvement Plan (ACIP) For FY 2019-2024

Mr. Bentley: I'm going to let Ron go through the detailed aspects of it. I think at the high level, what we're trying to do is come to you with our plan of what we think the grants will be going forward. So, (*inaudible*) notification- we went to the Planning Commission. We're trying to make sure the plan is out there, it's in the public, and it's had the chance for comment. So, this is more of a description of what we anticipate and Ron can go through what those things are. We can go through it in as much detail as you want. I've asked Ron to do the shorter version, but obviously we can go over more details if needed. Ron, if you want to just go through the individual items in brief description.

Mr. Almeter: A little context- every year we have to submit to the FAA our airport capital improvement program and it's a five year outlook on capital projects that we would like the FAA to fund and specific to the FAA- doesn't include capital projects that are funded entirely with State grant money or with local capital. We submit that in the fall and then by January 31st of the current fiscal year we have to submit the pre applications for the specific projects we want

the FAA to fund in the current fiscal year. The specific relevance to this committee and to the Legislature is in submitting the pre application we're essentially applying to these grants and if the grant is offered, the FAA's expectation is that we'll accept it. So, we want to make sure that the Legislature is on board with the application for those grants for the current fiscal year and because this is a five year look ahead- in many cases, in the course of a fiscal year the FAA will come back to us and say OK, we've got extra money- particularly towards the end of the federal fiscal year. They'll come back and say we've got discretionary money, do you have any out-year projects that are shovel ready and you want to bring in. Well, if we haven't brought those to the Legislature already and gotten legislative approval to apply for the grant, then we don't really have a shovel ready project. So, that's part of the rationale for bringing to the Legislature each year a five year look ahead and seeking legislative approval for that five year plan.

We've put into this year's plan the New York State grant applications for which we have applied. Those grant requests come in on a separate cycle. They typically come in during May and June and they give us a very short window to apply for those grants, so we don't have time to come back to the Legislature and say well, this is what we want to do- we want to apply for this grant. The offer for those grants- this past year they came- the informal grant award was notified in January and the formal grant offer was notified in August and we came to the Legislature in September for acceptance of that. Prior to that, the Legislature had no prior knowledge that we were applying for those State grants. So, this year we've included the State grants that we've applied for last summer, so that you've got some time to ask questions and to consider whether or not we want to accept a New York State grant if it's offered this year.

So, with that as context I'll go through primarily the fiscal year 2019 grants that we propose to apply for. The first resolution is for the Dunkirk Airport. For the fiscal year 2019 grant cycle, we propose to apply for aviation easements and land acquisition funding for the primary runway easements and the value of that is estimated at \$600,000. The value of these is in the worksheet that's attached. If you go back and look at last year's application, you'll see that this was in last year's and it was \$600,000 for four runways- the primary runway, both approaches to the primary runway and both approaches to the secondary runways 1533. When pressed to put a more specific cost to the acquisition of these easements and RPZ's the architects came back and said they underestimated - it's going to be more than that, closer to \$1.2 million. So, we've broken it into two projects. This year being the primary runway and then in 2020 we're proposing a second application for easements and land acquisition for the secondary runways- runway 1533. Is it going to be \$600,000 for each runway- is it going to be \$600,000 for both? It's still a bit of a crap shoot because we have not done the appraisals and the engineers have not looked at the (*inaudible*) approach surfaces that we need. So, they are really just guessing on what it's going to take.

The other wildcard of course, is how landowners will respond. If the landowners are non-cooperative the costs are obviously going to be higher.

We came to the Legislature last month with a resolution to set up a budget for this because in seeking a grant for easements and land acquisitions, the County has to incur some upfront costs for that and that's- the upfront costs are the appraisals, surveys, and some negotiations. So, we sought approval for \$60,000 to set up a capital budget to do that and that's in support of that project. We'll get 90% of that back when we get the grant. That's the runway 624 aviation easement. In terms of merit and prioritization of all of this work, these obstruction clearance projects which start with an obstruction study and then with an easement acquisition and then a design project and then an actual obstruction removal project. This is the most

important work we have to do at the Dunkirk Airport- actually at both airports, because without these cleared approaches we lose the utility of our runways. We lose the ability to operate aircraft instrument flying conditions under low visibility. So, to retain the utility and this significant capital investment we have in the airports, we have to keep these approaches clear.

