

Agenda

Public Facilities Committee

June 13, 2022, 4:00 p.m., Legislative Chambers

Livestreamed on Facebook

Gerace Office Building, Mayville, NY

- A. Call to Order
 - B. Approval of Minutes (05/16/22)
 - C. Privilege of the Floor
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- 1. Proposed Resolution – Authorize Entering into an Inter-Municipal Agreement with the City of Jamestown for Performance of Federal-Aid Project PIN 5761.83
 - 2. Proposed Resolution – Adjust D5112-Capital Improvement Accounts
 - 3. Proposed Resolution – Amend 2022 Budget to Authorize an Equipment Purchase Using Chautauqua County American Rescue Plan Act (ARPA) Funds
 - 4. Proposed Resolution – Determinations in Relation to the Extension of South Chautauqua Lake Sewer District Bounds from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake
 - 5. Proposed Resolution – A Resolution Authorizing the Issuance of \$24,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County
 - 6. Proposed Resolution – Establishment of Capital Accounts for South Chautauqua Lake Sewer District (SCLSD) Extension—Phase 2
 - 7. Other -

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Entering into an Inter-Municipal Agreement with the City of Jamestown for Performance of Federal-Aid Project PIN 5761.83

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, the Project for the Replacement of the County Bridge 1080, Hopkins Ave. over Chadakoin River, BIN 2258430, in the City of Jamestown, Chautauqua County, PIN 5761.83 (the Project) is currently under design; and

WHEREAS, the County of Chautauqua will complete the design, let and construct the Project; and

WHEREAS, because work required in the replacement of County Bridge 1080 will occur within properties owned by the City of Jamestown, permission from the City of Jamestown is required to allow the County access for construction activities; and

WHEREAS, it is necessary to enter into an Inter-Municipal Agreement with the City of Jamestown for this Project; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves entering into an Inter-Municipal Agreement for the Project; and it is further

RESOLVED, That the County Executive be authorized to enter into the necessary Inter-Municipal Agreement with the City of Jamestown.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Adjust D5112-Capital Improvement Accounts

BY: Public Facilities and Audit and Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County's transportation system, which includes roads and bridges, is essential to everyone and it contributes to economic development, job creation and to quality of life; and

WHEREAS, New York State's fiscal year 2022-23 Budget provides \$100 Million to counties, cities, towns, and villages for a new Pave Our Pothole (POP) Program to resurface and renew the worst roadway pavement in the State; and

WHEREAS, the County of Chautauqua has an apportionment under the POP Program in the amount of \$850,351.63; and

WHEREAS the County's budget should be amended to conform to these adjustments to funding; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with New York State, in connection with the funding; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following budgetary changes to the 2022 Adopted Budget:

ESTABLISH AND INCREASE REVENUE ACCOUNT:

D.5112.391.R350.POP	New York State Aid-NYS Aid- Pave Our Potholes (POP)	\$850,351
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INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual-Capital Improvements, Highway Improvements	\$850,351
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date



Department of
Transportation

KATHY HOCHUL
Governor

MARIE THERESE DOMINGUEZ
Commissioner

May 11, 2022

BRAD BENTLEY
COMMISSIONER OF PUBLIC
COUNTY OF CHAUTAUQUA
454 N WORK ST
FALCONER NY 14733

Dear Mr. Bentley:

The enacted State fiscal year (SFY) 2022-23 Budget provides \$100 million to counties, cities, towns, and villages for a new Pave Our Potholes (POP) Program to resurface and renew the worst roadway pavements in the State. The New York State Department of Transportation (NYSDOT) will make the first SFY 2022-23 reimbursement on **July 28, 2022**. Eligible expenses for the July payment will be reimbursed for expenditures on or after April 1, 2022. Additional POP Program information on apportionments, program guidelines, project eligibility, and the CP75 reimbursement request form are available at: <https://www.dot.ny.gov/programs/chips>.

The County of Chautauqua has a SFY 2022-23 POP apportionment of \$850,351.63. POP reimbursement requests require the same supporting documentation as the CHIPS, EWR, and PAVE-NY Programs. To ensure timely reimbursement, submit requests for each project to the NYSDOT Regional Office listed below no later than **June 23, 2022**. Municipalities may e-mail their POP reimbursement request forms and supporting documentation for each project to the regional mailbox address listed below.

Jim Cuozzo
NYSDOT Regional CHIPS Representative
New York State Department of Transportation
100 Seneca Street
Buffalo, NY 14203
dot.sm.r05.CHIPS@dot.ny.gov

If you have any questions, please contact Jim Cuozzo at 716-847-3883.

