

Minutes

Public Facilities Committee

December 9, 2019, 4:00 pm

Gerace Office Building, Mayville, N.Y.

Members Present: Hemmer, Scudder, Gould, Nazzaro

Member Absent: Wilfong

Others: Tampio, Bentley, Carrow, Almeter, Pantelis, Dennison

Chairman Hemmer called the meeting to order at 4:00 p.m.

Approval of Minutes (11/12/19)

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

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Resolution – Establish Complete Streets Account for Acceptance of Funds from the Chautauqua County Health Network (CCHN)

Mr. Bentley: This resolution is to physically set up the account to accept the check from the prior resolution for the \$13,000 grant money of which we received \$11,270 in cash and the remaining money was in the form of, what's called, rubber(?) form products that we can put in the roads so that is the remainder of the balance of the \$13,000. This is to set up the account so that we can put it into, reimburse the Complete Streets account that we funded the outlay of cash initially. So this brings it back in and then replenishes the Complete Streets account.

Legislator Gould: Is that a capital account?

Mrs. Dennison: Yes.

Mr. Bentley: Any questions? All good things. I guess the work – to go a little bit further on the Complete Streets, this helped fund a crosswalk on South Main Street bridge, Dale Drive signage and Central Avenue in Dunkirk road stripping, bicycle stripping. So all good things, all projects completed so we're getting the money back for that.

Chairman Hemmer: Any questions, comments, or concerns?

Unanimously Carried

Proposed Resolution – Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport

Mr. Bentley: So we need to have this extension of the FBO services at Dunkirk. The RFP for the FBO proposals at both Jamestown and Dunkirk went out in November. We have received proposals, we're evaluating them currently and is going to take us a little bit of time to negotiate with whoever is going to win. Then also get them squared away. In order to incorporate that, we've reached out to CREDC and they reluctantly agreed to extend their services for another two months, into February. So we think that is enough time giving the current expectations of the award of the bid and negotiation and getting someone on board. So we just need to accept this agreement.

Legislator Scudder: Without compromising any of your negotiations or anything, how many bidders are there?

Mr. Bentley: We received three bidders that wanted to do both Jamestown and Dunkirk airports and then we received one bid for Dunkirk only. I will say the bids were robust and my review and I think Ron was going to try and be here today, they got hung up on something else, our feeling is that those bids, all the bids were legitimately good. From an understanding of what was involved, had some broader depths of knowledge than others, but I think there is a lot of enthusiasm for trying to make a run at make the FBO's profitable.

Legislator Scudder: So when you say they were good, you think they're good enough to be accepted, possibly?

Mr. Bentley: We are short listing some and going a little bit further in negotiations so that is what is going to be happening in the next couple of weeks here. We have done our evaluations, we've shortlisted them and we'll be moving forward.

Legislator Scudder: So you said, as far as the winner, and I feel like an attorney here, someone winning, do you see a winner in the bunch?

Mr. Bentley: Yes, absolutely. Again, pending negotiations because –

Legislator Scudder: I ask this because we have been down this road before.

Mr. Bentley: I think the last solicitation we received no bids.

Legislator Scudder: Right but we were so hopeful.

Mr. Bentley: But now we have received four actual bids so we are actually much further down the road.

Legislator Nazzaro: That is good news. Just a question regarding the Jamestown Airport and current FBO. Doesn't their contract end at the end of January?

Mr. Bentley: Yes.

Legislator Nazzaro: So the resolution that we have before us, I know this is Dunkirk through the end of February so what is going to happen at the Jamestown airport? It seems like there is going to be a gap.

Mr. Bentley: We are going to push this as fast as possible and I know that Allison, Ron, and I have been talking about expediting schedules and awarding, and bringing stuff to the full Legislators in various formats to accommodate the end date for Jamestown.

Legislator Nazzaro: With that in mind, it sounds like and I don't want to put words in your mouth, is to have this hopefully, one of the bidders in place hopefully by February 1st.

Mr. Bentley: Yes.

Legislator Nazzaro: So I just ask that we, as a committee, have sufficient time to go over that, even if it means, Mr. Chairman, having it, because it's such a hot topic, even if it means to have a special meeting which may or may not be needed but, I just want to have enough time to make sure we get all of our questions asked.