Chairman Hemmer: We can only fly on a sunny day anyways.

(Cross-laughter)

Mr. Almeter: Most of our traffic is fair weather flying, but it's business aviation that wants to be able to come and go as they please. That's why the obstructions are so important.

(Cross-talk)

Mr. Almeter: Next on the 2019 docket is removal of the underground fuel farm. This is grant application that we will submit if we need to. I don't think we're going to need to do it because the Legislature approved a \$650,000 bond to build a new fuel farm and we've got that work under contract currently for a total cost of about \$540,000. So, unless we have some major change order issues- different (*inaudible*) or something, we'll finish the new fuel farm at a total cost of about \$540,000 and we should have money then to remove the old tanks under that current bond project. More importantly, the FBO Lou Nalbone- legacy FBO operator is responsible for those tanks and unless we get into a big legal dispute and have to fight it out in court, he should pull those old tanks out once the new system is- I should back up. He should close the old tanks. That's his legal lease responsibility to close those old tanks. It may involve pulling them out of the ground or it may just involve just filling them in. It depends on the environment assessment. In any case, we're putting this in there just as contingency. I don't think we're going to need to apply for that grant.

Legislator Scudder: So, they are responsible to wrap that up- whatever needs to be done?

Mr. Almeter: That was explicitly stipulated in the lease agreement that he had that he vacated in the fall of 2017. The County reminded him that- the County Attorney reminded him of that in writing. The County- because we needed to continue to use those fuel tanks, we entered into a license agreement with Lou Nalbone to continue to operate those tanks. So, in entering into that agreement we'd take on some measure of the risk. If we were to have a fuel spill today and contaminate the soil around those tanks, we wouldn't very well be able to put the monkey on his back to remediate that. There is an element of risk in our current use of those tanks.

Legislator Scudder: But when we're done with them-

Mr. Almeter: Unless we screw it up, when we're done with them it's his job-

Legislator Scudder: I know the answer to this, but I- the new system is all above ground?

Mr. Almeter: Correct. It's under contract to start construction in the spring when the frost is off. The third project for Dunkirk 2019 is to replace hangar number one and hangar number

two overhead doors. This is a project for which we have applied for New York State DOT funding at a 90% state, 10% local share. We hope to get that grant offer sometime this spring and when we do we'll bring it to the Legislature for final acceptance. I put it in here just so that you have 360 degree visibility on our capital program.

Going forward in the out-years, in 2020 we need to acquire the- I'm sorry. The first project there in 2020 is once we've completed this easement acquisition, then we will do a contract. We're going to try to do this as a design build or a design construct contract under a single grant- a single contract vehicle to do the obstruction removal on the obstructions that exist on the primary runway 624.

Also in 2020, we will apply for a grant for the land acquisition for the easements and parcels of land that we want to acquire outright for the secondary runway. There's about 15 different landowners that we have to work with on that second runway 1533.

The third project is to rehabilitate the existing bulk hangar number five. This is a project for which we will apply for the New York State grant. It's not eligible for FAA funding. We will submit an application for that grant this summer.

The last project on the list for 2020 is a lighting system- medium intensity runway lighting- PAPI lighting and REIL lighting design and construction contract. We currently have most of these lighting systems installed in the airport, but they're old. They're using old high voltage technology. Most of the new lights are LED and most of the signage have these panels that fade over time under IR light and the FAA declares them beyond (*inaudible*) and they have to be replaced. So, this would be a project to replace all of those lighting systems with new technology.

2021, we have on the docket an environmental assessment for an approach lighting system. This is the medium intensity airport lighting system- I forgot what the R stands for. It's relational or it has to do with the line of bearing on the runway. With any new construction that involves land acquisition or easement acquisition, you have to do an environmental assessment followed by the design, followed by the construction. So, you'll see that in 2021 we've got the environmental assessment. In 2023, we have the land acquisition and in 2025 we have the design and construction. Also in 2021, we have the obstruction removal for the secondary runway. In 2024, we're proposing to do the MALS design and in 2025 we are due for new snow blower snow removal equipment. The one we are operating there now is about 10 years old and we can usually get 10-15 years of usable life out of those before they're worn out and need to be replaced. Any questions on Dunkirk?

Legislator Nazzaro: So, these are all in the five year airport capital plan? What- just for the procedure, does each one of these projects come back here?

