

Agenda

Planning & Economic Development Committee

December 12, 2018, 6:00 pm, Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (11/14/18)
- C. Privilege of the Floor
 - 1. Proposed Resolution- Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake
(Tabled in Legislature on 11/28/18)
 - 2. Proposed Resolution- Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding
 - 3. Proposed Resolution- Establish Chautauqua County Sewer Agency Pursuant to Article 5-A Of the County Law
 - 4. Proposed Resolution- Amend Capital Budget for New York State Department of Environmental Conservation Water Quality Improvement Project Grants
 - 5. Other-

**CHAUTAUQUA COUNTY
RESOLUTION NO. 263-18**

DWM 11/16/18
ABC 11/16/18
KMD 11/16/18
KLC 11/16/18
GMB 11/16/18

TITLE: Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello and Legislators Mark Odell, Lisa Vanstrom and Pierre Chagnon

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, excessive amounts of aquatic vegetation, high water levels, and wind conditions have resulted in a large deposit of aquatic vegetation and a fish kill in Burtis Bay on Chautauqua Lake; and

WHEREAS, Chautauqua County recommends a remedy whereby the aquatic vegetation and dead fish are removed and disposed in the Chautauqua County's Ellery Landfill, thereby mitigating potential environmental degradation and human health concerns if the aquatic vegetation and dead fish were allowed to remain and decay in Chautauqua Lake; and

WHEREAS, the Chautauqua Lake Association has the capacity to remobilize its fleet of specialized lake maintenance equipment and the manpower to implement the County's recommended remedy, and has provided a proposal to effectuate the remedy at an estimated cost of \$73,870; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$229,882; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$73,870 from the 2% Occupancy Tax Reserve to the Chautauqua Lake Association for removal and disposal of aquatic vegetation and dead fish from Burtis Bay on Chautauqua Lake; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway \$73,870

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$73,870

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Legislature Tabled 11/28/18

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM-11-20-18
ABC 11-26-18
SMA 11-26-18
KMD 11/26/18
KLC 11/27/18
GMB 11/27/18

TITLE: Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello and Legislator Pierre Chagnon:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek, are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, pursuant to Resolutions 106-16, 266-16, and 282-17, Chautauqua County retained the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects, and obtaining federal funding during 2016, 2017, and 2018 at a cost not to exceed \$15,000 each year; and

WHEREAS, NEXUS's activities in 2016, 2017, and 2018 helped increase Federal funding for maintenance dredging in the draft recreational harbors in Barcelona and Dunkirk, authorized feasibility studies for flood mitigation in Silver Creek and Sunset Bay in the 2016 Water Resource Development Act (WRDA), and authorized a feasibility study for the Environmental Restoration of Chautauqua Lake which was included in the 2018 WRDA; and

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

WHEREAS, Chautauqua County desires to extend its agreement for professional services with NEXUS throughout the 2019 calendar year at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC’s annual 2% allocation and Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost from the 2% Occupancy Tax Reserve; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$204,882; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County’s interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC’s annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Waterway \$10,000

;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$10,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

DWM 11-27-18
ABC 11-28-18
SMA 11-28-18
KMD 11/28/18
KLC 11/28/18
GMB 11/29/18

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Establish Chautauqua County Sewer Agency Pursuant to Article 5-A
Of the County Law

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, pursuant to Resolution No. 104-15, the Chautauqua County Legislature established a Chautauqua County Sewer Agency pursuant to Article 5-A of the County Law to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the expansion of the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and the Sewer Agency completed its evaluations and recommendations in 2017 for the pending first extension of the SCCLSD; and

WHEREAS, the Hamlet of Findley Lake and the Town of Mina are important economic and cultural assets in Chautauqua County; and

WHEREAS, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency issued the 2008 Total Maximum Daily Load (TMDL) for phosphorus in Findley Lake, which attributed the large number of failing and inadequate septic systems that surround the lake as the primary cause of excessive concentrations of phosphorus in the lake; and

WHEREAS, the TMDL recommends a management strategy for septic systems where “the formation of a sanitary sewer district and the discharge of wastewater outside of the watershed is essential to achieving the (phosphorus) load reductions”; and