Respectfully yours,

Dawn Arnold
Acting Director, Local Programs Bureau



**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Amend 2022 Budget to Authorize an Equipment Purchase Using Chautauqua County American Rescue Plan Act (ARPA) Funds

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an ARPA award of \$24,649,420, and based on the Treasury Department's revenue loss formula and other guidance, all of the award is available for general county spending; and

WHEREAS, an ARPA working group consisting of the County Executive, several legislators, and several department heads worked for many months to create an ARPA Spending Plan (Plan) consisting of priority projects to address the key strategic categories as defined by the Department of Treasury, to be sustainable, and to have a County-wide impact; and

WHEREAS, the Plan, consisting of the priority projects, was thoroughly reviewed by the ARPA working group, the County Executive, and the County Legislature and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, ARPA award funding is available for projects in addition to the priority projects within the Plan because actual expenditures for some of the priority projects will be less than anticipated; and

WHEREAS, the Buildings and Grounds Division of the Chautauqua County Department of Public Facilities needs to replace a "box" truck that that is used for many purposes, including transporting equipment and supplies to facilitate the County's response to the COVID-19 pandemic; and

WHEREAS, budget amendments are necessary to authorize spending for the truck; now therefore be it

RESOLVED, That the purchase of a "box" truck be added to the Plan; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2022 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1620.----.2	Equipment— Buildings & Grounds	\$141,000
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ESTABLISH & INCREASE REVENUE ACCOUNT:

A.1620.----.R408.9ARP	Federal Aid—Oth Fed Aid: ARPA	\$141,000
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APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Determinations in Relation to the Extension of South Chautauqua Lake Sewer District Bounds from the Hamlet of Stow to the South Bounds of the North Chautauqua Lake Sewer District on the West Side of Chautauqua Lake

BY: Public Facilities and Audit and Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr. and
Legislature Chairman Pierre E. Chagnon

WHEREAS, the Chautauqua County Legislature adopted Resolution 139-22 calling a public hearing for the purpose of considering a proposal to extend South Chautauqua Lake Sewer District (SCLSD) bounds along the west side of Chautauqua Lake to the southern bounds of the North Chautauqua Lake Sewer District (NCLSD); and

WHEREAS, notice of said public hearing was duly published and mailed as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, Mayville, New York on June 22, 2022 at 6:35 PM, prevailing time; and

WHEREAS, the Legislature has duly considered the Map, Plan and Report filed with it by the County Sewer Agency dated April 18, 2022 relating to the proposed extension of the SCLSD bounds (Map, Plan and Report), as well as the testimony and other information received by it at the public hearing and otherwise; now therefore be it

RESOLVED, Upon the Map, Plan and Report and other data filed with it, the Legislature hereby determines in accordance with County Law §§274 and 256:

1. The proposed facilities for the extension of SCLSD bounds are satisfactory and sufficient.
2. All of the property and property owners within the proposed SCLSD boundary extension are benefitted thereby.
3. All of the property and property owners benefitted are included within the limits of the proposed SCLSD boundary extension.
4. It is in the public interest to extend the SCLSD as proposed.
5. The zones of assessment within the area of the proposed extension of the SCLSD and the allocation of the costs of the facilities thereto represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in such zones will derive therefrom.
6. The proportion of the cost of the system of the original District to be included in the cost of the extension shall be zero.

and be it further

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

RESOLVED, That the extension of SCLSD bounds to the southern bounds of the NCLSD as described in the Map, Plan and Report and in the Notice of Public Hearing and the construction of the improvements described in the Map, Plan and Report for a maximum amount to be expended of \$24,000,000 are hereby approved; and be it further

RESOLVED, That the establishment of the initial zones of assessment within the area of the proposed extension of the Districts and the initial allocation of the costs of the facilities as between said zones of assessment as described in the Map, Plan and Report and in the Notice of Public Hearing are hereby approved; and be it further

RESOLVED, That to the extent that the cost of the improvements and the expense of operation and maintenance are not paid from the revenues of the SCLSD, they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the SCLSD will derive therefrom; and be it further

RESOLVED, That this resolution is subject to permissive referendum pursuant to County Law §§ 101, 102, 256, 257, and 274 and the Clerk of the Legislature is directed to cause a notice to be published at least once in the official newspapers of the County within ten (10) days after the adoption of this resolution, such notice to contain the number, date of adoption, a true copy of the resolution and a statement that such resolution is subject to a permissive referendum, and the Clerk of the Legislature is further directed to prepare and have available for distribution proper forms for such petition; and be it further

RESOLVED, That in the event no valid petition requesting a referendum vote is filed and the time for doing so has expired, or if a referendum vote is held and the SCLSD extension is approved, the Clerk of the Legislature shall within ten days cause a certified copy of this Resolution to be recorded in the office of the County Clerk and in the office of the state department of audit and control at Albany, New York, pursuant to County Law §259.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: A Resolution Authorizing the Issuance of \$24,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr. and
Legislature Chairman Pierre E. Chagnon:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing and undertaking of such capital project; NOW THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of improvements for the extension of the South Chautauqua Lake Sewer District to be located in the Towns of North Harmony and Chautauqua, in and for the County of Chautauqua, New York, including installation of new facilities for the sewer extension that include gravity and/or pressure sewers, pumping stations, as well as incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$24,000,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$24,000,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received, including estimated American Rescue Plan Act (ARPA) funds of up to \$7,045,342 set aside by the County Legislature for this project.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The Direct of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from assessments within the Extension or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. No expenditure shall be made or contract let for the purpose authorized by this bond resolution unless and until the State Comptroller shall consent to such expenditure.

Section 11. This resolution, which takes effects immediately, shall be published in summary form in the official newspapers of Chautauqua County, together with a notice of the clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