Mr. Almeter: To accept-

Legislator Nazzaro: So, this is to submit the plan. Then, we have to accept each grant?

Mr. Almeter: We submitted the plan- the capital plan in October. There is no commitment with that plan. The next milestone in the FAA's capital improvement program is a pre-application for the current fiscal year projects. That's where we're making an implied commitment to accept those funds. That's due on the 31st of January.

Mr. Bentley: Think of it like this- we're putting together a plan of what money we might be asking for, so it allows them to budget. So, when they're putting together their whole plan- the FAA's whole plan-

Chairman Hemmer: Every airport in the Country-

Mr. Bentley: Right. They're going to have this information and level of detail. Once we get to the year, we can solidify our plan a little bit more and have a little more assurance of what we're going to ask for. When it comes to actually asking what we need, the FAA requires legislative resolution approval to actually formally submit.

Mr. Almeter: When we submit the plan in the fall- that's this worksheet- these numbers are pretty crude, at least for the current fiscal year. When we submit the pre-application, those numbers have to be scrubbed by the engineer and they've got to be prepared to stand behind those numbers within plus or minus 10%. From the time that the pre-application comes in until the time that the grant is offered, there can be some adjustment in the total project cost, but we have to have a darn good reason to go back and change our cost estimate after the pre-application. Usually, it's if they underestimated the construction costs. You can't go back and change the design costs beyond that point.

Chairman Hemmer: How do we come up with a list of projects? How is that generated? Is it just that every so many years you'll assume that something wears out?

Mr. Almeter: The technical answer is we are expected to submit- this is on the federal- the FAA airport capital program- we are expected to submit projects that are identified in a ten year master plan for capital funding. So, we completed the master plan update for the Dunkirk Airport last summer. There's an airport layout plan. It's a big sheet of paper. A big site plan, basically. Everything that's on that site plan, the FAA has looked at and said yes, there's a need for that. When it gets done, whether it's done with local funds or FAA funds, that's all that have to be worked out. By approving that plan they're giving us an authorization to submit a grant request for that project. If it's not on the ALP or it's not in the master plan, it can be introduced but you have to justify why it wasn't in your master plan. We've had a couple of those in recent years. Last year we put in a request for a piece of snow removal equipment in Jamestown and it was because- well first of all, they hadn't had a master plan since 2016. We came to the realization that we didn't have the right mix of equipment because every time one of our vehicles veered off the edge of the runway it got stuck. We demonstrated a need and they allowed us to add it to the capital plan. So, that's the very timely question because as you know, we're just now beginning the master plan cycle for the Jamestown Airport. We've got to get it right because what comes out of that is our work plan for the next ten years- our capital plan for the next ten years.

Chairman Hemmer: And that's an engineering firm that's going to put that together for us?

Mr. Almeter: You've gotten my perspective on that at the airports commission meeting and I'll share it with the rest of the committee. It's kind of contracting with the fox to manage the

hen house because what he's writing into that plan- he's on contract to produce that plan for us. He's expected to take our input, but he's the subject matter expert on the life expectancy of movement surfaces and lighting systems and so forth. He's in the fox role because whatever he puts into that plan he's got a five year contract to do the design for all of that work. So, that's a five year revenue stream for him. He likes those \$5 million runway rehabilitation projects because that's a \$500,000 design surface contract for him. Our job- the job of the airports commission and the airport manager and the advisory committee is to make sure that there's sound business and technical basis for anything he scripts into that master plan.

Mr. Bentley: And the FAA has a role as well.

Mr. Almeter: Yeah, they're-

Mr. Bentley: It's their money.

Mr. Almeter: I should have mentioned that. They have community planners who are doing that peer review- the newspaper litmus tests-

Legislator Nazzaro: It's almost like a needs assessment.

Mr. Bentley: So, the fox may be in the hen house, but there are a lot of adults in the room that are going to supervise it also.

Chairman Hemmer: The one other question I had was the New York State grants- they do or don't have obligations as well? We know that the federal grants have obligations. Are they all different for each different project or are they all the same for every time they lend us money?

Mr. Almeter: There is set of grant assurances- they aren't explicitly called that, but there are a set of terms that come with those grants. The two that are most germane to us are if we sell or privatize the airport we don't have to pay back the grant, but we have to get fair market value for that capital improvement and justify that the money- that we got consideration for that improvement if we sell the airport.