Legislator Gould: You can have all you want in February.

Legislator Nazzaro: You'll be in Florida. So maybe we could do it – well, we need to do it before that because it sounds like – I just want to make sure we have sufficient time.

Ms. Carrow: So the timeframe for the solicitation for the FBO proposals, without getting into the details due to negotiations, is that we are looking to have both FBO proposals awarded by the end of January and have them ready for the Legislature's full approval by the January meeting. That would mean however though that we would have to also possibly to give the public notice, resolutions out. I know that Ron and Brad are working feverishly to do their short list of the prospective FBO solicitors and meet with them so that we can get the public notice resolutions to the full Legislature, whether that be by, potentially an emergency resolution next week or possibly at the your first meeting, your organizational meeting at the beginning of January. However, any information that would be in the public notice meeting because we do contain some information about the scope of the lease that would (*inaudible*) the terms, that would all be able to go through the proper committee when the actual lease resolution would come through and be vetted through the committees in January. So we do intend to have plenty of time for the committees to vet the process for the resolutions and ask all the questions that need to be asked because we do know that this is a hot topic. We want to ensure that whatever FBO proposal is being presented to the Legislature is the correct one for the County.

Legislator Nazzaro: I appreciate all of that, I really do and I just want to make sure, o.k., this is not like – I just want to make sure that we, as Legislators, because this has been a very

sensitive issue and we've been (*inaudible*) by previous FBO's on some issues that, I don't know if I'm just comfortable seeing the final – I know we trust the managers and the County Executive which will be a new County Executive, o.k., and I have all the faith in you Ron and Brad, that, I just don't want to have the final one come to us without us, at least, having some review and it's not like a, and correct me please, it's not like a collective bargaining issue so I don't see why we – because I know in the past, the County Executive has held meetings with Leadership and with others on other negotiations, non-collective bargaining, before the final decision is made. So I would like to be involved or at least, I don't think you need my vote to pass this, but I want to make sure I have a review of the agreements let's say, before you decide on the final one. Because I want to make sure –

Legislator Scudder: We'd like an opportunity for input if we find it necessary.

Legislator Nazzaro: Right because there may be something in those agreements that, well wait, it's not serving the best interest of the County.

Mr. Bentley: So under that concept, let me ask legal, obviously all of that would have to be done under executive session or something like that.

Legislator Nazzaro: Sure.

Mr. Bentley: We don't want to expose the bids per say, at this early stage of negotiations.

Legislator Nazzaro: Sure.

Mr. Bentley: I don't see a reason why we wouldn't be able to forward you the bids under some kind confidentiality for your review so you can see them. To the extent you want to discuss them with you, we could hold another meeting.

Legislator Nazzaro: As long as, and correct me, as long as it's – it's not any different than some of the other like when we look at audit proposals or when you look at things at the Landfill, when we look at other things. I know the open meeting laws you have to be careful and this is under executive but isn't there a forum or the County Executive, like us in this case, just call in Leadership and say, I'd like to review what we have?

Ms. Carrow: I do believe that there is a forum when we are constructing the proposed lease agreements. The County Executive can call in Leadership and the tentative proposed agreement can be discussed by Leadership and the County Executive at that time.

Mr. Almeter: I think what I hear you saying is you don't want to take a look at this when it's settled business, you would like to take a look at it while it's (*cross talk*) being made.

Legislator Scudder: And Ron, we could just take it or leave it.

Legislator Nazzaro: That's exactly, Ron, you said it perfectly.

Mr. Almeter: Well personally that would be a tremendous help to me to get another set of eyes on this. It is not a simple negotiation.

Unknown speaker inaudible.

Mr. Almeter: It's a two part solicitation. First part we have received the technical proposals from the offerors and we have evaluated those. We have not asked the offers to give us a detailed cost proposal, nor have we set upon a cost structure. As you're aware, in our past leases we've gone a couple of different directions. We've done a fixed price lease, we've done a percentage of gross, we've done some kind of hybrid and we've had very degrees of success or lack of success with those different structures. So this is a negotiation and we haven't even locked in that structure at this point.

