

Minutes

Public Facilities Committee

June 14, 2021, 5:00 p.m., Legislative Chamber and Virtually by Zoom

Livestreamed on Chautauqua County Facebook Page

Gerace Office Building, Mayville, NY

Members Present: Hemmer, Davis, Gould, Scudder, Nazzaro

Others: Ames, Riley, Cummings, Almeter, Dennison, M. Henry, Bentley, Chagnon, Abdella, Starks

Chairman Hemmer called the meeting to order at 4:01 p.m.

Approval of Minutes (5/17/21)

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

Unanimously Carried

Privilege of the Floor

Chairman Hemmer: Is there anyone here to speak to the privilege of the floor or any written comments?

Deputy Clerk Ames: No, we have received no comments for privilege of the floor. We do have somebody in person to speak to the privilege of the floor.

Chairman Hemmer: O.k., the person who's wanting to speak, please introduce themselves, their name, address, and what your comment is about.

My name is Dan Larish, I'm at 10148 Patterson Lane, Fredonia, N.Y., Town of Portland actually. I'm the Chairman of the Portland/Pomfret/ Dunkirk Sewer Board and we'd like to address as a board the concerns about the upcoming vote that you may be considering on the consolidation of sewer boards. I have a letter here from April 30, 2021 that I would like to read into the record. It's to the County Executive, Paul Wendel, Jr. Chairman Pierre Chagnon, County Legislators Kevin Muldowney, Robert Scudder, and Mark Odell. The three Legislator are our three representatives for our district where the sewer district that I'm speaking on behalf is located. This is from the Portland/Pomfret/Dunkirk Sewer Board District regarding the Sewer Districts Consolidation.

Gentleman: At the April 27th meeting of the Portland, Pomfret, Dunkirk, (PPD) Sewer Board we discussed at length the materials and information provided by Mr. Wendel and Mr. Chagnon at the March 10th meeting in Mayville. We have many concerns.

- 1) Although the three sewer districts – North, I'll represent ours as PPD, and Industrial share certain commonalities, each have a unique histories and issues which are not known nor understood by the other two.
- 2) The districts as currently constituted would produce a board of 17 members which seems unwieldy. Over time a smaller board could be achieved through attrition, but there is then the question of equitable representation. With only 500 users in our district, will we be fairly represented over time?
- 3) Currently meetings of the PPD often run in excess of two hours as we deal with very specific issues affecting the three different sectors within our district. In a consolidation we could be looking at meetings running into six hours long where potentially two thirds of the meeting could be devoted to items that we feel uncomfortable or unqualified to discuss because they do not pertain to our specific district.
- 4) The advisory boards described in the March 10th handout cover entities that are largely funded by the County; not so with sewer districts which are self-funded through our user fees. Our concern is who will be calculating any change in the rate structure in the future especially if and when board member numbers contract. Currently six of the seven board members are also customers of the district and as such, we have a vested interest in the specific issues of our particular district.
- 5) This is a huge one as far as I am concerned personally as the Chairman having negotiated with Fredonia in the past three years for contracts for sewage. Throughout its history the PPD has contracted with the Village of Fredonia to process its sewage. A few years ago several board members worked long hours to negotiate a new equitable contract. If our representation on a consolidated board should decrease over time, we have concerns as to who will be negotiating the new contract when it comes due.
- 6) One of the stated benefits in the handout was that instead of three budgets there would be one consolidated budget. Yet at the meeting we were assured that there would be no commingling of funds that all revenues and expenses would remain with their respective district. We cannot see the cost savings when you must still keep separate ledgers for each district. Budgets which are already difficult to digest will be made increasingly challenging to decipher. How will we determine the economic well-being of each individual district?
- 7) PPD is unique in that it is the only sewer district not connected to Lake Chautauqua. To us this physical distance is significant.

In the course of our discussions we learned that many of the same issues that we have outlined above were expressed by the other two districts at their respective meetings. In light of what we feel is essential that representatives from the three districts get the opportunity to meet and share our mutual concerns. It is our understanding that the County is looking at a target date of June 30th for consolidation to happen. Considering the concerns that we have outlined here, we are months, not weeks, away from any workable consolidation. Yours truly, Chairman Daniel

Larish, Vice Chairwoman Sally Kuzon, Members; Paula Coats, Kristian Lovern, Richard Purol, Donald Swingle, Marlene Webster.

I would just like to point out that this letter was sent back on April 30th to the people I said earlier, County Executive, Chairman of the Legislature and our three County Legislators. We have since met with our County Legislators in the district, two of the three and one could not make it for other schedule reasons and had some discussion with our County Legislators but to this date, we have not heard from the County Executive or the Chairman of the Legislature on our concerns. To go forward with the resolution to not only consolidate three sewer districts but also to make us an advisory board, that was not really spelled out in what I just read to you because it was only touched on at the March meeting. I was on Zoom like you guys are now but there was people here so I'll call it the Zoom meeting for me and that Zoom meeting was touched on at the last few minutes of the meeting that they held back in March. They being the Executive and the Chairman with sewer board members present. They only briefly touched on that it would be an advisory board. Advisory board from what I know of them through research are boards that quite frankly and I don't want to disrespect anybody on an advisory board but they are fairly powerless. They are suggestions to whoever the Director is and/or who is in charge of that department. They will make the final decision. I am sure with the Legislature but they will make the final decision from a County perspective. The sewer boards and I'll speak for PPD because I can't talk on the other sewer boards because I don't know them, is, unique in that we use no tax payer money. This is all user fees from our clients and our three towns that are on this sewer district that pays and funds this operation. To take that seven or eight people, we have 7 people on our board plus the Director to take that decision making away and put it really into one person, I think is going to be very non-cost productive. We're not going to see our costs go down, they are going to go up. Nobody is going to spend that time with the Village of Fredonia negotiating a good contract and a contract that we saved almost \$80,000 with a new contract versus the old when we did it. The Village – we would have had a substantial increase and I don't think that would have been borne out and that is our number one expense. Our second expense is administrative and we are trying as we look down the road, we're trying to do things that make sense as sewer boards. Director Scott Cummings has done a good job of bringing back to us the things where the North Chautauqua Lake Sewer District and our PPD can comeingle things. For example, purchase orders, the engineering stuff, stuff like that where we can comeingle and make sure everybody is trying to do along the same – consolidate that way. But to physically consolidate us, we think without really looking into it, we have a person on our board that has done this for many, many years and they don't know of one model out there where it's County run where they are putting them all together. She really researched and that's what she did for 30 years, before her retirement, with the Village of Williamsville and also with the City of Batavia. Unfortunately she couldn't be here today because she's got an infection and hand injury so she's laid up otherwise she'd be speaking too. But, what we propose here is that we get those sewer (*inaudible*) together and put our thoughts together, identify the issues that will come up because there is no model out there that shows how this is going to run. I don't think it's wise that we take and throw three districts together and try and run it on a day by day basis without some type of model in there. So, thank you for your time. If permissible, I would like to turn it over to one of the members also, Paula Coats.