Chairman Hemmer: So, we can't just sell it for a dollar?

Mr. Almeter: That's right. The other consideration that has come into play with the recent New York State grant that we've accepted, is if we make a capital improvement with New York State grant funds to a facility that we lease to the FBO or anybody else, we have to obtain from the lessee a commitment to maintain that facility- that improvement over the life of the lease. This turned out to be a little problematic with that grant that we accepted for the Jamestown FBO hangar because they weren't willing to accept their share of the capital costs and they were basically walking away from an existing maintenance agreement, or trying to walk away. So, we negotiated them back inbounds and Legal is working on the language to amend the contract to capture that language. I think it's been sent to Nalbene for signature. Those are probably the two biggest hooks that we've got to pay attention to if we accept a New York State grant.

Chairman Hemmer: Any other questions? After hearing all that, all in favor of the resolution say aye. Opposed?

Legislator Scudder: Nay. Can I make a comment? I do appreciate getting all the information about what grants are going to be applied for. That's been a frustration of mine when grants are applied for- I'm not being specific to the airport, just in general. Then, it's presented to us. Here's a \$900,000 grant and you only had to pay \$90,000. Well, maybe we should have been asked to apply. Again, not you guys. That's been frustrating to me. How do you pass on something like that? Well, we don't have the \$90,000. I know it's a good deal, but it would be nice to know.

Mr. Almeter: I want you to understand also that it's \$90,000 this year and then I'm back next year for the next phase of the project and so forth. These obstruction removal projects are ridiculously expensive, but it's because you have to do it in multiple phases and every year we're back to the well for more money.

Legislator Scudder: I do appreciate seeing what you're going to be asking for.

Mr. Bentley: We will continue to bring the information as requested.

Resolution Failed with Legislator Scudder Voting No

Proposed Resolution- Authorize Federal and State Aid Applications for the Chautauqua County Jamestown Airport Five-Year Capital Improvement Plan (ACIP) for FY 2019-2024

Mr. Almeter: For the Jamestown five year outlook we have in the current fiscal year, two design projects that we're applying for grant funding. Both are pretty good size projects. The one with the biggest cost implications is the primary runways- runway 725 rehabilitation. The rehabilitation of that runway is over \$5 million. The design phase of that is \$430,000.

Chairman Hemmer: It's broken down into design for rehabilitation and electrical.

Mr. Almeter: Yeah. The way the FAA structures these capital projects is they want us to rehabilitate the runway lighting system at the same time we rehabilitate the runway. It minimizes the amount of runway closure time, but they fund them as two separate projects. So, we list them as separate projects in the capital program, but they're done concurrently. This is the primary runway and its design phase- \$430,000, the local share is 5% - state share is 5%.

The second project for 2019 is a design project for the airport perimeter fence and all of the gates that go along with that and all of the related site drainage work that goes along with that. There is a fair amount of our fence line and the fence line is a little different than the property line. A fair amount of the fence line is on highly erodible soils and that's part of the reason that we're having to rebuild the thing. This time, I want to make sure we fix the drainage before we put a new fence in, so we don't spend the next ten years fixing erosion problems. So, that's all in the scope of that 2019 project.

For 2020, we have applied for- in the summer of 2018 we applied for a New York State grant to rehabilitate hangar C. If we get the grant authorization from that we will accept that grant and begin construction in 2020.

Legislator Nazzaro: That is certainly a different hangar than the one we got the door for, right?

Mr. Almeter: Right. This is the- it's referred to as the UJC hangar. It's actually a big hangar, but it was gifted to a former FBO and they went out of business and walked away from that hangar and gifted it to the airport for \$1 and we haven't spent much money maintaining it. It's not suitable for aircraft storage because it has an inoperable hangar door. So, we can't make it weather tight and it's kind of a bird sanctuary at the moment.

Mr. Bentley: You want to wear a hard hat if you walk through.

Mr. Almeter: We're at a point now- it is being used right now, but it's only for storage of Sheriff's boats and some of the airport maintenance equipment. We're at a point now in the utilization of the airport- the occupancy over there- where we could rent that hangar out if it were in serviceable condition as a hangar. So, we've put in a grant request to return it to serviceable condition. It's going to require a new hangar door, some insulation repairs, some sheet metal repairs and that kind of thing. The other thing about it that makes it worthy-

Chairman Hemmer: The structure of it is alright?