Legislator Nazzaro: Well like we said Ron, instead of bringing in a finished product, just say, there are certain parts of the former FBO contract that I wasn't comfortable with and I know that I'm not the only one that feels that way on the Legislature.

Mr. Bentley: Just to give you comfort, it's not settled business from our end. We just got the proposals last week.

Legislator Nazzaro: I think it's great.

Mr. Bentley: The timing (*cross talk*) is ideal because we can bring you where we stand and to Ron's point exactly, the more info we have on this the better but I will caution that these proposals are complex. Expecting this to be a finished product because like I said, it's a two part solicitation. All the details are not there so if you expect to be able to read this and compare and (*inaudible*) and be easy, it isn't going to be there. That's why we have the second round of negotiations. We talked a lot about the technical (*inaudible*). What services are they going to provide, what functions are they going to provide, some kind of proforma –

Legislator Nazzaro: I agree. It's like a very similar thing but this is complicated when we looked at the lease vehicles. I'm looking at Kathleen, we had George Borrello bringing it into Leadership and we met with Kitty and Kathleen and you and others to go over – we had more than one proposal, we had like three, and myself, Pierre, and PJ gave their input and Legislators on – because we have to answer to our constituents. That's all that I'm saying.

Mr. Bentley: So actually time is of the essence in this case so any input needs to be received early and quickly and judiciously because having any kind of comment strung out, it will be actually counterproductive because January 31st will be here before we know it.

Legislator Nazzaro: That's exactly why we should do it instead of waiting because you don't want it hung up in Committee.

Mr. Bentley: But if I have 19 Legislators all giving me input, it might be – we would need to have a process that works.

Legislator Nazzaro: I will volunteer my time as a Minority Leader and a long term member of this Legislature to help you.

Chairman Hemmer: I would certainly want to be involved if I can. I know that – you are right, we can't have all 19. How would we decide? Should it just be Leadership or should it be –

Legislator Nazzaro: I yield back to the Chair of the Legislature. I mean, in the past, it's been Leadership but it starts – does it start in this committee? So it could be this committee, whatever you decide. It could be this committee or it could be Leadership, however – I'm not going to dictate –

Legislator Scudder: I mean, even if you extend it, I'm sure you'll get less than a handful of Legislators jumping on board. I wouldn't worry about that.

Chairman Hemmer: It sounds like in the past it has been Leadership usually. Does that sound right, is that what is happened in the past or not?

Legislator Nazzaro: I mean, I don't want to leave anyone out but that has sort of been like when we are talking about budget issues, when we had our budget shortfall, we were talking about finding things that was Leadership, again, that is not my decision. But that has been one of the past practices.

Legislator Scudder: I think if it was put to Leadership and anybody that wanted to be there, couldn't stand not being there, why would we not let them be there? I don't think that we're talking big numbers but I think we're talking about (*cross talk*)....

Chairman Hemmer: So, I guess that's what we have to do then. When you get to the point where you have something to present –

Mr. Bentley: We're there now.

Chairman Hemmer: O.k, then –

Mr. Bentley: Hold on, let me clarify what we have. We have the proposals. We don't want to present something as a finished product because that's not what (*inaudible*), so we need people that are willing to come in here and look at all proposals and do the same due diligence that Ron, myself, and a couple of others have done because if you want to start from that contract, you need to start from the beginning and that needs to start now. We can obviously forward those proposals to those that are interested, I believe.

Mr. Almeter: Is that necessary? We've gotten through the first phase which was shortlisting the technically qualified.

Mr. Bentley: I'm hearing that they don't want necessarily the short list?

Legislator Nazzaro: No, I do. I don't need to go to the beginning of time. I just want to know where you are now before a final decision is made.

Legislator Scudder: We want it to be somewhere before the final.

Mr. Bentley: The short list is very short.

Ms. Carrow: Correct me if I'm wrong but what I'm hearing is that you want to have an active role in the creation of the lease agreement and see it in its developmental stages as it's moving along now that we're at the point where we're negotiating.

Legislator Nazzaro: Correct and I'm not – we don't negotiate, we just want to make sure our concerns or issues or addressing it, if not, why can't they be?

Ms. Carrow: So for example, after the County representatives were working with the respective FBO (*inaudible*), meet with them and they have the beginning of a draft and they have a proposed draft, that would be a time in which you would want to come in and look and express your concerns.

