

Minutes

Public Facilities Committee

**July 19, 2021, 4:00 p.m., Rm #331**

Gerace Office Building, Mayville, NY

**Livestreamed on Chautauqua County Facebook Page**

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

Others: Tampio, Ames, Chagnon, Abdella, Dennison, Green, Bentley, Cummings

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

Approval of Minutes (6/14/21)

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

*Unanimously Carried*

Privilege of the Floor

Chairman Hemmer: Is there anyone here to speak to the privilege of the floor?

No one chose to speak at this time.

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TABLED Resolution – Establishing Administrative Heads and Advisory Boards for County Sewer Districts (Tabled 6/14/21)

Chairman Chagnon: Mr. Chairman, if I might join you.

Chairman Hemmer: Yes, thank you.

Chairman Chagnon: Mr. Chairman, my recommendation based upon the fact that the next proposed resolution is dealing with the membership of the North Chautauqua Lake Sewer District Board and the Portland-Pomfret-Dunkirk Sewer District Board, that in my humble opinion, we should continue to leave the first resolution on the table and let it die and that the second resolution will take care of the concern going forward. So if you would like to discuss the second resolution before you come to a conclusion as to what to do with tabled resolution, I'd be happy to do that.

Chairman Hemmer: Yes perhaps it would help if we had that information.

Chairman Chagnon: O.k., this deals with amending the membership of the North Chautauqua Lake Sewer District Board and the Portland-Pomfret-Dunkirk Sewer District Board expanding both of the memberships of both of those boards by one so that we can appoint a Legislators to each of those boards. The concern has been that the Legislature which is fully responsible for those sewer districts has not been represented on those boards for several years. So rather than take the action that we're pursuing or we're proposing in the tabled resolution, we've decided to go this different direction by appointing a Legislator to each of those boards and then I will be meeting with both of those boards and explaining to them the concerns that we had regarding the responsibilities of the County Legislature for those districts and giving them my commitment as Chairman of the Legislature that I will be attending their board meetings as well as the appointed Legislators. So that's the direction that we are heading now. As you recall, your committee received several concerns from representatives of those district boards so this is a, if you will, a compromise approach.

Chairman Hemmer: Sounds good, sounds reasonable to me. Is this action going to become before the boards that are affected or it's just going to be –

Chairman Chagnon: They have been notified that this was the intention with the second resolution and I've received no concerns or response from them.

Mr. Abdella: That's correct, they've been notified.

Chairman Hemmer: Any committee members have any concerns or questions? O.k., in that case, I think on your recommendation Chairman Chagnon, we will not bring the proposed resolution off the table, our number one resolution and we'll move onto the resolution modify the memberships of the boards. We don't need to act on this resolution at all, right?

Chairman Chagnon: No.

Chairman Hemmer: O.k., then we'll move onto the second resolution on our agenda.

Proposed Resolution – Modification of Membership of North Chautauqua Lake Sewer District Board and Portland-Pomfret-Dunkirk Sewer District Board

Chairman Chagnon: As I explained, this is our, if you will, our compromise approach to dealing with the concerns and listed in the resolution are the responsibilities and authority of the Legislature over the sewer district boards as well as the responsibilities of the County which pledges its full faith and credit to the indebtedness of the sewer districts. We want to make sure that everyone on the Legislature and everyone on the district boards understands the responsibilities. So the Legislators that will be appointed to these boards will be responsible for making sure that those responsibilities of the Legislature are carried out.

Chairman Hemmer: Sounds good, sounds like it will clear up a lot of possible misunderstandings.

Chairman Chagnon: All set.

Chairman Hemmer: Are there any comments or questions about the proposed resolution to modify the membership of the boards?

*Unanimously Carried*

Proposed Resolution – Authorize South Chautauqua Lake Sewer District Funding Applications for West Side Extension Phase II, from Stow to Prendergast Creek

Chairman Chagnon: Mr. Chairman, I stayed up here because I'm also on the South & Center Chautauqua Lake Sewer District Board of Directors.