Mr. Almeter: Yeah, structurally it's in good shape. The other thing that's attractive about this hangar is it's suitable for jet storage. It's got a high enough door threshold that you can get a jet in there. We don't have an abundance of space where we can lease to jet owners. It will factor into our ability to accommodate a commercial airline when and if we get a commercial airline back. It would be big enough for a small commercial airline.

In 2020, we need to start the multi-year process of obstruction removal at the Jamestown Airport. We do this about once every ten years. The first phase of that is an environment assessment to look at the lands, both the private lands and the county lands around the airport to do the environmental assessment. Then, we have to go back and get easements if we have any easements that are deficient for those parcels where we need to do obstruction removal. In 2022, we do the obstruction removal design and permitting and then in 2023, we would apply for a grant to do the actual obstruction removal.

Jamestown is in much better shape than Dunkirk in that we have fewer land owners and we have much fewer obstructions. So, we expect a much lower cost project there. The other thing we're doing with Jamestown is we're contracting for a timber harvest. In the scope of that contract we've identified known obstructions- obstructing trees that we want the timber harvester to remove at no cost to the County. That measure should limit the amount of obstruction removal work we have to contract for in the future.

In 2020 we will have completed the perimeter fence design and apply for a grant for phase one of the perimeter fence construction. We're doing it in two phases because of the scope and cost. The second phase, we've proposed for fiscal year 2021.

2021, we have the construction phase of the main runway rehabilitation. Again, that's over a \$5 million project. Incidentally, we submitted a- the FAA came out- I mentioned earlier that the FAA comes out with supplemental grant solicitations where they get money from congress for public works projects and they'll come out with a supplemental grant solicitation. They did that last fall. We

submitted an application for the construction of the runway under that supplemental grant. If per chance we were to get that, they would cover 100% of the cost and we would not need to do a local share for that. I think it's a bit of a long shot because they're not inclined to give 100% funding for something that's already in the program to be 90% funded, but it's worth a try.

Fiscal year 2022, our snow plow is due for replacement at the Jamestown Airport. We've got the obstruction removal construction in 2023 and then the apron- the tarmac in front of the terminal and four of the hangars will be due for reconstruction replacement. We'll actually do the design in 2023 and it will be 2025 for the construction- reconstruction of the aprons. That's the five year plan including intended grant applications for the current fiscal year for New York State grant funding.

Legislator Nazzaro: Again, the amounts in here, as you pointed out, these are not final numbers? These are ballpark?

Mr. Bentley: Yes. Ballpark estimates.

Mr. Almeter: In the case of the easement acquisitions, until we get some appraisal-

Legislator Nazzaro: So, these are probably at the minimum?

Mr. Bentley: These are five year budget level-

Mr. Almeter: Historically, they've been on the high end.

Mr. Bentley: For budgeting purposes, you want to make sure that there's enough money in the accounts. So, if you go on the low end you may undershoot the runway. I think people tend to put some conservative numbers so there is enough money being budgeted.

Legislator Nazzaro: Thank you.

Chairman Hemmer: Any other questions?

Legislator Scudder: I have one. We talked about not having to pay back the grant money from the federal government.

Mr. Almeter: No. The question was on the State grants. On the federal grants, we do have to pay back the non-depreciated value of the grant.

Legislator Scudder: So, which airport can't we sell for a dollar? We spoke about-

Mr. Almeter: Either one.

Legislator Scudder: Because?

Mr. Almeter: Because we have grant assurance obligations on the order of \$60 million-

Legislator Scudder: From the federal?

Mr. Almeter: From the FAA that we would have to pay-

(Cross-talk)

Legislator Scudder: We would have to sell it for what we owe the federal government?

Mr. Almeter: The non-depreciated portion.

(Cross-talk)

Legislator Scudder: Just go with me here, quick. Sell it for a dollar because we're willing to give them the \$60 million above and beyond?

Mr. Almeter: If we had a buyer that was willing to accept those grant assurances- accept that \$60 million liability, we could sell it for a dollar. You would have to have a buyer willing to sign up to those grant assurances.

Mr. Bentley: Would the FAA have to approve that buyer?

Mr. Almeter: Oh, for sure.

Mr. Bentley: So, it's not just finding someone-

Legislator Nazzaro: Making sure they have deep pockets.

Mr. Bentley: They want to make sure that we're not walking-

Chairman Hemmer: They'll check their credit, I'm sure.