Legislator Nazzaro: Yes.

Mr. Bentley: Just to be clear, you don't necessarily want to go back to how we got to the shortlist?

Legislator Nazzaro: No.

Mr. Bentley: You are good with the shortlist and beyond.

Legislator Nazzaro: Shortlist and moving forward.

Legislator Scudder: We trust you to the shortlist.

Legislator Nazzaro: I mean, that's your role.

Mr. Almeter: I think I share with your (*inaudible*) in. For full disclosure, we had four very good proposals. We did cull it out to the ones we felt were the most technically responsive and those are the folks that we are talking to about a structure.

Legislator Nazzaro: Does the Airport Commission make a recommendation?

Chairman Hemmer: Yes, we did recommend that the procedure go forward. No, did we take a look at a proposal, no. We just recommended that the procedure go forward. That's all.

Legislator Scudder: The goal here is to get it approved, not to stop it.

Chairman Hemmer: Yes, in a timely fashion.

Mr. Almeter: We've been foot stomping this all the way along. We're looking for the highest and best use of the airports for the community.

Legislator Scudder: I have another question. Just a technical question. February 1st, we're up in Jamestown.

Mr. Almeter: Correct.

Legislator Scudder: That's their choice, our choice?

Mr. Almeter: Their choice, we accepted it.

Legislator Scudder: I just needed to know that for sure.

Mr. Bentley: They gave us that in writing. I think it's a 90 day or 120 days.

Legislator Scudder: I knew it was coming, I just wanted to make sure just for me.

Chairman Hemmer: What do you think Jay? Are you up for another meeting before you head south?

Legislator Gould: Depends on when it is. Depends on if it's snowing or not. I don't go out on snowy days anymore.

Clerk Tampio: Mr. Chairman and I guess what I'm hearing also, traditionally the County Executive calls for this meeting and ask for participants so that would have to come from the Acting County Executive.

Chairman Hemmer: But we can at least let them know what we would like to participate. Send that message to the County Executive.

Ms. Carrow: I will do so.

Chairman Hemmer: Thank you.

Mr. Bentley: So going back to the proposed resolution, this is only to extend out CREDC for 2 months basically.

Legislator Nazzaro: For Dunkirk.

Mr. Bentley: Yes.

Chairman Hemmer: Yes, for Dunkirk only. Any questions about this proposed resolution?

Unanimously Carried

Discussion - Proposed Landfill Fee IncreaseOtherProposed Resolution - Authorize Acceptance of SAM Grant for North Chautauqua County Water District

Clerk Tampio: This is a grant that's put out by the Dormitory Authority of the State of New York to assist in the cost of municipal facilities. In this case, in 2016, our Assemblyman Goodell notified me of this opportunity. We made an application and we had a preliminary award. Since 2016, a lot of paperwork has gone back and forth and finally last week and that's why it's late coming under "other", I received notification that they sent me the grant disbursement agreement which must also have additional paperwork and be executed by the County Executive and sent back. After that point, there is more paperwork for a pay request to receive the funds. So what this \$100,000 grant will fund is a portion of a cost of a brand new 12 inch water main as part of the North Chautauqua County Water District capital project in a section on Rt. 5 in the Town of Sheridan that will serve approximately 17 residents that have never been served by municipal water before. They are all on private wells at this point. So, the total cost of materials for that was over \$300,000 so this \$100,000 will defray part of that cost.

Legislator Nazzaro: Good. You said that you have been working on it since 2016?

Clerk Tampio: Yes. They have not been a very efficient agency of the State of New York.

Chairman Hemmer: This is on Rt. 5?

Clerk Tampio: Yes.

Legislator Gould: Is this only one shot or another year or two or three you can –

Clerk Tampio: One shot. It's very specific to this project. About 2,000 feet of 12 inch water main.

Legislator Nazzaro: Good work.

(cross talk)

Chairman Hemmer: Any further questions on this proposed resolution?

Mrs. Dennison: We were corresponding earlier today but so you are saying this \$100,000 is part of that overall funding model for the project?

Clerk Tampio: Yes.