My name is Paula Coats. I live at 10432 Bay Shore Drive, Dunkirk, New York in the Town of Pomfret. I'm a member also of the PPD sewer district. Just to reiterate some points that

Dan made. I think one of our largest concerns was that we were invited to a meeting on March 10th where this was rather sprung on us, an idea that they thought it would be a good idea to consolidate, apparently consolidate the boards, not necessarily consolidate the sewer districts because we were assured at that meeting that all the funds, the revenues and expenses from our particular district would remain in our district but somehow they would be all collapsed into a single budget and we're at great pains to understand how that is going to work if you are not going to comingle funds. We're not saying that some consolidation is a bad idea. Our biggest concern is that there seems to be very little direction indicating to us what this would look like, how it might function and we think we need a little direction from (*inaudible*) before this is just sprung upon us to say, o.k., here it is, now you figure it out and that's how we're feeling right now. So I think it needs a lot more study rather than just being pushed through. I think they had this goal of having it happen by June 30th and I think that is rather a misguided goal at this point. So we hope that you will give some consideration to may be putting the brakes on this. Thank you.

Chairman Hemmer: Thank you for your comments. Is there anyone else to speak? O.k., seeing no one else for the privilege of the floor we'll move onto the first resolution.

Proposed Resolution - Designating the North Chautauqua County Water District as the
Administrative Head of the North County Industrial Water District
No. 1

Chairman Hemmer: Is there anyone here to speak to this resolution?

Mr. Abdella: Mr. Chairman, I could speak to it. I think I'll speak to really both resolutions in a way because they are related. Just to give a little bit of a history, the County water and sewer districts, just as a background, are created by the County Legislature and they are direct agencies of County government. They are not separate legal entities. In that regard, the County Legislature remains responsible for really approving most of the primary actions of the districts which include the charges to be made to the district customers, approving the annual budget, approving all capital projects, approving all borrowing by the districts and actually the borrowing is in the name of the County and enjoys the full faith and credit of the County behind it above and beyond the resources of the district properties. The districts are subject to all County policies and procedures approved by the Legislature including procurement, including the all employee compensation and employee benefits and subject to the collective bargaining agreements approved by the Legislature. I guess to just sum up, there is substantial oversight and responsibility by the Legislature for the districts they are equivalent really of departments of County government albeit funded by the residents of those districts who are within the charged areas. The County law provides for there to be an administrative head or body who's to act, in essence, the equivalent of the department head overseeing the day to day operations of those districts. So as I described, the administrative head makes recommendations to the Legislature on that list of items I referenced but does not in of itself have the final say over those items. The administrative head does have the ability to enter into contracts within budget appropriations similar to a department head. I think the question before you in these instances is and to reflect

some of the comments by the speakers, this is not a consolidation per say of the districts and at this point, what's proposed in the resolutions is they remain separate districts but you would be altering the administrative head. In the case of the two water districts, you would be having the water district that now – the board for the North County Water District, Chautauqua County water district, which involves the distribution to several northern municipalities, also have that board become the administrative body that is the board for this much smaller North County Industrial Water District. So in that case, the change that we'd be making would be having that board remain as the administrative head of those two districts but it would be a combined board in that case. One of the members from the North County Industrial Water District, Brian Purol, mentioned in this resolution, would be added to the North Chautauqua County Water District.

By comparison, in the case of the PPD, North County Industrial Sewer District and then the North Chautauqua Lake Sewer District, and then in the case of the South & Center Sewer District, the boards for those four entities as mentioned what is proposed in this resolution would become advisory and the actual administrative head would become the two individuals who are the current Executive Directors and that would be Scott Cummings for PPD, North County Industrial Water District, and North Chautauqua Lake Water District, sewer districts in this case, I'm sorry and then in the case of the South and Center Sewer Districts, Tom Walsh. I think that the and certainly, it's up for discussion and happy to have a discussion but part of the concern at this point is not that the existing boards do not provide great value in terms of many of the things mentioned and that's why it's strongly desired to have them continue just as they are now, albeit in an advisory capacity but, meeting on a similar frequent basis and providing constituent representation and direct line of communication to the Executive Director. But, part of the concern is that on paper, those boards are in charge of the day to day operations of these districts and what comes with that is substantial liability and yes the County provides defense and indemnification but compared to a generation ago, the number of laws and procedural requirements and policies involving contracts and employees and whatnot are really just beyond the capacity of a volunteer board to really be on top of on a day to day basis. So what's developed is and not surprisingly, the functions of the day to day operations are delegated to an Executive Director and many of the decisions that need to be made need to be made quickly and frequently and it's not just a matter of convenience but there is a real issue with whether it's practical to have boards in that position. So, I think the proposal before you contemplates I think really reflecting the reality which is you need to have Executive Directors directly reporting to the County Legislature, in charge of these districts on a day to day basis and empowered to be that administrative head similar to the other department heads of County government. But that's not in any way to undermine the value of the boards that have existed in the past and so what's proposed here is that they continue to provide the guidance that they have been doing. Again, at the end of the day, the County Legislature is responsible and must approve most all of the major actions taken by the sewer districts and those are elected officials, elected by the people that perform that role. You can't escape the fact that whether or not you have a board or an Executive Director in charge of that daily operation of that district of bringing the capital projects forward, implementing those capital projects, at the end of the day, the Legislature is responsible, is in control. I know that there can be the perception out there that County districts are separate bodies, separate legal entities from the County but that cannot be further from its actual state of affairs. So really this comes down to what degree should the management of the districts be vested in (*inaudible*) versus having it vested in an Executive Director? Now, at the beginning of the formation of these districts which is the case with North Chautauqua County

Water District where there really are not – it hasn't evolved to the point where there is staff. There is aid provided by the County Legislature, there's still in capital project construction, it has been the case that there have been boards involved in the start of the districts. In the case of South & Center, that has continued and (*inaudible*) districts for some time but as I mentioned, the concerns is, does that really reflect the practical reality? Another thing I'll mention is, we've had issues with volunteer board members being willing to fill out the annual Ethics disclosure forms that are required and we've had volunteer board members in some of these capacities resign because they don't feel as volunteers they should need to fill out those disclosure forms but those are State law requirements as are many of the ever expanding rules and regulations and policies governing County government. So, I think again, the value here or perhaps in the perspective of some of the volunteer board members is they still can provide added, very needed input to the operations of the district but they are not in the direct line of fiduciary duty for the daily operations and would not be required to adhere and provide annual Ethics disclosure forms in compliance. So that's, I guess, several of the concepts behind what's being proposed here but, certainly open to further discussions and questions.

Chairman Hemmer: Thank you very much Steve. Committee members, does anyone have any questions?