(Cross-talk)

Legislator Scudder: OK, thank you.

Chairman Hemmer: Any further questions on this resolution? All in favor please say aye. Opposed?

Legislator Scudder: Nay.

Resolution Failed with Legislator Scudder Voting No

Chairman Hemmer: Between the two of them, we're talking about \$17.5 million over the next five years. It would be nice if we spending that money on facilities that were being used more than how our current airports get used. We need to look for ways- some ways to find sources- alternate sources of revenue from these properties- the airport properties.

Mr. Almeter: Understood.

Other-Proposed Resolution- Authorizing Lease with Cornell Cooperative Extension for the Frank W. Bratt County Agricultural Center in the Town of Ellicott

Mr. Bentley: Currently, Cornell Cooperative is in the Ag Center Building and they are on an annual lease and I think I'm about a month late in getting this to you guys for renewal, but we were in the process of talking with Cornell Cooperative and getting them to move out of the building. The building is not necessarily what I would call space that I'd want to lease to anyone else other than (*inaudible.*) We are actively looking for another home for them. In the meantime, they are still there and we would like to renew this lease for another year with the understanding that the intention is to get the situation addressed in the short term. From a lease perspective, we do need Legislative approval to enter into all leases, so we're looking to get that through today. These are the existing dollar amounts. They are not changing from last year, so- I've talked to Cornell and they're willing to work with us.

Legislator Nazzaro: So, no changes other than you're extending it out one year?

Mr. Bentley: Correct. I'm expecting to try to address this situation sooner than later to actually get the building- with no tenants, it is operated at a net loss to the airport. It's actually under Buildings and Grounds, which Kathleen tells me in the revenue that goes from Cornell goes into pay those expenses from Buildings and Grounds.

Chairman Hemmer: Even though it is on the airport property?

Mr. Bentley: Even though it's on the airport property, those funds are directly tied to that account.

Legislator Scudder: So, you don't see this going the full year?

Mr. Bentley: My expectation based on the discussions that I've had last year and ongoing is that we're looking to move Cornell out of that building, but it also has to be a space that's acceptable to Cornell. They have some unique requirements for what they need. They need more than just office space. They need meeting space available three times a week, they need a number of office spaces, they would like to have a kitchen area, some outside grounds, it's-

Chairman Hemmer: All to do with their programming.

Mr. Bentley: So, it's been a challenge to try to find something that has all those aspects to it, but we're still working on it. I was hoping to do it before, but unfortunately it couldn't get done. Yeah, to answer your question, I really think we need to address this situation now.

Chairman Hemmer: Any other questions? All those in favor of the proposed resolution please say aye. Opposed?

Unanimously Carried

Legislator Himelein: Mr. Chairman, before you start, could I ask Brad a question?

Chairman Hemmer: Sure.

Legislator Himelein: I don't want him to leave without me asking him. What can you tell me about some of the County employees getting bonuses? I don't know if this committee knows that or not, either. I have heard through the grapevine that some of the County plow operators- if they answer the phone and get called into work ten times in a row they get a \$500 check in the mail. I'm wondering why that bonus is being put into effect?

Mr. Bentley: I will say this in response- I'm not sure of the specifics, but everything that they are getting paid is in the contract. So, CSEA 6300 would stipulate all the-

Legislator Himelein: Is that in the contract?

Mr. Bentley: I would have to ask Kathleen.

Mrs. Dennison: Brad is correct. It wouldn't be paid- I cannot site the clause in the contract, but they certainly wouldn't be paid that bonus if it were not stipulated in the contract.

Legislator Himelein: Well, I just didn't know. It caught me completely by surprise. I'm going, what are we talking about here? Giving some employees bonuses?

Mrs. Dennison: There is- to give you another example, there is a situation similar to that for forced overtime in the correction officers contract. If they have a certain number of forced overtime hours in a month they get a bonus.

Legislator Himelein: So, we've got- we let that get into the contract? If they come in and do their job they get a bonus? That's basically what you're saying.

Mrs. Dennison: Well, yeah-

Legislator Himelein: So, if they come in and do their job they get a bonus.

Mrs. Dennison: I'll have to look it up-

Legislator Himelein: That doesn't seem right to me.

Mrs. Dennison: I will check in the contract.

Legislator Himelein: Please. I would appreciate that because it caught me completely by surprise today when I heard that.