Mr. Abdella: I do have a minor amendment for you to consider relating to this resolution. After this resolution was prefiled the South & Center Board did have a meeting and we shared with them a copy of the resolution. There was just a few comments from the South & Center Board as far as that 4<sup>th</sup> WHEREAS clause. To elaborate a little bit further, generally the need to extend the sewerage around Chautauqua Lake so there is just a little more specific wording in there that speaks to the fact that failed septic systems have been identified as one of the sources of phosphorus input to Chautauqua Lake and then also the failed septic systems can also be a threat to the quality of groundwater resources close to Chautauqua Lake including water wells. So, presented to you as a proposed amendment would be to add the underlined language to, as I say, further clarifying elaborate that 4<sup>th</sup> WHEREAS clause.

But generally speaking which I'm sure you can see from the title or otherwise, this would be to start the path of having the County apply for funding for what is being characterized as Phase II of bringing the South & Center Sewer District extension from Stow up to Prendergast Creek. As you know or maybe have seen in the media recently, an award has been made on Phase I project to go from Sunset Bay to Stow and so this, as these things work, you have to start getting in the cue to obtain funding for future extensions so this would authorize the County to move forward in that respect. Both the District and the Executive, start looking for the funding. Mr. Chagnon may have a further comment on that.

Chairman Chagnon: I can give you a brief review of the history of this. So 8 years ago the County embarked on an effort to consider completing the public sewers around Chautauqua Lake, led us to a study, engineering study and report which identified what areas were unsewered and what plans could be made for sewerage those areas. The County Sewer Agency was then reenacted and looked at those plans and established the priority number one as the west side of Chautauqua Lake from where the South District ended at Ashville BOCES up through where the North District begins at Prendergast Creek. So, we engaged an engineering firm to do a preliminary design for that whole stretch and when we saw the cost to do that whole section, being cognizant of funding limitations from the State, we decided to break that into two phases. Phase I and Phase II. So we have been working on funding for Phase I. We got funding established for Phase I, we've now just signed a construction contract to begin the construction of Phase I. We'll have a ground breaking next month and now we can start talking about Phase II. The reason we had to wait is, that all the waste collected in Phase II has to pass through Phase

I to get to the treatment plant. So until Phase I became a reality, was fully funded and we had a contract to construct it that was within budget, we couldn't proceed with the concept of Phase II. So we're at that juncture now and fortunately we just slid in, inside the CFA funding application deadline so we're furiously putting all this together so we can submit the funding application for this CFA round for this year.

Chairman Hemmer: Sounds great. We have to have funding in order to do these projects. So what we need to do is amend this resolution so we need a motion to amend this resolution as shown on the attached papers.

Legislator Scudder: I will make that motion to amend it.

Legislator Gould: I'll second it.

Chairman Hemmer: All in favor of amending the resolution?

*Unanimously Carried (amendment)*

Chairman Hemmer: O.k., now that we have the resolution amended, are there any further questions or concerns about the amended resolution?

Legislator Scudder: Sort of a side question and if it's in here, just give me the answer anyhow. It says, 1,200 septic systems still exist around the lake. So we know how many this will eliminate?

Chairman Chagnon: It's in there. It's 773.

Legislator Scudder: Thank you.

Chairman Hemmer: Any other questions or concerns about this amended resolution?

*Unanimously Carried as amended*

Proposed Resolution – Authorize County to Apply for Grants on Behalf of the North  
Chautauqua Lake Sewer District for an Inflow and Infiltration Study

Mr. Cummings: The North District for the last several years has been going for the I&I studies, inflow and infiltration studies, getting the funding from the State to help pay for these and then help us determine where our inflow problems are and then the engineering help, reconstruct or fix them, so we've been in that process. Now the North District would like to look at the rest of their district. We've looked at our district from the Prendergast Fish Hatchery up until the south side of Chautauqua Institution and now we want to look at the rest of our district from the north side of the Institution all the way to Mayville and the Hartfield area. It pretty

much covers the rest of our collection system. So we would like to apply for that grant by the end of this month, that \$30,000 grant and the district has approved the \$6,000 match to go in their budget for this next year. So, we're just looking for the approval from the Legislature to move forward with that grant. It will be the third one the District has applied for. We've received two so far.

Chairman Hemmer: Sounds good.

Mr. Cummings: It's a good program for the District.

Chairman Hemmer: Any questions from the committee? Do we have funding in our capital projects fund or something like that we're going to use to pay for this?

Mr. Cummings: This has never gone through capital projects just because of the size of it. We apply for the \$30,000 grant and then the District has to come up with a 20% match, that \$6,000 to go with it. So that's kind of how it gets funded and we fund that \$6,000 through our normal budget each time we apply for a grant.