Chairman Chagnon: I think it's concerning to me that the comments that were made today are reflective of the discussion that the County Executive, the County Attorney, and myself had with the sewer district boards and their concerns that were raised about combining the boards were taken to heart. That's the reason that the resolution for the sewer districts that you have before you is not dealing with combining the boards any longer. It only deals with the administrative head of the districts. So clearly that information has not been clearly conveyed to the sewer district boards. That's something that I wanted to make clear today that the concerns that were raised about combining the boards, is a concern that we took to heart and we did not bring that forward as a recommendation in this resolution.

Chairman Hemmer: Thank you very much Chairman Chagnon for that clarification. Are there any other questions or further discussion on this proposed resolution?

Legislator Scudder: Are we just going to speak to this one or continue about speaking about both of them?

Chairman Hemmer: Well, I think that - we're on this resolution at this time so I would say probably most of our comments should be aimed at this resolution even though our public comments were aimed at the sewer districts rather than the water district, I believe. So I guess we're considering the resolution concerning the water district so I guess we should have comments about the water district resolution and then as we move on, we'll take the comments about the sewer district, alright? Are there any further comments or questions about this designating the North Chautauqua County Water District as the administrative head of the North County Industrial Water District? Hearing no further comments, all in favor?

Unanimously Carried

Proposed Resolution - Establishing Administrative Heads and Advisory Boards for County Sewer Districts

Chairman Hemmer: I guess this is the place for comments on the sewer district resolution unless we have further clarification on this resolution from Mr. Abdella or anyone, Mr. Cummings.

Legislator Scudder: I guess I'll speak to it. I did meet with the Pomfret, Portland, Dunkirk Sewer district one night and did hear their concerns. We spent maybe an hour and a half, Mark Odell and myself listening and I felt they had a lot of legitimate concerns which included, they have 512 users and I'm making these comments, I read through tonight's resolution just so everybody knows, about four times, but I read it with the voices of the people behind me speaking so it didn't all sink in like Pierre's comment that he just made so forgive me for that. But they did have questions about representation, 512 users, and I know some of these things aren't in context now because of Pierre your explanation, which I appreciate. The separate budgets, the dollar anticipated being saved, them not having their own treatment plant, rate structure. They just felt like they didn't get the information that they were looking for to make the decision at this time and while Steve said and I appreciate that we make the final say, the details have to be worked out by boards, by committees, and a lot of what's presented to myself, I'll speak for myself, there is an assumption that the work has been done and it looks prudent and detailed and I don't think any of us as Legislators dive into every particular instance that is presented to us. We just figured the good work was done. I would like to also mention that when we met with them, their relationship with Scott was outstanding. They have no problems with Scott, there was no complaints there which made me feel more comfortable as I get along with Scott also most of the time. Sometimes he takes a left turn. Just kidding Scott, I know you're here, but I can't see you right now, so that was good news. I'm not sure I can vote in favor of this tonight with the information that I have and with my head kind of spinning around a little bit trying to figure things out, but I did appreciate their concerns and like I said, I read through this maybe I'm admitting to something I shouldn't but I just didn't see all those details when I was reading through it and now it's a whole lot clearer but at least for tonight, I would be voting against this. So if any of that made sense, thank you for listening.

Chairman Chagnon: Mr. Chairman, this is Pierre if I may speak again.

Chairman Hemmer: Yes, thank you Mr. Scudder and yes, please do speak.

Chairman Chagnon: I appreciate Legislator Scudder's explaining his confusion because that just reinforces the comments that I made earlier about the misunderstanding about this resolution. So, if I might make a suggestion to the committee Mr. Chairman, I would suggest that this resolution be tabled this evening.

Chairman Hemmer: I think that sounds like a great suggestion. Is there anyone on the committee that is willing to move to table this resolution?

Legislator Scudder: I'll move to table.

Legislator Gould Second.

Chairman Hemmer: O.k., we have a move and a second to table this resolution. All in favor?

Unanimously Carried

Chairman Hemmer: It looks like we have agreed to table this resolution for the evening and we'll revisit this when we have more information.

Proposed Resolution - Increase Capital Account for the Rehabilitation of Taxiway B South (Construction) at the Chautauqua County Dunkirk Airport

Mr. Bentley: For this particular resolution, this is a project that has been completed. There were some discrepancies in the change orders that led to some concerns about the work that was done and what's proposed to be paid. This is a project that is funded 95% by Federal and State. The County's share is 5%. We have reached resolution with the contractor and the FAA such that we're agreeing to pay a total of, for additional change, we're totaling \$88,292 of which our portion would be \$4,277. Again the FAA has authorized this as well as a good resolution to the issue and I'm in agreement with that as well. With the approved resolution we'd be able to complete the funding and close out the project with the FAA.

Chairman Hemmer: Thank you Mr. Bentley. Any questions concerning this resolution? All in favor?

Carried with Legislator Scudder voting "no"

Proposed Resolution - Increase Capital Account for the Rehabilitation of Hangar C at the Chautauqua County Jamestown Airport

Mr. Bentley: This project was approved back in mid-2019 to rehabilitate hangar C at the Chautauqua County Jamestown airport. We have since gone through some design work and put this out for bid. Unfortunately the bid that came back exceeded our authorized project budget by about \$120,000. I think there's various reasons probably for that including some of the effects of COVID but again, it's largely just project costs. So this project, if you recall, was 84% funded by New York State DOT grant and the County's share was 16%, about \$172,000 of that and we were going to pay for that through various means (*inaudible*) prior resolution. So the resolution proposes to use \$120,000 of fund balance reserve for that. I'll make note of this that I think Mr. Hemmer you were at the Airport Commission meeting, this was also part of the lease arrangement with the current FBO. It was taken out of that lease arrangement cost wise, there was a cost subtracted to it. Do you remember the amount Ron?

Mr. Almeter: (*Inaudible*)..

Chairman Hemmer: I'm unable to hear Mr. Almeter.

Mr. Almeter: The lease agreement with the FBO was negotiated with a clause to negotiate a future lease amount for the hangar C once the hangar was completed and fit for use so there was not an amount in the FBO lease. However subsequent to entering into the lease agreement with the FBO we have negotiated with the FBO and they've agreed to compensate the County for \$1,000 per month for the future use of the hangar when and if it becomes available.

Mr. Bentley: Also at the Airport Commission meeting there was also expressed interest by a recent business tenant up at the airport for wanting use of that space as well. So not only the FBO would like to have it but there is other users that would like to have it which is indicating a demand for this hangar space and for the need for this project to be completed to spite the project cost increase. The other thing I would bring up for discussion as well, even if we chose not to use fund balance, I think this is maybe something that could also be funded by the American Rescue Plan money that's available to the County. It is infrastructure, has a 10 year life so I think there is potential for using that funding for this project as well. So, just to bring that up if that's to give an alternate means of potential funding.

Chairman Hemmer: Thank you very much Mr. Bentley, I appreciate that clarification and it looks like Mr. Nazzaro has a question or comment.