Mr. Bentley: I have to follow the contract. I'm aware that we have overtime and premiums. They are all stipulated in the contract. We don't pay out anything that's not in the contract. I can just tell you that whatever you're referencing they are getting paid for is due

solely to the prior negotiated contracts. At that point, that would have been negotiated by the people that do the contracts.

Legislator Himelein: Thank you. It was nice to finally meet you.

Proposed Resolution- Confirming Lateral Restrictions for North Chautauqua County Water District

Clerk Tampio: This is for the North Chautauqua County Water District Capital Project. As part of the review process with all the state agencies, New York State Ag and Markets reviewed the project and they issued a response expressing their concerns about lateral restrictions within established agricultural districts in the County. The initial project- sorry for the small map- going west from the City of Dunkirk the impacted area was Willow Road and that's what we're referring to in the resolution that the Water District Board passed that lateral restriction in March of 2018. Now, we're also working on all the approvals for going east from the City of Dunkirk. You'll see there's two green lines here- small ones- those are the new water lines that will be installed once this project is awarded. There's a little bit of ag district here that is impacted, and here. So, that was the second lateral restriction resolution that was passed by the Water District Board on January 10th. If you want, I have other maps that show the detail of the Ag district going east from the city. You just have to match up- where the actual project goes is a little bit west of Silver Creek and then there is small one near the east Town of Dunkirk line. That matches up with the- you had copies of the lateral restriction. So, basically it says no new or any future connections to the water district lines are restricted unless they meet certain conditions and are supported by the local municipalities sub-division regulations and so on.

Legislator Nazzaro: So, since this was just laid on our desk- what are the alternatives? This sounds like we don't have a choice and we have to do this. It's like it's being forced upon us.

Clerk Tampio: Yes, because you're dealing with the Ag districts.

Mr. Abdella: The district boards will adopt these regulations to be in compliance, but they all need to be confirmed by the County Legislature.

Clerk Tampio: Right. Once confirmed, they go to- it's sent to New York State Ag and Markets. I'll also say this project was reviewed by our County Ag and Farmland Board and they approved the project.

Chairman Hemmer: So, it's coming now at this late date because it's just now been noticed? It wasn't noticed when we were on the outside of the- when we were doing the North County Water District, we just didn't know that there was going to be an instance where we were going to be involved in an ag district?

Mr. Abdella: No, I think it was known. There is just a different sequence for these various approvals and the engineers supply them to us and that's what we go forward with. I

think these would be similar around the State as far as any sort of Ag district. They would have to have a similar restriction.

Clerk Tampio: It's one of series of-

Chairman Hemmer: Like Mr. Nazzaro said, it's not a choice?

Clerk Tampio: Right. Like I said, it's one of series of agency reviews and restrictions they place on projects because you have New York State DOT, DEC, Department of Health; it just goes on and on.

Legislator Nazzaro: So, this really doesn't- for clarification, does not alter what we're doing here? This is just for the future.

Clerk Tampio: Any future connections-

Legislator Nazzaro: But, it's not affecting the current project.

Clerk Tampio: Correct.

Legislator Scudder: What it's saying is they are going by and if I have a building there, I get to hook up. If I decide to take my 20 acres and divide it and put 74 homes in there, now I have to have permission to hook up.

Clerk Tampio: Right.

Legislator Nazzaro: OK.

Clerk Tampio: It's part of their job to protect farmland.

Legislator Scudder: I think it's standard operating-

(Cross-talk)

Legislator Scudder: That's how you would want it because-

(Cross-talk)

Chairman Hemmer: Any further questions? All in favor of the proposed resolution?
Opposed?

Unanimously Carried

Clerk Tampio: I don't know if you've seen since the maps have been revised. You'll see the northern part of the County, it just goes along here- mainly the grapes and so on. Then, Route

5 goes in and out depending how close Route 5 is to the lakeshore. You'll see most of the dwellings on the lakeside of Route 5- there is not a lot of Ag land there.

Legislator Nazzaro: I just wanted to make sure I understood what I was voting on.

Chairman Hemmer: Is there anything else to come before this committee?

MOVED by Legislator Nazzaro, SECONDED by Legislator Scudder to adjourn

Unanimously Carried (5:02 p.m.)

Respectfully submitted and transcribed,
Olivia L. Ames, Committee Secretary