WHEREAS, pursuant to Resolution No. 163-18, the Chautauqua County Legislature authorized \$9,000 from the 2018 2% Occupancy Tax allocation for the Chautauqua County Sewer Agency to fund the expanded scope for the Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant to determine the feasibility of accepting wastewater flows from the Town of Mina; and

WHEREAS, the Village of Sherman contracted with Barton & Loguidice, P.C., who developed a Preliminary Engineering Report for a Regional Wastewater Treatment Plant Alternative in November 2018; and

WHEREAS, the Preliminary Engineering Report recommends upgrades to publically-owned treatment works (POTWs) in the Village of Sherman and the extension/development of sewer infrastructure to replace existing septic systems in the Town of Mina and the Town of Sherman; and

WHEREAS, the next step in the process towards implementing the project is to reactivate the Chautauqua County Sewer Agency which will be tasked with making recommendations to the County Legislature regarding the formation of districts and other pertinent issues; and

WHEREAS, Article 5-A of New York State County Law authorizes the County to create a County Sewer Agency to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the creation or expansion of County sewer district(s) as may be necessary and in the best interest of the people of Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County Sewer Agency is hereby reactivated pursuant to Article 5-A of the County Law; and be it further

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

RESOLVED, That the reactivated Chautauqua County Sewer Agency shall consist of seven (7) members to serve without compensation, as follows:

1. Two (2) County Legislators appointed by the Chairman of the County Legislature;
2. Three (3) elected officials representing the municipalities proposed to be included in areas that will be upgraded with sewer infrastructure, to include the Supervisors of the Town of Sherman and Town of Mina and the Mayor of the Village of Sherman, and their successors in office; and
3. Two (2) members appointed by the County Executive.

; and be it further

RESOLVED, That it is the intent of the Chautauqua County Legislature to review the makeup of the membership of the Chautauqua County Sewer Agency as later phases of the County's future sewer projects are developed.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

DWM 12-4-18
ABC 12-4-18
SMA 12-4-18
KMD 12/4/18
KLC 12/4/18
GMB 12/6/18

TITLE: Amend Capital Budget for New York State Department of Environmental Conservation Water Quality Improvement Project Grants

BY: Planning & Economic Development and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 46-15 and 47-15, the Chautauqua County Department of Planning and Development (“CCDPD”) was awarded a grant from the New York State Department of Environmental Conservation’s (“NYSDEC”) Water Quality Improvement Program (“WQIP”) – Round 11 for environmental restoration projects (“Projects”) intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of streambanks on Dewittville Creek and Steinhoff Run; and

WHEREAS, CCDPD was awarded \$132,750 for the Projects through the WQIP grant with a requirement for \$87,500 local funding participation to finance the remaining portion, as shown in the table below:

NYSDEC Water Quality Improvement Program Grant				
Streambank Name	Total Project Cost	NYSDEC-WQIP Funding Received	Commitment of Local Matching Funds	Other Sources of Local Match
Dewittville Creek	\$107,100	\$62,100	\$0	\$45,000
Steinhoff Run	\$113,150	\$70,650	\$0	\$42,500
Totals	\$220,250	\$132,750	\$0	\$87,500

and;

WHEREAS, the local funding match for the Projects includes previously expended funding from the 2% Occupancy Tax in the amount of \$80,000, and in-kind services of the Watershed Coordinator in the amount of \$7,500; and

WHEREAS, pursuant to Resolution 77-15, Chautauqua County determined that the Goose Creek and Dewittville Creek Streambank Stabilization Projects will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, issued a negative declaration; and

WHEREAS, the Watershed Coordinator will provide administrative oversight, including requests for reimbursement of eligible expenses through the NYSDEC’s WQIP program, the Chautauqua County Soil & Water Conservation District will manage the Project, and the Chautauqua Watershed Conservancy will provide public outreach and education for the Project; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2018 Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:
H.8020.37979.4Contractual - Water Quality Improv Proj (2016) \$220,250

INCREASE CAPITAL REVENUE ACCOUNTS:
H.8020.37979.R395.9WQI NYS Aid--Water Quality Improvement Program Grant \$220,250

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date