Legislator Nazzaro: I guess I have a comment. In all transparency, Mr. Bentley and I did discuss this resolution as well as some of the others on the agenda earlier today. I still have concerns about this resolution. As several of you may recall Mr. Hemmer and I'm sure Mr. Scudder and Mr. Gould and others will recall that I had some concerns with this resolution that was done two years ago regarding hangar C. I put a challenge to Mr. Bentley and Mr. Almeter that I would support it if they kept the project at the cost that was presented and also we could generate a revenue stream and to their credit they did provide a couple of revenue projects and so forth. In the resolution that was approved two years ago, we went back and forth and we actually lowered the actual local share to \$50,000 because we had other in-kind labor of \$48,000, revenue from timber sales on the airport property of \$65,000, salvage value of the hangar, a \$1,000, sales surplus airport property of \$7,960 so the local share actually dropped as far as cash, fund balance, down to \$50,000. Is that correct, Mr. Bentley?

Mr. Bentley: Yes and we've had timber sales, that's been completed. We were only off by a thousand or two off of that number. Completed some of the airport sales so we have fulfilled some of those promises and we do intend to complete some of the work with in-house crews still so that's still on.

Legislator Nazzaro: I will only support this if we do not use fund balance. I felt two years ago, after much discussion with Mr. Bentley, the committee, and others, I did support this and the concern that I had then was the justification for renovating. I actually went out there and did see it. I took pictures, it was in deplorable condition and I do recognize that we have about \$100,000 already in the design phase and to take the hangar down could be another upwards towards \$100,000. But I'm not in favor of using fund balance so if you can find another way, the same challenge I put forth two years ago, I will support it but if it comes out of fund balance, I will not support it. Thank you Mr. Chairman.

Chairman Hemmer: Thank you Mr. Nazzaro, I appreciate that. Any other comments from the committee concerning this resolution?

Legislator Davis: I remember two years ago, I was not on this committee but I was sitting in the back of the room during that meeting so I do have some familiarity with the original rehabilitation project that was discussed. I guess a question that I would have is this, if the original grant that was received was supposed to be 84% of the allowable cost and the cost come in at a greater value, in this case, roughly \$120,000 extra, it looks as though our local share instead of being the original 16% is actually 24% if my math is correct. I do have a bit of a problem with that because instead of DOT paying 84% of the cost, their grant amount stayed consistent and all of the excess is transferred over to Chautauqua County and I don't like seeing or hearing those kinds of numbers happen. Perhaps someone could clarify that for me but that's how I see it at this point so I do have some concerns as well.

Mr. Bentley: It's in the 4th WHEREAS clause as one of the stipulations of the grant. Any overages was to be to the County so this is not only a surprise to us in the department here as far as that these costs would be allocated 100% to the County because that was the stipulation of the original grant.

Legislator Davis: Thank you Mr. Bentley for that. The amount is the part that concerns me when our original cost was to be \$171 and then you add \$120 fully onto that, it's quite an increase in my opinion.

Mr. Bentley: I'll just say that, again, the part that I look at is just not the money but also the impact that this project is going to have. It's going to increase the revenues for the County going to the FBO. The FBO has done a wonderful job of attracting customers. At the Airport Commission, you talk to Mr. Odell or Mr. Hemmer, we're seeing an improvement in the business (*inaudible*) up in those areas, we're attracting more business, more flights, more ins and outs. This hangar space is needed. It's something that when we talk about the business plan of the airports, when we talk about what is the plan going forward, these are the types of things that we must do if we're going to just get passed talking about a study. We have to put our money where our mouths are and say, we're going to support this airport because this is what the business needs of the County are. We're seeing these companies come in and say we need the space. So by the effect by not supporting this increase, will effectively doom this project unless we come up with the American Rescue Plan money to do this. Otherwise the project will get cancelled, we'll have to tear down the hangar because it's in a state of disrepair and we will likely have to pay back any money that we think is reimbursable that we've already spent. So, I'd look at it from a service perspective much like our CARTS service or anything else. We're not necessarily here to be made whole, we do provide services for the community, for the businesses, and for the residents. Again, this is something that I would say if we're looking at the master plan of trying to continue to support the airports, hangar space is one of the more vital things that an airport has.

Chairman Hemmer: Are there any other concerns about this?

Legislator Gould: I've wasted some of my time here adding up all these resolutions we have today that are coming out of reserve of fund balance and it came to about \$300,000. My next question for Kathleen is, how much money do we have in the reserve for fund balance?

Mrs. Dennison: I believe Legislator Gould is referring to the reserve for capital.

Legislator Gould: Yes.

Mrs. Dennison: In the reserve for capital today, \$1,648,446. That's after commitments that have already been made for 2021 projects.

Chairman Hemmer: Is your math the same as Mr. Gould's math over \$300,000?

Mrs. Dennison: I have to admit, I haven't checked his math. He showed me the details, it looks pretty good.

Legislator Gould: Just \$2,000 less than \$300,000. I'm pretty good at math.

Chairman Hemmer: Yes, I know you are. O.k., it's true, it's not just this resolution that is biting into our capital reserve. Mr. Bentley, what is the chance that we will be able to use some of the American Rescue Plan money toward this project and if we were, what is the time line?

Mr. Bentley: I know that you directed that question at me, however, I'm probably not the decision maker in this room. There might be a couple of others in this room that are more apt to be able to answer that question. Pierre, Chuck, or Kathleen, want to take that on? I believe that it would be eligible but maybe Kathleen could explain how.

Mrs. Dennison: I would be happy to comment on that Mr. Chairman. Based on our current knowledge of the American Rescue Plan Act, I would say that this is an eligible expenditure. The plan indicates that infrastructure, new infrastructure or improvements to existing infrastructure can be eligible as part of the loss of revenue area of the funds. So, infrastructure is only directly allowed if it's water, sewer, and broadband but if we can prove a loss of revenue in 2020, then we can use those funds for other infrastructure investments. Our preliminary estimates of the loss of revenue, the amount is quite large and would certainly accommodate this expenditure. So based on our current knowledge, it is eligible. There currently is a committee that's formed to evaluate those expenditures, or planned expenditures of that money. No decisions have been made at this time as far as how those funds are going to be spent and the plan is that each endeavor spending those monies, would be proposed as an amendment to our existing budget, whether it's 2021 or 2022. So those amendments, those uses of funds would have to be approved by the Legislature.

Chairman Hemmer: Thank you very much Kathleen.

Legislator Nazzaro: I had a feeling that was going to be Kathleen's answer and thank you. I am part of that committee that is reviewing the uses of the American Rescue Plan so I guess I'll ask a question of Brad or Ron. What is the timetable for this? Again, I will support this

if we can find an alternative funding source. So is this something that we can table until the committee brings forth a resolution and if the committee feels we should use part of the American Rescue Plan for this that is fine but what is the timetable, does this have to be done now?