Mrs. Dennison: Because it strikes me as kind of odd from a budget standpoint. Right now, we only have one revenue source set up for this project and that's serial bonds. But there are multiple sources of revenue.

Clerk Tampio: Right, from several grants.

Mrs. Dennison: I don't know why we haven't set up – eventually we're going to have multiple revenue accounts because there is more than one revenue source. But, Mr. Abdella asked me to comment on any financial changes in the resolution. I didn't make any at this time because I think potentially we're going to have to make other changes to this capital project. The funding accounts right now are not complete and if I added one to this one, eventually there is going to be other ones. So, I just wanted to make the Committee aware at this time, we have not made any budget adjustments on the revenue side. It's just kind of assumed to be, at this time, one lump of bond revenue which will be detailed.

Clerk Tampio: As part of the capital.

Mrs. Dennison: Yes. But that's not unusual. The other capital projects – usually the capital projects we establish the appropriation budget and the revenue sources are not always detailed at the time of the appropriations being established. That is the case with this project right now.

Clerk Tampio: So we have all along, listed these as our revenue sources but until we get the disbursement agreements from the funding agency, it's not –

Mrs. Dennison: Don't know the exact figures.

Clerk Tampio: Right it's not exact and it's not guaranteed. So, I guess I will work with you and we'll figure out how that's done. Because we also have the \$1 million dollar ESD grant that I'm preparing a pay request for also that was approved previously.

Chairman Hemmer: So until we actually get money, we don't really need a revenue account, right?

Mrs. Dennison: Yes. The Legislature and you through the budget, we've established the appropriation budget so we have that established and the revenue sources, we will detail when they are better known.

Chairman Hemmer: We've been funding it through the County funds and is that through a revenue account because there have been payments made, right?

Mrs. Dennison: There have been payments made.

Chairman Hemmer: It would seem like – you know, that's got to be money, there had to been a revenue account there somewhere.

Mrs. Dennison: So right now, we're using general County funds to finance the purchases and we have done some resolutions in the past to allow that to happen. So essentially the County is floating the money at this time for the purchases and that's been authorized.

Chairman Hemmer: But we didn't actually establish revenue accounts, we just paid bills out of County funds.

Mrs. Dennison: Right, with the understanding that there are variety of revenue sources that would eventually reimburse the County for all these expenses.

Chairman Hemmer: As long as you keep track of the whole thing. Any other questions?

Unanimously Carried

Legislator Nazzaro: I have a very brief question. This is to Brad. At the last Public Facilities meeting, you had spoken about the salt budget and we already had approved a half a million additional for this year and you said, the weather, I know that we can't predict the weather for the next two and a half, three weeks, the winter has been mild now, so do you feel we're going to be in good shape between now and the end of the year? You won't be coming to us for this year?

Mr. Bentley: I wished that you had not asked me that question because you know whatever I say is not going to come true.

Legislator Scudder: Five hundred thousand was to fill the barns, right?

Legislator Nazzaro: Right.

Mr. Bentley: So I was hoping you wouldn't ask the question because if you notice there isn't a resolution in front of you, so that speaks for itself. However, we are trying to make sure – we had an early onset storm in November and that was not favorable but since then, we've had intermittent and not continuous bad weather so we've been able to manage it. I would say we're feeling comfortable but uneasy at the same time that we're going to try and ride this out and get to our 2020 expenditures. The dilemma we face is ordering versus receiving because as we use now, we're going to have the storm on Wednesday, anytime we get rain and it freezes, that's the biggest area for black ice where we do have to use a fair amount of salt to make sure that we catch that in time. When it snows a lot, we plow first so we don't actually use a ton of salt. But as of right now, we're not here to ask for more money so we're going to try and ride it out to the extent that we just get massive winter storms in the next three weeks, you may have me asking for some emergency assistance at that point. I'm going to hedge my bets as this point and to answer the question is, currently we're going to try and ride it out but if I have to have it, I'll be back.

Legislator Nazzaro: We're in better shape than you thought we might be at this point. We're done. Thank you Mr. Chairman.

Chairman Hemmer: Anything else under “other”?

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

Unanimously Carried (4:46 p.m.)

Respectfully submitted and transcribed,
Kathy Tampio, Clerk/Lori J. Foster, Sr. Stenographer