Chairman Hemmer: Oh, right from the budget then.

Mr. Cummings: Right.

Legislator Nazzaro: You are going to include that in the budget coming up.

Mr. Cummings: It's going to be included in the 2022 budget coming up. I've already put in so far. The Board will vote on it tomorrow to approve the match.

Chairman Hemmer: Any other questions on this proposed resolution?

Legislator Gould: And what if they vote no tomorrow?

Mr. Cummings: Then it will stop. Then the District won't apply for the grant which is due by the 30<sup>th</sup> of this month.

Legislator Gould: O.k., I thought maybe it would come out of the County's funds, that's why I had to ask.

Mr. Cummings: Being an enterprise account we pretty much have to stay within our own funds.

Chairman Hemmer: Thank you Mr. Gould. Any other questions?

*Unanimously Carried*

Proposed Resolution – Authorize County to Apply for Grants on Behalf of the Portland-Pomfret-Dunkirk Sewer District for Inflow and Infiltration (I&I) Studies

Mr. Cummings: This is applying for the same type of grant. This is the Portland-Pomfret-Dunkirk District. They are trying to do the same thing, an I&I study to study and look at their system for infiltration problems which that District has many infiltration problems. It's a real problem over there and their flows all go to the Fredonia Wastewater Plant they charge us to treat that. So, the more water we send them, the higher the cost. So the hope is that they can reduce their flow by doing these studies and hopefully applying for an engineering grant again to help fix the infrastructure. It's kind of a step process. The PPD District has applied two times before in the last two years for these grants and they've been turned down. More than likely it's because Chautauqua Lake is really the primary focus with it being an impaired water body and their water all goes to Lake Erie so, I'm assuming that's why they have not been awarded the grants but they are going to try again. They are going to do the same thing. On the 27<sup>th</sup> of this month is the PPD meeting and it's in the 2022 budget for that \$6,000 match and that board at this time has said that they will approve that matching funds in their budget.

Chairman Hemmer: Any questions or concerns about this resolution?

*Unanimously Carried*

Proposed Resolution – Authorize Agreement for the Purchase and Removal of County Owned Timber from the Thomas Erlandson Park in the Town of Carroll

Mr. Bentley: This resolution is to allow the County Executive to enter into an agreement with Marvin Troyer & Sons Lumber for the removal of soft timber on about 12 acres on Erlandson Park. In addition to getting the timber out of there through a forest sale that we do through Forecon, they go through and recommend when it's ready for resale. They are also going to be chopping down, there is an overlook to Chautauqua Lake and so they are going to be taking that and chopping it down so you get the view back of Chautauqua Lake. Along with that \$10,250 that the County gets for the timber that is there, we also get an improvement to the Park for that money as well. So this will allow us to enter into that agreement and the use of that money would go into the Parks capital improvements.

Chairman Hemmer: Thank you Mr. Bentley? Any committee members have a question?

Legislator Gould: The soft timber, what's the inches on the stump they are cutting down to, the soft timber? Sixteen, twelve, twenty?

Mr. Bentley: That's a very specific question. I would have –

Legislator Gould: It should be in their contract.

Mr. Bentley: I'm sure it's in there, I would have to ask Forecon and get back to you on that one. Off the top of my head, I don't know that answer.

Legislator Gould: And I assume these Amish men have good insurance.

Mr. Bentley: Yes, they are required to have the insurance that everybody else would.

Legislator Gould: And that might be?

Mr. Bentley: Worker's Comp and liability insurance. They are fully covered. They are not allowed to work on our property without it.

Legislator Gould: Just thought I would ask.

Mr. Bentley: I'll get back to you on that but to assure you we are doing the right thing, we hire Forecon to manage all of our timber sales and Rick Constantino goes and meets with the contractor to set the expectations. I also go in and look at it as well but I really rely on the expertise of Forecon because they're forest management service, that is their expertise so when something is not done, when they are cutting a path through there, do they have the right erosion controls, when they are going through (*inaudible*) machines, are they on the right property. For me personally since it's in the park, I'm going to go out there and meet with them to make sure that any interactions with the public, make sure they have safety (*inaudible*) because we're going to have a lot more visitors in the park than we normally do on our County reforestation properties. But we have lean-to's and trails that sometimes goes through there so my main interest is the safety of the public and then we rely on Forecon to really manage the contractors no matter who they are whether it's the Amish or whoever is doing it. But they are (*inaudible*) to the best forest practices but I don't know the answer to your question.