Mr. Almeter: There are a number of considerations in that question Mr. Nazzaro. With regards to the construction proposals, there are actually four general contractor proposals that go into this revised project budget because this acquisition falls under General Municipal Law 101 so we have to award four different contracts. The proposals, the bids are valid until July 5th. Beyond that, the contractor will have the opportunity to withdrawal their bids or we could recompetete and solicit new bids. The additional funds being requested, \$120,000 actually exceeds the current construction budget based on the current bids by \$30,000. So in that \$120,000, is \$30,000 of contingency. So even though we have fixed price bids, we're just at contemplating the construction phase of the project and we can't go into that without some contingency. That's why we're asking for \$120,000. If we have to recompetete, will the bids go up by \$30,000 and chew up that contingency, that's anybody's bet. We've seen a lot of inflation in the construction market and there are other factors that play in this contract including minority and women's set asides that introduce upward cost pressure on the project.

Legislator Nazzaro: Thank you Ron.

Chairman Hemmer: Yes, thank you Ron. So it's not an easy yes or no here. At least appears that way. Is that it, has everybody had their say? To me, I do sit on the Airport Commission and it does appear as though there is demand for hangar space. The attractive part of this hangar is its size of course and the cost to renovate being less than purchasing a new hangar of that same size. I do hate to spend more of our reserve for capital, that's certainly bad but is there an avenue Kathleen where we could encumber that money and then use some of the Rescue Plan money to feed it back into our reserve for capital or there is no way to do that?

Mrs. Dennison: There is a way to do that. We have already received the first tranche of the American Rescue Plan funds, have been received by the County so they are in our possession. So we have the ability to use those today. Given the discussions of the committee, the ARPA Committee so far, what would happen is that we could entertain a resolution or you could entertain a resolution to move money from that ARPA fund and put those - so the revenue would be the ARPA funds and then we could go directly - use those monies directly and increase the appropriations for this policy and essentially bypass use of the reserve. In a way it would be increasing the appropriation for the project and using - it's a Federal source of funds so it would be a form of Federal aid.

Chairman Hemmer: As far as the rest of the original money was State aid, right?

Mrs. Dennison: Correct. Unless the State has some problem with us using Federal money to supplement that project.

Mr. Almeter: There is no restriction on the use of Federal aid.

Chairman Hemmer: Is that something that the committee would like to consider as an additional clause or something in this resolution? I'm not sure exactly how you would do that?

Legislator Nazzaro: I'm just going to again, this is my own personal opinion. I'm not ready to do that and I will tell you why. We do have a committee that was appointed by the County Executive to look into the use of these funds and Legislator Gould is on that committee as well as our Chairman of course and Legislator Odell. We're still going through the list where we can – how we want to spend this and as Kathleen pointed out, the lost revenue is significant so I agree with her, there is lost revenue that we could justify this. But in fairness to the committee, I don't want to start cherry picking at this point because then what happens if we have another resolution and we'll say, oh, lets dip into the American Rescue fund for that. I think the committee, we have a great committee and we're going to come up with a recommendation for the full Legislature. I'm just not ready to move into that and I know our Chairman is listening as well as Legislator Gould is on the committee, I'd be interested to hear what they think about using that, the American Rescue fund. Not so much on the resolution itself but whether we should use the monies that we've received.

Chairman Hemmer: Thank you for that Mr. Nazzaro. I guess I certainly agree that we shouldn't be trying to make a – our committee should not be trying to make a decision or influence a decision for that committee. Anyone else have any questions or concerns about this resolution? If not then, all in favor of the proposed resolution?

Yes – Hemmer – No's: Nazzaro, Scudder, Davis

Chairman Hemmer: O.k., so we have, I didn't count the nays –

Legislator Gould: You didn't hear me did ya?

Chairman Hemmer: What?

Legislator Gould: You didn't hear me. I didn't say aye or nay. I would like to move it on to the Legislature without us voting on it.

Chairman Hemmer: O.k., Mr. Gould, so you would like to make a motion to pass it on to the Legislature without a vote.

Legislator Gould: All it needs is one person to sign it.

Legislator Nazzaro: It does go to Audit & Control.

Mr. Bentley: I mean, it will go there whether you vote aye or nay.

Legislator Gould: I'm not comfortable with taking it out of fund balance so I would have to vote nay.

Chairman Hemmer: Alright, then your motion would be to pass it on to Audit and Control committee without the Public Facilities committee giving a decision on it. Is that right Mr. Gould?

Legislator Gould: Yes, that's my motion.

Chairman Hemmer: Is there a second?

Legislator Davis: I'll second that.

Chairman Hemmer: All in favor of the proposed motion to move this onto the Audit and Control committee without a vote by our committee?

Yes – Hemmer, Davis, Gould, Scudder No – Nazzaro

Chairman Hemmer: O.k., so we have, I'm an aye and Mr. Davis is an aye and Mr. Nazzaro a nay, do we have other nays? No, we have two other ayes so that's sounds like we're looking at passing this resolution on without a decision by our committee. Alright, thank you very much.

Mr. Abdella: Mr. Chairman, we will view that last action as the action of the committee on this resolution and disregard the prior vote, given that a majority voted to move it on without recommendation. That's what we will view as the action of the committee.

Chairman Hemmer: That's very good, thank you Mr. Abdella, appreciate that.

Proposed Resolution – Reallocating Salary Grade for Bus Driver II

Mr. Bentley: Jean, do you want me to start or do you want to start?

Mrs. Riley: You can start Brad.

Mr. Bentley: This resolution is to address an issue that has come up and has been around for a while. CARTS has really had a hard time attracting and retaining bus drivers to drive our routes. There has been a lot of concerns and issues, I think last month, we've increased a number of benefited positions to help retain our bus drivers. Well this resolution is really to attract our new ones. For a point of reference, when we hire a new bus driver with a CDL license and a 1980 passenger endorsement, their starting wage is a Grade 1, Step 1 which is \$14.44 an hour. Now, all you have to do is go down the street to a Tim Horton's, look at the sign that says \$15.00 an hour and understand why we're not getting applicants here in addition to if you need to drive a bus, you can go to school, you can go to Fancy, you can go a whole number of places to get higher wages than what we give. So we are really having a hard time providing the services that we need to for the community at the rate we start this at. So this resolution proposes to increase our starting wage for initial drivers from \$14.44 up to \$16.66 an hour. I apologize in advance, I didn't get a chance to talk to Jean on the RESOLVED clause. I think there might be something that got lost in translation because we wanted to start all drivers, regardless of where they are at,

at that Grade 4, Step 3, whether they are not a partial full time benefited position or a substitute driver working less than 50% of the time. So we really need the starting wage to be \$16.66. We believe the impact in the budget is about \$100,000 annually. There is a lot of variables in there with regards to benefits and loaded costs and whatnot. But, for the first year or so, we do have CARES Act funding which will pay for this increase. After that, Michelle will need to absorb it into our budget. She has traditionally over the last couple of years come in under budget, kind of the savior for the DPF when it comes to rolling all the budgets together. So she traditionally runs under budget and has this within her capabilities to absorb this cost increase. But again, the main driver here is, we cannot continue to provide the service levels we're at without trying to get additional drivers in. We've been putting out constant requests for bus drivers, substitute bus drivers, and we'll get maybe one or two. A lot of them may not be able to pass, not qualified, don't have a CDL, just a lot of issues that are out there. Michelle has more of the history on it and I'm probably underselling it. I know we're a little short on time and I don't want to belabor this too much further. Any questions?

Legislator Nazzaro: So Brad the big question is, we have to change the resolution, correct?

Mr. Bentley: Yea, and I'm not exactly sure how to fix that because in the last RESOLVED clause, it does say limited to salary steps, 1, 2, and 3 of that grade. It probably just needs to be more, just point to anybody that's at less than 50% goes to Grade 4, Step 3. So there would be no progression from 1, 2, or up to 3.

Mrs. Riley: I don't know that we 100% said that's what we were trying to do. We're saying they don't go any higher than 3 is basically what we were trying to articulate there. The bus driver II's that are part time, stay at a Step 3, they don't go any higher.

Mr. Bentley: Correct but what I was after was starting them at \$16.66 an hour, not \$15.59.

Mrs. Riley: O.k.

Mr. Bentley: And to your point Jean, for everybody's knowledge here, for the partial full time drivers, so they are the ones that drive most of our hours, they are eligible to go from Step 3 to Step 9, so they can go all the way up to Step 9 as a partial full time driver. That's how we actually get to retain those. The ones that we're talking about drive less than 50% of the time, are consider substitute so they get called as needed. They may work 2 hours a week, they may work no hours a week, they could work 20 hours a week and they are paid no benefits. Whereas the ones that work greater than 50%, what I consider our partial full time, those are the ones that get the benefited positions. So the change that we're really talking about here, is really to the substitutes that are not benefited positions. So we at least can have an opportunity to get them in the door to at least interview them because they aren't even coming in the door these days and at \$14.44, who would, that you need a CDL license for (*inaudible*)?

Mrs. Riley: Just for comparison, the cleaners are in a Grade 2, so we hire people to come in and clean for more than we do CDL holding bus drivers. I don't know that we need to change

the resolution though Brad because it says 1, 2 and 3, it doesn't say we have to bring them in at one. You can bring them in at three.

Mr. Bentley: True, I was just trying to make it more clear so no one got confused because I didn't want anybody to be misconceived that we're going to – I'll start bringing them in at 3 because that's how we're going to attract the drivers. So, just for clarity.

Legislator Nazzaro: Brad, Jean, I just want to make sure because Brad and I talked about this earlier today. I'm all for this, but I just want to make sure we're all on the same page. My understanding Brad was all the drivers would be brought in at Step 3, Grade 4, regardless of whether you are a substitute or a partial full time. Is that correct?

Mr. Bentley: Yes, because we wouldn't want to bring in a substitute or a partial full time driver lower than a substitute. So, we're going to make that the lower bound, it's going to be the lower bound for everybody.

Legislator Nazzaro: So somewhere then, I guess I don't know why they referenced Steps 1 and 2 in the last RESOLVED.

Mr. Bentley: Well, to Jean's point, it doesn't preclude us from bringing them in at 3. I guess it provides us optionality but I would just say for full disclosure, for all the members here, our full intent is bring them in at Step 3. I guess it doesn't preclude us from reverting back. You could leave it as is and if we find enough drivers, we could always jump back and have a different discussion if you approve it as is. All I will tell you is there is no harm, no foul, but I definitely wouldn't want to mislead any of the Legislators here.

Legislator Scudder: What if Tim Horton's lowers it?

Mr. Bentley: If Tim Horton's lowers it then we need to look at that but I kind of see the wages going on direction these days. This would just be my suggestion. I would leave it as is but we have it on the record here of what the intent is and again, the \$100,000 is encompassing of going to that Step 3 as well.

Mrs. Riley: It would allow the flexibility to, if you hired somebody in and you have to train them to get their CDL, it would allow you that flexibility to bring them in maybe at a little bit of a lower rate and then when they achieved their CDL, they could go to the third step rate. Because we do say that that's in the documentation that Brad provided that could come in without the CDL and have to be trained to get the CDL.

Chairman Hemmer: Mr. Davis, did you have a question as well?

Legislator Davis: Just for clarification for me then, anybody who's at Step 1, 2, 3, or 4, would move up, from what I am hearing to a Step 3 on the Grade 4 at \$16.66, correct? So somebody that is hired in new isn't going to make more than somebody who's currently at one of those other steps?

Mrs. Riley: That is correct. Everybody has to shift.

Chairman Hemmer: Thank you for that clarification. So all of the drivers, existing drivers are going to step up to Grade 4 salary schedule?

Mrs. Riley: That is correct.

Chairman Hemmer: Alright, with all those clarifications, do we have any other questions from the committee? Seeing none, all in favor?

Unanimously Carried

Proposed Resolution – Adjust D5112-Capital Improvement Accounts

Mr. Bentley: Just to prove that I don't just come here asking for money with every resolution, this is a resolution to adjust the increases that we got in our CHIPS, Pave NY, and EWR program for 2021 from the State. It also includes the 20% holdback that the State gave us the pleasure of having last year for our 2020 budget. So, this is good news all around. Essentially we are going to increase our appropriation accounts by \$3.1 million dollars which is the work that we're going to be doing this year or trying to get as much done as we can this year. It's a large increase but I believe that we can – we have the projects and we have the manpower. Some of it will be done through contracted crews are required by the State for any project over \$350,000 for paving. So this is really good news and a way to get the budget adjusted so I can spend it. But this is reimbursable accounts from the State and I have no reason to believe that they are going to withhold any money this year.

Chairman Hemmer: It does sound like good news. Any questions from the committee concerning this? All in favor?

Unanimously Carried

Proposed Resolution – Request Funding for Repairs to Heating and Cooling Systems at MMB and GOB

Mr. Bentley: These are two projects that went to the Planning Board as part of the capital projects request for this year. These are two projects that we're being asked to advance, to be done this year before, especially the heating system, before heating season begins. There is some serious maintenance issues and it went through a lot of discussion at the Planning Board, what that was. The Planning Board voted in favor of recommending that these things be funded so the work could be done, this is important work. For the sake of time today, it's basically \$25,000 for the rooftop heating and cooling plant at the Mayville municipal building and \$20,000 for the GOB repairs. So basically where you come in the entrance, we had a hard time keeping that heated last year. The Sheriff Officers out there to no end would tell me how cold it is. Once it got so cold the system could not keep up. We have identified some design issues, there is also some failed valves that need to be replaced (*inaudible*). We believe that being worked on, it will resolve the issues. So this is again part of Jay's calculation, just about \$300,000 request for

capital but again, it's gone through the Planning Board and they did make a motion to approve this for 2021 funding.