Legislator Gould: I didn't figure you would but I thought I would ask anyhow. I'm curious because I've had experience with Amish and soft timber. That's the reason I ask these questions.

Mr. Bentley: I will get you an answer and get it emailed over to you.

Legislator Nazzaro: Just curious, how does the price of timber now? I'm assuming it's gone up what we're getting? Or not because the price of lumber has gone so far up with supply and demand or doesn't that affect that?

Mr. Bentley: At the time we bid, the bid went out probably 4 or 5 months ago, so probably earlier this year. I believe we were kind of near the height or the top but they bid a price. We've seen it go up and down. Again, depends on the species that's in the park and what's out there so it's not just the price of a tree, it's the type of tree and what's there and available and

the size. They mark the trees. There is an actual list in the contract. I forgot to bring that with me but certainly I would say that this is probably a very advantageous price for the County.

Legislator Gould: How many acres are in Erlandson Park, do you remember?

Mr. Abdella: The overall acres, I don't know. I see this is referencing (*cross talk*)...

Legislator Davis: If this is looking to improve the overlook toward the lake, you are talking about the lower edge of the park, I would assume, the 12 acres on the lower end, correct?

Mr. Bentley: So as you enter Erlandson Park and go up the drive, the overlook is to the right.

Legislator Davis: Correct.

Mr. Bentley: So there is a little strip of land there that does the overlook. The other part of the acreages is on the far end of the park. So you go up in the parking lot past the gazebo out through the mowed area, that far acreage out in the back there.

Legislator Davis: There are trails through there, you mentioned that. The only question I would have would be related to normal procedures during a timber cut and I'm assuming that Forecon would be supervising the fact that tops would not be left laying over trails or infringing on them in any way. Normally they take the (*inaudible*) logs and they leave the tops laying where they fall.

Mr. Bentley: We've had in County reforestation where the overland trails go, we've made sure those trails are, they've probably been improved (*inaudible*) if anything by having them in there because they will utilize those trails as well but we make sure that everything is dragged out of the way. Like I say, we don't want to clear everything because actually the remainder is good for the forest. It's not for erosion control or –

Legislator Davis: Right but you don't want it over trails either.

Mr. Bentley: You don't want the trails closed but just because there is a mess a little bit in some ways it's good for the habitat for the wild animals, birds, and also good for the forest. The sole reason why the County contracts with Forecon or Soil & Water previously, they have the expertise in here, I don't have the DPF staff forest ranger. We don't have that expertise in-house. They do a great job managing that for us and they are well respected for a long time. I know that Jay knows Rick and probably had a lot of respect for him.

Legislator Gould: Oh yeah.

Mr. Bentley: So when I say that Rick Constantino is managing it –



Legislator Gould: I'm sure he's doing a good job but I still have to ask a few questions.

Mr. Bentley: I'll let him know you asked the question.

Mrs. Dennison: It's 76 acres.

Legislator Nazzaro: Can you look up stump height?

Chairman Hemmer: No, stump diameter, not height.

Mr. Bentley: Oh, you want diameter or height?

Legislator Gould: Diameter. Usually it's so far off the ground and so – (*cross talk*)... I want to know when the trees are gone, if I walk in there with a tape measure and measure across the stump, what do you come up with?

Mr. Bentley: Oh, so which trees they cut and which ones they don't based on the diameter?

Legislator Gould: Yes.

Mr. Bentley: I'll get you that. I have a guess but it would just be a guess.

Legislator Gould: Don't guess.

Mrs. Dennison: Stump heights range for soft wood from .1 to 1.5 feet with a (*inaudible*) of .8.

Chairman Hemmer: That's the stump height, not the diameter. Any other questions concerning this proposed resolution?

*Unanimously Carried*

Proposed Resolution – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.56 (Bridge Painting)

Mr. Bentley: This resolution is representative of what we've been doing for the past number of years, as long as I have been here at least, where we have contracted out for painting of bridges. It's funded at 80/15/5%. So 80% Federal, 15% Marchiselli, and 5% local. The amounts are there, \$315,000 total, \$252,000 Federal, \$47,000 State and \$15,750 for local. This is a great program and it allows us to get our bridges painted, makes them last longer and we pay \$15,750 for the three bridges, that's a heck of a deal. So, the way this works is, we'll be increasing the capital appropriations by \$315,000, from the funded bridge program then decrease

it out of the capital improvements, County bridge program and then we increase our revenue accounts to Federal and State aid so this is reimbursable. We front the money first and this resolution is needed as part of the application to get those reimbursements which is the purpose of the resolution so that we can apply for these bridge painting funds. Towns that they are in are Clymer, Stockton, and Villenova and I have typo in here, two of them, or correction, whichever way you want to go. In the first WHEREAS clause, the first BINS number is correct 3324170, but the second BINS number should be 3325940 and the third BINS number should be 3325830.

Chairman Hemmer: I think we can handle that as a typo. Any other questions concerning this?

Legislator Gould: How many bridges do you get painted for this money?

Mr. Bentley: Three bridges.

*(Cross talk).....*

Legislator Gould: *(Cross talk)*..thousand a bridge.

Mr. Bentley: These typically are bigger bridges. What you have to do is get in underneath, you have to make sure you have the right environmental controls so you are not scraping or spray painting any creeks or rivers. So it's more than two guys and a roller of paint. They also have to typically sandblast it to get the rust off. You know as well as I do when you go and paint a window sill, you don't paint over the paint that's flaking off. We make sure it's done right.

Legislator Gould: Three a year, huh?

Mr. Bentley: Prevailing wage too. That's what we get, three a year.

Legislator Gould: Some of us are thinking washing them too.

Mr. Bentley: That is completely separate. So what we do is contract with local fire departments to do bridge washing. That is a lot of bridges, maybe 50 to 60 based on *(inaudible)* how many contracts I see go through.

Legislator Gould: I thought we did more than three painted.

Mr. Bentley: Na, it's only three painted. Bridge washing, we contract with local fire departments. They do training to wash our bridges.

Legislator Gould: How do you decide which ones?

Mr. Bentley: Lex has a list that he maintains, which ones were done last, which ones are susceptible to salt and (*inaudible*) and also do bridge inspections and know what the worst ones are but we rotate them around so it's not the same one year after year. We put them out there and let the fire departments kind of bid on them but most of them are usually in their backyards. It's a great program for the County, it gives great practice for the fire departments and we get a benefit out of it as well. We do make sure the right controls are in place so they are not just washing crap into the rivers and that so there are guidelines which they have to adhere to so we make sure that things are done appropriately and I don't get any nasty calls from the DEC.

Chairman Hemmer: A question about the 3<sup>rd</sup> WHEREAS where it says, this local share currently calculated to be \$15,750 can be covered with existing funding in organization D.5112. What is organization D?

Mrs. Dennison: Organization is a technical term for the department that operates the capital roads and bridges. So D.5112.389.390, those are organization numbers within the accounting system. Often also referred to as departments. It is kind of used interchangeably but in the accounting system the technically correct designation is an organization.

Chairman Hemmer: O.k., same as department.

Mr. Bentley: I would say you need an MBA to understand that but I have that and I can explain so probably you need the PhD.

Chairman Hemmer: Just wondered.

Legislator Nazzaro: What are the timeline getting the payments from – we upfront the money.

Mr. Bentley: Depends on the timing of the reimbursements from the State. It could be anywhere from 3 months to 6 months to a year, depending on how backlogged they are. We have to get not only the reimbursement, we have to get the invoice amounts so depending on (*inaudible*) request the deadline of September 30<sup>th</sup> and we get the invoice October 1<sup>st</sup>, we might have to wait three months or 5 months before the next window opens and then it may take another three months to get the processing from the State.

Legislator Nazzaro: So this isn't part of the normal budget process Kathleen? We're making appropriations now so the budget process, we just don't know at the time we're doing the budget, is that why?

Mrs. Dennison: Correct. We don't know which Federal projects will be available so typically they are not budgeted.

Legislator Nazzaro: So this is standard practice, we always do the appropriations once we identify the bridges and know the funding is going to be in place, o.k.

Mrs. Dennison: Yes.

Chairman Hemmer: Any further questions? We don't have to vote on the typo, we'll just correct that on the resolution that goes to the Legislature. So all in favor of the proposed resolutions?

*Unanimously Carried*

Other

Update – Flooding – DPF Director Bentley

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

*Unanimously Carried (4:53 p.m.)*

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