Chairman Hemmer: Any questions from the committee?

Unanimously Carried

Chairman Hemmer: That completes the resolution on the regular agenda. We do have some late resolutions. I think these are all your resolutions Mr. Bentley. Are all of these time crucial, do we need to consider all these this evening?

Mr. Bentley: I would say yes but I can make them brief.

Other

Proposed Resolution - Adjust D.5112 Capital Improvement Account-Funded Roads

Mr. Bentley: This is in recognition of a permit that the DPF just issued to Ball Hill Wind Farm to perform the construction of the wind farm out in Villenova. It's in recognition of the (*inaudible*) and expected damage that they be causing to Ball Hill Road. We estimate the repairs will cost us about \$722,100. This is in line of how we treated the other two wind farms and again, our data point is from our first wind farm. We collected about \$900,000 from them and our actual cost to repair the roads was about \$880,000, so we were not that far off. We believe these estimates are protecting the County's interest and are real as far as reality to get the work done. So this would be to accept the check amount of \$722,000 and put that into our funded roads so when they are done with construction, we can go back and repair the road.

Chairman Hemmer: Thank you. Any questions concerning this resolution? I have one. Is this, are we limited to this amount of if we go over that in our repairs, is there any capability of going back to Northland Power and asking for more or is this our limit?

Mr. Bentley: I'll answer the question yes or no. If nothing changes, yes, that is our limit or we find out that they drove more trucks or heavier trucks or went on a different road than they were supposed to, they are very limited in what they can do and where they can go on Ball Hill. As a matter of fact, they can only drive the southern section of the road. If I find out that they are driving on the end that goes to Forestville, we will be having a discussion for the damage. I will certainly be asking them to make reparations for whatever damage may be out there. So we do reserve our right to ask for more money if the circumstances change but we are basically projecting that the road is going to be either (*inaudible*) recycle, which is one of the more costly repairs to the roads and for that matter, its well justified. When you bring that many gravel and concrete trucks, what happens is you tend to rut the road and you basically have to dig it out. You can't just patch it out. So, we feel that our cost that we represent to the wind farms is representative of the expected damage and I don't see that damage going any further than that. If

it goes beyond that, I don't think that anybody is going to be driving on the road. I feel comfortable that we're good there.

Chairman Hemmer: Thank you. Any other questions?

Unanimously Carried

Proposed Resolution – Request Funding for DPF Sheridan Shop Fuel System

Mr. Bentley: This is urgent because we have received a DEC violation notice on our fuel system up in Sheridan. The short history is, this was built 5 years ago. In between the time the design was made and the facility was constructed, the regulations changed and apparently we needed an overfill tank on the diesel tank and that did not get done. They just now decided that it's worthy of a violation notice and that we're going to have to fix it and we're shut down, our fuel shop. We provide fuel to not only County vehicles but also the school buses and other entities up there. So, it's in our best interest to get the repairs done. We got a quote from one of the contractors to do the work which is essentially take the unleaded gas tank that is in the big tank, which is a 2,000 gallon tank, make that the overfill and we put in a brand new 2,000 gallon unleaded tank next to it. Quote was about \$70,000 and I got \$5,000 of contingency in case it runs over but this is something that we're going to need to fix or we'd be subject to some pretty hefty fines from the DEC. I think our options are very limited at this point.

Chairman Hemmer: O.k., anyone have any questions concerning this resolution?

Legislator Gould: Five years ago, was that our responsibility to fix that or was it the person who was running the airport then?

Mr. Bentley: It's not the airport, this is up at the Dunkirk Highway shop.

Legislator Gould: O.k, but aren't they both connected, almost?

Mr. Bentley: No, they are different fuel systems. One is jet fuel and this is diesel and unleaded gas. This is right next to the Dunkirk highway shop. The engineer probably should have but I don't know even going back if they (*inaudible*). Five years is a long time to try and go back and (*inaudible*) something.

Legislator Gould: I was just curious why.

Mr. Bentley: They just missed it. They changed the rules in the middle of the design and construction. So the design guy handed it over says I'm done and then he already did it and the inspector even said the DEC was short sighted. They didn't catch it for what, five years. What is up with that? But they gave us a nice written notice now to go do something.

Chairman Hemmer: Thank you for that explanation. Any other questions from the committee?

Unanimously Carried

Proposed Resolution - Request Funding for DPF Sherman Ship Fuel System

Mr. Bentley: The reason I would like to get this one going is, it's a project that was previously approved but we're going to put it in a new location. Our bid amount that we got back was about \$300,000 more than what the project was authorized for. So we went back and redesigned it to kind of keep it in place but to get rid of the underground portion and reuse the existing site as much as we can. We believe that we can get this done for only an additional \$39,230 above the existing project amount of \$305,000. We'd like to get this going because our tanks are about 20 years old, they are underground, they are going to require additional inspections and it's not necessarily the tanks that are the issue, it's the piping, it's all underground and if that starts leaking, if there are any issues, we can be on the hook for environmental damages so, I'd really like to get those tanks out of there and go forth with the project. It was proposed as an above ground fuel system with a tank. I think this is a good outcome to a bad response from the bid. I also checked around with a lot of other counties for how much their fuel system was costing them and they are on the order of \$6 to \$800,000 for something that was similar, brand new. So the fact that we're reusing what we have, I believe is a prudent use of our funds to get this down where it is at. I think we've come up with a good *(inaudible)*... These would be the last underground tanks that we have in Chautauqua County *(inaudible)*. This would complete the mess.

Chairman Hemmer: Any questions?

Unanimously Carried

Proposed Resolution – Amend 2021 DPF Road Machinery Budget due to Fleet Management Services

Mr. Bentley: I'm going to try and cut this discussion short as I can. But as you know, we have agreed to lease vehicles from Enterprise. The program has been working well due to the favorable values of the used cars and our return leases. We have been able to capitalize our returns in one year so Enterprise has put forth together a spreadsheet to potentially expand the program and do it for all vehicles Countywide. I do believe there is some merit in potentially going after the whole enchilada here. I'll give you some round numbers and again, maybe this is more for Audit & Control anyways but I'll just say the vehicles that we can trade in because of the strong used car market, let's say on order of \$400,000. We had 40 vehicles turned in at \$400,000, again, those are round numbers, they are going to change. The replacement lease cost of those 40 vehicles, the four year least cost would be about \$800,000, which I would consider a pretty good deal considering a number of those are 2011 vehicles. Things that are in need of

replacement or repair. So my options are going to be continuing repairing old vehicles and keep asking for capital reserve money to replace those vehicles and as we talk about here, that's very protective money, everybody wants to protect that. Or, we can try and roll this thing through the operating lease realm and one of the options could be to sell the existing fleet of vehicles that we own and use that to lower our lease payments such that, essentially by my math and everybody's math, we cut the lease payments in half. So, what I would propose is smoothing the budget, if you will. If over the next four years our lease payments would have been \$200,000 a year, smooth it out to be a \$100,000 a year with the sale of the equipment. There is a lot of different ways we can go after this if it's chosen to do so. I want to make the Legislators aware that this option is available and the time sensitive nature of this is really the order cycle that's going on right now in the industry. For example, I'm currently going to ordering some replacement vehicles for currently leased vehicles. If I order it by Friday, I can get it in, in six months. If I wait another week, it will be a year. So the time to jump on these leases and get this stuff ordered is now. I think these discussions need to happen relatively quickly or else we may waste an opportunity to sell our vehicles at kind of the height of the used car market. So, I'm interested in hearing feedback from any Legislator. The resolution was written with a different approach than what's here but I wanted to lay this out there as an opportunity to see what everybody thought. My personal recommendation after thinking this over for the past couple of days is to go after it and replace the fleet.

Chairman Hemmer: Thank you so this resolution that you have here is not aimed at replacing the fleet, is it?

Mr. Bentley: *(Cross talk)* whether a resolution is even needed and so I think Kathleen is raising her hand.

Mrs. Dennison: If I might comment. When Brad and I worked on this resolution, I was under the impression that each lease required a purchase order for at least a year's worth of lease payments so we would need some money this year to even ask for the leases for next year. We found that out after writing the resolution that is not the case. We just pay for the leases one month at a time so we don't really need to amend the budget to move forward with an expanded lease program but as Director Bentley indicated, he wanted to have a discussion with the committee. I might propose given the lateness of the hour that we, at this time, withdrawal this resolution and consider having a discussion on this topic at the Audit & Control meeting on Thursday.

Chairman Hemmer: I'm in favor of that. Committee, how do you feel about that?

Legislator Nazzaro: Just for clarification, this resolution just reflects the difference between what we budgeted and what we need, is that correct?

Mrs. Dennison: Not exactly. We do not have it in the 2021 budget, we do not have anything in the 2021 budget for additional leases for 2022. At the time we wrote this resolution, we thought we needed to authorize spending now for 2022 leases and that is not the case.

Legislator Nazzaro: Fifteen thousand is such a small amount. I think, at least on my part, where the confusion is. What does that represent? How many vehicles?

Mr. Bentley: At the time we wrote that, I was going back and forth whether we do all the vehicles or just some. So, what that amount was, was probably about 6 or 8 vehicles worth of advance payments. It was a placeholder amount until had all the vehicles that we were going to do. That was really just a placeholder number. It really boiled down to whether or not we want to lease vehicles going forward or we want to repair them or we want to buy them outright going forward. I wanted to get input from the Legislators because I did not feel comfortable making that decision in a vacuum, especially of that large quantity impact.

Legislator Nazzaro: So this represents the advance payments for 2022?

Mrs. Dennison: Yes, on a limited number of vehicles and as Brad said, after further reflection, we're thinking that it would be prudent to lease a larger number of vehicles so if we had to authorize the payments today for a lot of leases for 2022, yes, this number would be a lot bigger.

Legislator Nazzaro: So really the question is, the, I don't want to call it the policy, but, do we want to move forward leasing the entire fleet and Brad is just making this transparent to say he can do that but he wants to keep the Legislature informed of what is happening. Once you lease, it's like if you lease a personal vehicle in your own life, then later on you decide to buy a vehicle, that's a large capital outlay because now you don't have – you've been leasing. So, I'm open to having a discussion on this in Audit & Control whether we want to move forward with leasing the entire fleet.

Mr. Bentley: Really what I am looking for Chuck is, when we put in the order to order the vehicles when we commit, because once you have that slot, that production slot, Enterprise is going to hold us to it. So, it's when I order the vehicle and so that is now and so I'm really looking for some input and guidance that this is what we need to do and that everybody is on board with it. Otherwise we'll – again, why is it important now, it's because it's right in the window of the manufacturing year is changing and they are telling me that if you order it today, you can get it in 6 months, if you order tomorrow, you can be 16 months out. It's just that bad.

Mrs. Dennison: This is something that normally would be part of Brad's 2022 budget request but we can't wait that long to make a decision.

Mr. Bentley: Not without missing an opportunity.

Chairman Hemmer: Mr. Bentley, are you going to provide your case in a number of different ways to the Audit & Control committee so they can make a good decision on this?

Mr. Bentley: Yes, we have a follow up meeting with Enterprise on Wednesday and I have the spreadsheets they sent me today. They are revised, I have to go through the math, but, again, when I say the whole thing there may be some limited vehicles that may be Mental Hygiene or Emergency Services, they don't want to join the program. I see the benefits. My vehicles that I trade in have high residual values, theirs may not be in that boat so there could be some reasons why they don't want to participate. From my perspective, at this point, you will never see a used car market like this in a long, long time. Once the flood begins with the new cars and the chips, it will eventually come off so we have a window if we start now. Again, I'm talking the trade in of the starting of the leases are occurring in 2022 because that's when we would get the vehicles so we could be mid-year before we even see any substantial leases going forward but I have to commit to the order process now. That is what Enterprise is telling me. That's the dilemma.

Chairman Hemmer: Thank you for that explanation. Any other questions concerning this?

Legislator Nazzaro: So I just want for clarification again, so Brad, once you meet with Enterprise and to Mr. Hemmer's point, come to the Audit & Control committee with more information, this number here is most likely going to change, could change significantly, is that correct? Depending on how many orders you put in.

Mr. Bentley: Well, it may change all together because I'd like the proposal to withdrawal the resolution because we may not need a resolution because the only authorization I'm really doing funding wise is ordering. That's not changing anything in the 2021 budget and since the 2022 budget has not been approved, there is nothing really to change in that arena. So there is no real resolution that is needed to change funding.

Legislator Nazzaro: So Mr. Hemmer, I will make motion to withdrawal this resolution based on all the information we just heard.

Chairman Hemmer: That sounds very wise. Thank you Mr. Nazzaro, do I have a second?

Mr. Abdella: I think that it would be a motion to move the resolution on without recommendation because it's a County Executive's resolution. So the committee can't really withdrawal it.

Legislator Nazzaro: Then I will make a motion to move this resolution without action, is that what we're doing?

Mr. Abdella: Move it on to Audit & Control without recommendation.

Legislator Nazzaro: O.k., move it on to Audit & Control without recommendation. That's my motion.

Legislator Scudder: Second.

Chairman Hemmer: All those in favor?

Unanimously Carried

Chairman Hemmer: I believe that completes the agenda that I know anything about. Does anyone else have anything for this committee to consider?

Legislator Davis: I will make a motion to adjourn.

Legislator Nazzaro: Second.

Unanimously Carried (5:52 p.m.)

Respectfully submitted and transcribed,
Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer