Agenda

Public Facilities Committee

August 15, 2022, 4:00 p.m., Legislative Chambers

Livestreamed on Facebook

Gerace Office Building, Mayville, NY

Call to Order

Approval of Minutes (07/18/22)

Privilege of the Floor

- 1. <u>Proposed Resolution Confirm Re-Appointment Airport Commission</u>
- 2. <u>Proposed Resolution –</u> Authorize the Conveyance of an Easement and Right of Way to Niagara Mohawk Power Corporation and Dunkirk & Fredonia Telephone
- 3. <u>Proposed Resolution –</u> Authorize the Portland Pomfret Dunkirk Sewer District to Convey an Easement to the Town of Portland Water District No. 2
- 4. <u>Proposed Resolution –</u> State Environmental Quality Review Act (SEQRA) Determination Concerning the Reduction of Inflow and Infiltration in the Portland Pomfret Dunkirk Sewer District
- 5. <u>Proposed Resolution –</u> Determinations in Relation to Reduction of Infiltration and Inflow in The Portland, Pomfret Dunkirk Sewer District
- 6. <u>Proposed Resolution –</u> Establishment of Capital Accounts for Portland Pomfret Dunkirk Sewer District Infiltration and Inflow Reduction Project
- 7. <u>Proposed Resolution –</u> A Resolution Authorizing the Issuance of \$1,612,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Portland Pomfret Dunkirk Sewer District Infiltration and Inflow Reduction Project
- 8. <u>Proposed Resolution –</u> Authorize County to Apply for Grants on Behalf of the Portland, Pomfret, Dunkirk Sewer District for Inflow and Infiltration Repair
- 9. <u>Proposed Resolution State Environmental Quality Review Act (SEQRA) Determination</u> Concerning the Rehabilitation of the North County Industrial Water District No. 1 Water Storage Tower

- 10. <u>Proposed Resolution –</u> Determinations in Relation to Rehabilitation of the Water Tower of The North County Industrial Water District No. 1
- 11. <u>Proposed Resolution –</u> A Resolution Authorizing the Issuance of \$863,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North County Industrial Water District No.1 Water Storage Tank Repair And Rehabilitation Project
- 12. <u>Proposed Resolution –</u> Authorize County to Apply for Grants on Behalf of the North County Industrial Water District No. 1 for Water Storage Tower Rehabilitation

13. <u>Other -</u>

TITLE: Confirm Re-Appointment – Airport Commission

BY: Public Facilities Committee:

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

WHEREAS, County Executive Paul M. Wendel, Jr. has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Chautauqua County Airport Commission.

John Churchill 3230 Chautauqua Ave. Ashville, NY 14710 Term Expires 3/23/24 (Re-Appointment)

REQUEST FO	R LEGISLATION A	ND MEMO			RT
TO CLERK OF THE LEGISLATURE			DATE		
				MONTH	
TITLE OF PROPOSED RESOLUTION	I OR LOCAL LAW: Con	firm Re-Ap	ppointment – A	irport Com	mission.
DEPARTMENT OR AGENCY REQUE	STING LEGISLATION:	Public Facilit	ties Committee		
CONTACT PERSON: <u>Sh</u>	annon Barnhart		TEL : <u>716-6</u>	61-8930	
PURPOSE OF LEGISLATION: <u>same</u> IS EMERGEN	as above CY ACTION REQUIRE)?	YES]	
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IS A TRANSFER OF FUNDS NECESSAR	Y?		YES 🗌		NO 🖂
ARE THE FUNDS BEING TRANSFERRED	WITHIN THE SAME		_		
DEPARTMENTAL/AGENCY ACCOUNT?			YES 🗌		
IS A NEW ACCOUNT BEING ESTABLISH	ED?		YES 🗌		
IS TRANSFER FROM .8 ACCOUNT?			YES 🗌		NO 🖂
ARE FUNDS BEING TRANSFERRED FRO	OM CONTINGENCY?		YES 🗌		NO 🖾
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DATE OF INITIAL COMMITTEE CONSIDERATI	ON _P.F. 8/15/22				
TIME AND LOCATION OF COMMITTEE MEET	ING 4:00 p.m. Legislative Char	nbers			
DEPARTMENT HEAD REQUESTED TO ATTEN	ND	YES 🛛	NO 🗌		
ACTION REQUIRED BY ANOTHER COMMITTE	E	YES 🗌	NO 🛛		
2 ND COMMITTEE AND DATE OF MEETING					
TIME AND LOCATION OF COMMITTEE MEET	ING				
DEPARTMENT HEAD REQUESTED TO ATTEM		YES	NO 🗌		
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TITLE:Authorize the Conveyance of an Easement and Right of Way to NiagaraMohawk Power Corporation and Dunkirk & Fredonia Telephone

BY: Public Facilities Committee:

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

WHEREAS, the County is the owner of a parcel of real property situated in the Town of Pomfret, County of Chautauqua and State of New York, designated on the official tax map of Chautauqua County as Section 131.00, Block 1, Lot 52 (SBL 131.00-1-52); and

WHEREAS, Niagara Mohawk Power Corporation and Dunkirk & Fredonia Telephone have requested an easement and right-of-way over a portion of the parcel for purposes of constructing, reconstructing, relocating, extending, repairing, maintaining, operating, inspecting, patrolling and removing utility poles and associated facilities, in the general location shown in a National Grid easement map designed by D Harding for Work Order # 08-21-30413307; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the conveyance of an easement and right of way to Niagara Mohawk Power Corporation and Dunkirk & Fredonia Telephone over a portion of SBL 131.00-1-52 for utility purposes.

GRANT OF EASEMENT

COUNTY OF CHAUTAUQUA, New York, a municipal corporation existing under the Laws of the State of New York, Mayville, New York, with a mailing address of 3889 Towerville Road, Jamestown, New York 14701 (hereinafter referred to as "Grantor"), for consideration of One Dollar (\$1.00), and/or other valuable consideration paid, the receipt and sufficiency of which are hereby acknowledged under seal, hereby grants to **NIAGARA MOHAWK POWER CORPORATION**, a New York corporation, having an address at 144 Kensington Avenue, Buffalo, New York 14214, and **DUNKIRK & FREDONIA TELEPHONE**, having an address of P.O. Box 209, 40 Temple Street, Fredonia, New York 14063, (hereinafter collectively referred to as "Grantees"), for Grantees and their lessees, licensees, successors, and assigns, the perpetual right and easement as described in Section 1 below (the "Easement") in, under, through, over, across, and upon the Grantor's land, as described in Section 2 below (the "Grantor's Land").

<u>Section 1</u> – <u>Description of the Easement</u>. The "Easement" granted by the Grantor to the Grantees consists of a perpetual easement and right-of-way, with the right, privilege, and authority to:

a. Construct, reconstruct, relocate, extend, repair, maintain, operate, inspect, patrol, and, at their pleasure, remove any poles or lines of poles, supporting structures, cables, crossarms, overhead and underground wires, guys, guy stubs, insulators, transformers, braces, fittings, foundations, anchors, lateral service lines, communications facilities, and other fixtures and appurtenances (collectively, the "Facilities"), which the Grantees shall require now and from time to time, for the transmission and distribution of high and low voltage electric current and for the transmission of intelligence and communication purposes, by any means, whether now existing or hereafter devised, for public or private use, in, upon, over, under, and across that portion of the Grantor's Land described in Section 3 below (the "Easement Area"), and the highways abutting or running through the Grantor's Land, and to renew, replace, add to, and otherwise change the Facilities and each and every part thereof and the location thereof within the Easement Area, and utilize the Facilities within the Easement Area for the purpose of providing service to the Grantor and others;

b. From time to time, without further payment therefor, clear and keep cleared, that portion of Grantor's Land described in Section 3 below (the "Trimming Easement Area") of any and all trees, limbs, branches, roots or vegetation and trim and remove danger trees adjacent to the Easement Area that, in the opinion of Grantee, may jeopardize the integrity of the Grantee's electric distribution facilities. Grantee shall follow accepted arboricultural standards which may require Grantee to make pruning cuts closer to the tree stems, outside the 10-foot easement area;

c. Excavate or change the grade of the Grantor's Land as is reasonable, necessary, and proper for any and all purposes described in this Section 1; provided, however, that the Grantees will, upon completion of their work, backfill and restore any excavated areas to reasonably the same condition as existed prior to such excavation; and

d. Pass and repass along the Easement Area to and from the adjoining lands and pass and repass over, across, and upon the Grantor's Land to and from the Easement Area, and construct, reconstruct, relocate, use, and maintain such footbridges, causeways, and ways of access, if any, thereon, as is reasonable and necessary in order to exercise to the fullest extent of the Easement.

Section 2 – Description of Grantor's Land. The "Grantor's Land" is described in a certain Deed recorded in the Chautauqua County Clerk's Office on March 9, 1978, in Liber 1757 of Deeds at Page 39 and consists of land described as being part of Tax Parcel No. 131.00-1-52 of the Town of Pomfret, County of Chautauqua and State of New York, being part of Lot No. 7, Township 5, Range 12 of the Holland Land Company's Survey, commonly known as (no #) Webster Road.

Section 3 – Location of the Easement Area. The "Easement Area" shall consist of a portion of the Grantor's Land twenty feet (20') in width throughout its extent, the centerline of the Easement Area being the centerline of the Facilities. The general location of the Easement Area is shown on the sketch entitled "EXHIBIT A," which sketch is attached hereto and recorded herewith, copies of which are in the possession of the Grantor and the Grantees. The final and definitive location(s) of the Easement Area shall become established by and upon the final installation and erection of the Facilities by the Grantees in substantial compliance with Exhibit A hereto. The "Trimming Easement Area" shall be a strip of land measured ten (10') feet from the outermost electric conductor on each side of the line.

<u>Section 4</u> – <u>Facilities Ownership</u>. It is agreed that the Facilities shall remain the property of the Grantees, their successors and assigns.

<u>Section 5</u> – <u>General Provisions</u>. The Grantor, for itself, its heirs, legal representatives, successors, and assigns, hereby covenants and agrees with the Grantees that no act will be permitted within the Easement Area which is inconsistent

with the Easement hereby granted; no buildings or structures, or replacements thereof or additions thereto, swimming pools, or obstructions will be erected or constructed above or below grade within the Easement Area; no trees shall be grown, cultivated, or harvested, and no excavating, mining, or blasting shall be undertaken within the Easement Area without the prior written consent of the Grantees; the Easement shall not be modified nor the Easement Area relocated by the Grantor without the Grantees' prior written consent; the present grade or ground level of the Easement Area will not be changed by excavation or filling; the Grantees shall quietly enjoy the Grantor's Land; and the Grantor will forever warrant title to the Grantor's Land.

The Grantees, their successors and assigns, are hereby expressly given and granted the right to assign this Easement, or any part thereof, or interest therein, and the same shall be divisible between or among two or more owners, as to any right or rights created hereunder, so that each assignee or owner shall have the full right, privilege, and authority herein granted, to be owned and enjoyed either in common or severally. This Grant of Easement shall at all times be deemed to be and shall be a continuing covenant running with the Grantor's Land and shall inure to and be binding upon the successors, heirs, legal representatives, and assigns of the parties named in this Grant of Easement.

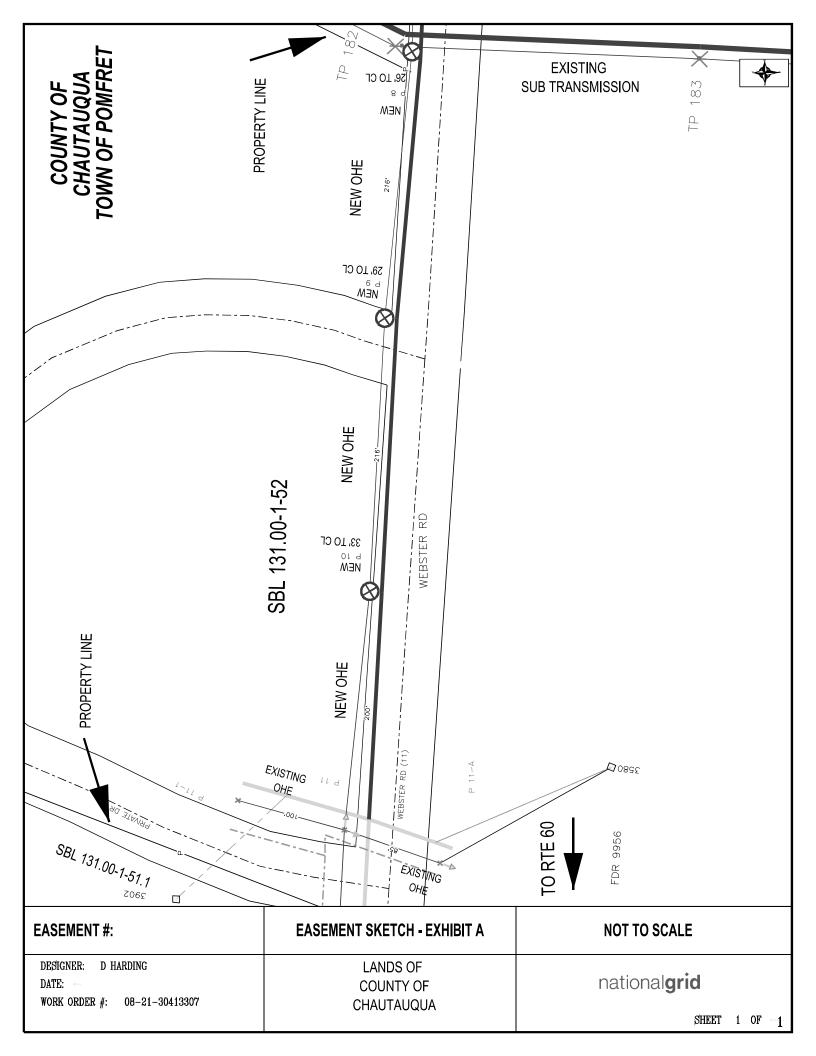
IN WITNESS WHEREOF, the Grantor has duly executed this Grant of Easement under seal this _____ day of _____, 20____.

COUNTY OF CHAUTAUQUA

		By: Print Name:		(sign here)
		Print Title:		
State of)) §:			
County of) 8.			
On the day of			re me, the undersigned, p he or proved to me on the	ersonally appeared basis of satisfactory evidence
to be the individual whose name	e is subscribed	to the within instrument	t and acknowledged to me	e that he/she executed the same

to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public



REQUES	T FOR LEGISLATION AN	D MEM	ORANDUM IN S	UPPC	ORT	
TO CLERK OF THE LEGISLA	TURE		DATE <u>08/04</u> M	/ <u>2022</u> ONTH	DAY	YEAR
	LUTION OR LOCAL LAW: Authorship of the second sec				ent and R	ight of Way
DEPARTMENT OR AGENCY	REQUESTING LEGISLATION: La	ndfill -Env	ironment			
CONTACT PERS	ON: Aaron Gustafson		TEL : <u>8464</u>			
PURPOSE OF LEGISLATION	Authorize Easement and Right	-of-Way	Agreements			
IS EMI	ERGENCY ACTION REQUIRED?		YES		NO 🖂	
STATE THE EMERGENCY NA	TURE OF THE PROPOSED LEG	ISLATIO	۱:			
	FISCAL IMPL		8			
IS A TRANSFER* OF FUNDS NEO	CESSARY?		YES 🗌		NO 🖂	
	ARE THE FUNDS BEING TRANSFE		YES 🗌		NO 🗌	
IF YES	IS TRANSFER FROM .8 ACCOUNT	?	YES 🗌		NO 🗌	
IS A NEW ACCOUNT BEING EST	ABLISHED?		YES 🗌		NO 🖂	
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	COMMITTEE(S) A	SSIGNMEN	T DATE RECEIVEI	D 08/09	9/22	
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ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES		PUBLIC	NG & ECONOMIC DEVE FACILITIES SAFETY	LOPMEN	IT	
DATE OF INITIAL COMMITTEE CONS	DERATION _ P.F. 8/15/22					
TIME AND LOCATION OF COMMITTE	E MEETING 4:00 p.m. Legislative Chambe	ers				
DEPARTMENT HEAD REQUESTED T	O ATTEND	YES 🛛	NO 🗌			
ACTION REQUIRED BY ANOTHER C	OMMITTEE	YES 🗌	NO 🛛			
2 ND COMMITTEE AND DATE OF MEE	TING					
DEPARTMENT HEAD REQUESTED T		YES 🗌				
PRE-FILE AS APPROVED REJECTED -	COMMITTEE A RESOLUTION FOR NEXT REGUL A MOTION FOR NEXT REGULAR N - REFER TO OTHER COMMITTEE NOTIFY SPONSOR ENDING INFORMATION REFERRED	AR MEET				

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- **TITLE:** Authorize the Portland Pomfret Dunkirk Sewer District to Convey an Easement to the Town of Portland Water District No. 2
- **BY:** Public Facilities Committee:

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

WHEREAS, the Portland Pomfret Dunkirk Sewer District (PPDSD) is the owner of a certain parcel of real property situated in the Town of Portland, County of Chautauqua and State of New York designated on the official tax map of Chautauqua County as Section 111.11, Block 1, Lot 7 (SBL 111.11-1-7); and

WHEREAS, the Town of Portland Water District No. 2 has requested a permanent easement over a portion of the parcel for purposes of installing a waterline and appurtenant equipment on the premises, including the right to repair, replace and service the line, such easement being identified as Permanent Easement E64 on a December 5, 2019 easement map prepared by engineers Clark, Patterson, and Lee (CPL), together with a temporary easement over property adjacent to the permanent easement for use during construction, reconstruction and repairs; and

WHEREAS, the PPDSD Board supports the granting of the easement; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the conveyance of the permanent and temporary easements to the Town of Portland Water District No. 2 over a portion of SBL 111.11-1-7 for purposes of installation, repair, replacement, and servicing of a water line.

Richard Lewis Supervisor 716-792-9613, Ext. 5

716-792-9614. Ext. 2

Barbara Smith Town Clerk



87 West Main Street Brocton, New York 14716 Fax: 716-792-9610 Website: townofportland.org

June 23, 2022

PORTLAND POMFRET DUNKIRK SEWER DISTRICT 50 Clark Street Mayville, NY 14757

Re: Town of Portland Water District No. 2 Easement for Water Line Project

Dear Property Owners:

You likely are aware that the Town of Portland has been working to install new municipal water lines in your neighborhood. We are now nearly ready to go out to bid this Summer and begin construction next Spring. Before we can go out to bid, however, the Town needs to acquire over 100 easements for the water lines, and, if you received this letter, it means an easement is required over one or more of your properties.

I write to request that you cooperate with the Town and provide an easement over the front of your property to permit the placement and maintenance of the water main. We have tried to minimize the impact on private properties by locating the lines within the highway right-of-way but in some spots, like your property, this is not feasible and so we must ask for an easement. Enclosed please find a proposed Easement Agreement that includes a legal description and map of each easement requested.

If the Agreement is acceptable without change, please sign it in front of a notary public and return it to me in the enclosed envelope. Otherwise, please feel free to call me at (716) 792-9614 ext. 5 to discuss the details of any changes you may wish to make. You may also wish to speak to the Town Attorney, Joel Seachrist, at (716) 326-2700.

We took the information on the forms from the County Clerk and tax records but recognize that some of that information may be incorrect or obsolete. Please contact the Town Clerk, Barb Smith, at (716) 792-9614 if you need us to make a correction.

We are under some pressure to complete this project promptly and would be grateful if you would respond in some fashion within the next two weeks. We know this is short notice but express our gratitude for your cooperation in advance.

Very truly yours Richard pervisor

This institution is an equal opportunity provider and employer (202) 720-6382 (TDD)

EASEMENT

THIS INDENTURE, made this _____ day of ______, Two Thousand Twenty Two, between

PORTLAND POMFRET DUNKIRK SEWER DISTRICT

50 Clark Street Mayville, NY 14757 hereinafter referred to as the "Owner",

and

TOWN OF PORTLAND WATER DISTRICT NO. 2,

87 West Main Street Brocton, New York 14716, hereinafter referred to as the "District".

WITNESSETH:

WHEREAS, the Owner is the record owner in fee simple of a certain parcel of real property situate in the Town of Portland, County of Chautauqua and State of New York, and designated on the official tax map of Chautauqua County as Section 111.11, Block 1, Lot 7, and

WHEREAS, the District wishes to obtain an easement for the purposes of installing a waterline and appurtenant equipment on the described premises, including the right to repair, replace and service the line, and

WHEREAS, the Owner has agreed, subject to the terms and conditions enumerated hereunder, to grant unto the District an easement for the aforementioned purposes,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Owner hereby grants and conveys unto the District, its successors and assigns, a permanent easement, granting full and complete right and authority to lay, construct, maintain, repair and replace water pipelines and appurtenant equipment on and through the aforesaid parcel as described and depicted in the **Schedule A** attached hereto, together with a temporary easement over property of the Owner adjacent to the above described permanent easement during construction, reconstruction, or repair of said water pipelines and related equipment and facilities to the extent reasonably necessary for such purpose.

After completion of the construction by the Town, if there has been any surface disturbance caused by the use of this easement, the surface of the land will be restored by the District to as good or better condition as existed prior to construction. Owner agrees to notify the District in advance of anything it intends to bury within the boundaries of the permanent easement. Owner shall not place or permit to be placed any structures or obstructions on the permanent easement and shall not change the earthen cover without the written permission of the District.

2. As consideration for the easement, District agrees to pay Owner the sum of One Dollar (\$1.00).

3. This shall be a perpetual easement which shall run with the land.

4. The District hereby agrees to hold harmless, defend and indemnify Owner from any claims, actions, proceedings, judgments and costs including necessary and reasonable attorney's fees arising from loss, damage or personal injury, including death, to any persons or property resulting from the willful or negligent acts or omissions or the Town, its employees, agents, servants or contractors in exercising rights pursuant to the terms of this indenture and, upon notice by the owners to the District, the District shall defend the owners in any proceeding or action brought thereon.

5. The terms of this indenture shall be binding upon and shall inure to the benefit of the respective parties hereto and their respective, successors, devisees or assigns.

IN WITNESS WHEREOF, the parties hereto have made and executed this indenture.

PORTLAND POMFRET DUNKIRK SEWER DISTRICT

By:

Print Name: Title:

Accepted:

TOWN OF PORTLAND WATER DISTRICT NO. 2

By:

Richard Lewis, Supervisor

STATE OF)COUNTY OF)SS.:

On the <u>day of</u> in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared Portland Pomfret Dunkirk Sewer District, known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual(s), or the person(s) upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)COUNTY OF CHAUTAUQUA)ss.:

On the <u>day of</u> in the year 2022 before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Lewis, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

TOWN OF PORTLAND WATER DISTRICT No. 2 PERMANENT EASEMENT No. E-64

All that tract or parcel of land situate in the Town of Portland, County of Chautauqua, State of New York, being described as follows:

Beginning at a point, being the southwesterly corner of tax account number 111.11-1-7; thence,

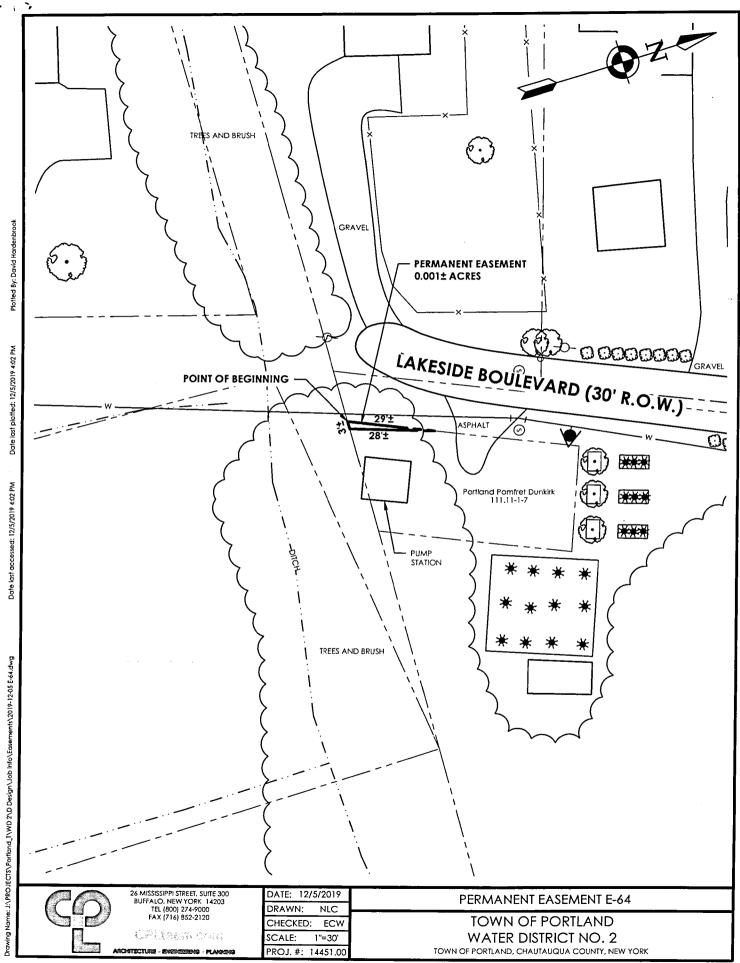
1 . . .

- 1) Northeasterly, along the westerly line of tax account number 111.11-1-7, a distance of 29 feet, more or less, to a point; thence,
- 2) Southerly, through the lands of tax account number 111.11-1-7, a distance of 28 feet, more or less, to a point on the southerly line of said tax account number; thence,
- 3) Westerly, along the southerly line of tax account number 111.11-1-7, a distance of 3 feet, more or less, to the point of beginning.

Permanent Easement, as described above, contains approximately 0.001 acre of land.

Lands of the Owner are subjected to a Temporary Construction Easement, coincident with and adjoining the above described Permanent Easement.

All as shown on a map prepared by CPL, entitled "Permanent Easement E-64 – Water District No. 2", dated December 5, 2019.



KEQUE	ST FOR LEGISLATION A			
O CLERK OF THE LEGISLA	ATURE		DATEMO	7/28/2022 NTH DAY YEAR
	DLUTION OR LOCAL LAW: ent to the Town of Portland V			
DEPARTMENT OR AGENCY	REQUESTING LEGISLATION:	Legislatu	re Chairman Pierre	E. Chagnon
CONTACT PER	SON: Mathew Oehlbeck		_TEL: 716-7	753-4715
PURPOSE OF LEGISLATION	I: PPDSD Easement to To	wn of Portland		
IS EM	IERGENCY ACTION REQUIRED	D?	YES 🗌	NO
STATE THE EMERGENCY N	ATURE OF THE PROPOSED LI	EGISLATION: _		
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	S, ARE THE FUNDS BEING TRANS		YES 🗌	
IF YES	S, IS TRANSFER FROM .8 ACCOUN	NT?	YES 🗌	
S A NEW ACCOUNT BEING ES	TABLISHED?		YES 🗌	NO 🖂
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DATE OF INITIAL COMMITTEE CON	ISIDERATION P.F. 8/15/22			
IME AND LOCATION OF COMMITT	EE MEETING p.m. Legislative Cha	ambers		
PEPARTMENT HEAD REQUESTED	TO ATTEND	YES 🛛	NO 🗌	
CTION REQUIRED BY ANOTHER	COMMITTEE	YES	NO 🛛	
ND COMMITTEE AND DATE OF ME	ETING			
IME AND LOCATION OF COMMIT	EE MEETING			
DEPARTMENT HEAD REQUESTED	TO ATTEND	YES 🗌	NO 🗌	
	COMMITT	EE ACTION		
PRE-FILE A APPROVEL REJECTED TABLED - F	AS A RESOLUTION FOR NEXT REG AS A MOTION FOR NEXT REGULAR D - REFER TO OTHER COMMITTEE - NOTIFY SPONSOR PENDING INFORMATION R REFERRED	R MEETING		

TITLE: State Environmental Quality Review Act (SEQRA) Determination concerning the Reduction of Inflow and Infiltration in the Portland Pomfret Dunkirk Sewer District

BY: Public Facilities Committee:

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

WHEREAS, the Portland Pomfret Dunkirk Sewer District (District) was established by Resolution 272-77 in accordance with County Law Article 5-A; and

WHEREAS, engineers with the firm of Barton & Loguidice, D.P.C. have determined that District infrastructure is in need of repairs to reduce inflow and infiltration as articulated in their June 2022 Preliminary Engineering Report and their July 2022 Map and Plan report; and

WHEREAS, the repairs will involve: Cured-In-Place Pipe Lining; replacement of sewer mains; rehabilitation of manholes, pump stations and a meter vault; and minor building and miscellaneous improvements; therefore be it

RESOLVED, That in accordance with Article 8 of the New York State Environmental Conservation Law and the State Environmental Quality Review Act (SEQRA), the Chautauqua County Legislature has considered the Project under SEQRA and hereby determines that the Project meets the requirements of a Type II action under 6 NYCRR 617.5(c)(1), "maintenance or repair involving no substantial changes in an existing structure or facility," and, pursuant to 6 NYCRR 617.5(a), the Project as a Type II action is not subject to further SEQRA review under 6 NYCRR Part 617.

REQUEST FOR LEGISLATION AND	MEMORANDUM	IN SUPPORT	
TO CLERK OF THE LEGISLATURE	DATE	8/1/2022 MONTH DAY YEAR	
TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: St Determination concerning the Reduction of Inflow and Infiltration in the reduction of Infiltration of Infiltration in the reduction of Infiltratin the reductin the reductin the reduction of Infiltratin the re			
DEPARTMENT OR AGENCY REQUESTING LEGISLATION: Chairman Pierre E. Chagnon	County Executive Pa	aul M. Wendel, Jr. and Legislatu	re
CONTACT PERSON: Mathew Oehlbeck	TEL:	716-753-4715	
PURPOSE OF LEGISLATION: <u>State Environmental Quality</u> Reduction of Inflow and Infiltration in the Portland, Pomfret, Dunkirk		Determination concerning the	
IS EMERGENCY ACTION REQUIRED?	YES	<u> </u>	
STATE THE EMERGENCY NATURE OF THE PROPOSED LEGIS			
FISCAL IMPLIC IS A TRANSFER* OF FUNDS NECESSARY?	ATIONS YES		
IF YES, ARE THE FUNDS BEING TRANSFER	RED		
WITHIN THE SAME DEPARTMENT/AGENCY?			
IF YES, IS TRANSFER FROM .8 ACCOUNT?	YES		
IS A NEW ACCOUNT BEING ESTABLISHED?	YES		
*NOTE: ADDING TO, OR SUBTRACTING FROM, EXISTING BUDGET CI MOVING FUNDS BETWEEN NEW OR EXISTING CLASSIFICAT	IONS OR ACCOUNTS I		
SOURCE OF F	FUNDS		
OFFICE USE			
COMMITTEE(S) ASS		CEIVED <u>08/09/22</u>	
	FROM <u>C</u>	county Executive	
ADMINISTRATIVE SERVICES	PLANNING & ECONOMIC PUBLIC FACILITIES PUBLIC SAFETY	CDEVELOPMENT	
DATE OF INITIAL COMMITTEE CONSIDERATION _ P.F. 8/15/22			
TIME AND LOCATION OF COMMITTEE MEETING 4:00 p.m. Legislative Chambers			
DEPARTMENT HEAD REQUESTED TO ATTEND	S 🛛 NO 🗌		
ACTION REQUIRED BY ANOTHER COMMITTEE YE			
2 ND COMMITTEE AND DATE OF MEETING			
TIME AND LOCATION OF COMMITTEE MEETING			
DEPARTMENT HEAD REQUESTED TO ATTEND			
COMMITTEE A	ACTION		
PRE-FILE AS A RESOLUTION FOR NEXT REGULA PRE-FILE AS A MOTION FOR NEXT REGULAR ME APPROVED - REFER TO OTHER COMMITTEE REJECTED - NOTIFY SPONSOR TABLED - PENDING INFORMATION TABLED OR REFERRED			

TITLE: Determinations in Relation to Reduction of Infiltration and Inflow in the Portland, Pomfret Dunkirk Sewer District

BY: Public Facilities and Audit & 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 184-22 calling a public hearing pursuant to County Law §268 for the purpose of considering a project to reduce Infiltration and Inflow (I & I) in the collection system of the Portland, Pomfret, Dunkirk Sewer District (PPDSD); 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 August 24, 2022 at 6:35 PM, prevailing time; and

WHEREAS, the Legislature has duly considered the July 2022 Map and Plan report prepared by Barton & Loguidice, engineers duly licensed in the state of New York, 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 and Plan report and other data filed with it, the Legislature hereby determines in accordance with County Law §268 that it is in the public interest to construct the proposed improvements for the reduction of I & I as described in the Map and Plan report and in the Notice of Public Hearing for a maximum amount to be expended of \$1,612,000.00 (the Project), and the Project is approved; and be it further

RESOLVED, That the initial allocation of the costs of the improvements as between the zones of assessment as described in the Map and Plan report and in the Notice of Public Hearing are hereby approved, with each of the three PPDSD zones of assessment bearing the expense of the improvements in accordance with the benefit received, and with

Charge Area A1, the sewer system formerly owned by the Van Buren Point Association, Inc. available prior to 1984, bearing a maximum estimated annual cost of \$161.19, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$755.78;

Charge Area A2, the sewer system formerly owned by the Shore Acres Association, Inc. available prior to 1984, bearing a maximum estimated annual cost of \$267.59, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$1,120.13; and

Charge Area B, property served by a collection system which was constructed by the PPDSD, bearing a maximum estimated annual cost of \$17.34, which when added to the estimated average annual sewer charge will be expected to result in a maximum annual sewer charge of \$786.16; 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 PPDSD, they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the PPDSD will derive therefrom; and be it further

RESOLVED, That the PPDSD Board is directed to proceed with the improvement in the manner specified by County Law §262 upon:

- 1. Comptroller approval of the Project; and
- 2. Financing being secured in an amount and manner satisfactory to the PPDSD Board, with implementation of the project contingent upon receipt of grant funding for at least 25% of the project cost and receipt of loan funding at zero percent interest for the balance of the Project cost.

REQ	UEST FOR LEGISLATION AND	MEMO	RANDUM II	N SUPPOF	RT
TO CLERK OF THE LEG	ISLATURE		DATE	<u>8/1/2</u> MONTH	022 DAY YEAR
	ESOLUTION OR LOCAL LAW: Determ	ninations	in Relation to	Reduction of	of Infiltration and
DEPARTMENT OR AGEN Chairman Pierre E. Chagr	NCY REQUESTING LEGISLATION:	County	Executive Pau	I M. Wendel,	Jr. and Legislature
CONTACT F	PERSON: Mathew Oehlbeck		TEL:	716-753-471	5
PURPOSE OF LEGISLAT	ΓΙΟΝ:				
	SEMERGENCY ACTION REQUIRED?		YES 🗌]	NO
STATE THE EMERGENC	Y NATURE OF THE PROPOSED LEGIS	SLATION	: <u>Same a</u>	as above	
	FISCAL IMPLIC				
IS A TRANSFER* OF FUND		ATIONS	YES 🗌		NO 🖂
	YES, ARE THE FUNDS BEING TRANSFER	RED	_		—
W	/ITHIN THE SAME DEPARTMENT/AGENCY	?	YES 🗌		NO 🗌
IF	YES, IS TRANSFER FROM .8 ACCOUNT?		YES 🗌		NO 🗌
IS A NEW ACCOUNT BEING	GESTABLISHED?		YES 🗌		NO 🖂
	UBTRACTING FROM, EXISTING BUDGET C ETWEEN NEW OR EXISTING CLASSIFICAT)T A TRANSFER.
	SOURCE OF	FUNDS			
🛛 LOCAL	FEDERAL		STATE		
	OFFICE USE	<u> </u>			
	COMMITTEE(S) AS	SIGNMENT		EIVED 8/9/22	
				ounty Executive	
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES			G & ECONOMIC D ACILITIES AFETY	EVELOPMENT	
DATE OF INITIAL COMMITTEE	CONSIDERATION P.F. 8/15/22				
TIME AND LOCATION OF COM	IMITTEE MEETING _4:00 p.m. Legislative Chambe	ers			
DEPARTMENT HEAD REQUES	TED TO ATTEND YI	es 🛛	NO 🗌		
ACTION REQUIRED BY ANOTH	HER COMMITTEE YI	es 🛛	NO 🛛		
2 ND COMMITTEE AND DATE OF	MEETING <u>A.C. 8/18/22</u>				
TIME AND LOCATION OF COM	MITTEE MEETING <u>8:35 A.M. Legislative Chambe</u>	ers			
DEPARTMENT HEAD REQUES	TED TO ATTEND YI	es 🛛	NO 🗌		
	СОММІТТЕЕ				
PRE-FI APPRC REJEC TABLE	LE AS A RESOLUTION FOR NEXT REGULA LE AS A MOTION FOR NEXT REGULAR ME DVED - REFER TO OTHER COMMITTEE TED - NOTIFY SPONSOR D - PENDING INFORMATION D OR REFERRED	AR MEETIN	NG 🗌		

TITLE: Establishment of Capital Accounts for Portland Pomfret Dunkirk Sewer District Infiltration and Inflow Reduction Project

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution PPDSD-Aug 3, the County Legislature determined it was in the public interest to perform work to reduce infiltration out of and inflow into (I & I) the Portland Pomfret Dunkirk Sewer District (District) sewer collection system; and

WHEREAS, it is appropriate to establish capital accounts for the undertaking of the work; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to establish accounts for the District's capital improvements, as follows:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:ESP.8130.30001.4Contractual—Sewage Treatment—PPDSD I&I (2022)\$1,612,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT: ESP.8130.30001.R571.0000 Proceeds L/T Obligations—Serial Bonds \$1,612,000

REQUEST FOR	LEGISLATION AN	D MEMO	RANDUM	I IN SUPPO	RT	
TO CLERK OF THE LEGISLATURE			DATE	8/1/		
				MONTH		YEAR
TITLE OF PROPOSED RESOLUTION (Dunkirk Sewer District Infiltration and Inf		Establishn	nent of Capit	al Accounts for	Portland F	Pomfret
DEPARTMENT OR AGENCY REQUES	TING LEGISLATION:	Legisla	ture Chairma	an Pierre E. Ch	agnon	
CONTACT PERSON:	Mathew Oehlbeck		TEL:	716-753-47	15	
PURPOSE OF LEGISLATION: E	stablishment of Capital A	Accounts for	Portland Po	omfret Dunkirk	Sewer Dist	rict
IS EMERGENC	Y ACTION REQUIRED?		YES	i	NO 🖂	
STATE THE EMERGENCY NATURE O	F THE PROPOSED LEG	SISLATION	:			
	FISCAL IMPL					
IS A TRANSFER* OF FUNDS NECESSARY			YES		NO 🖂	
	E FUNDS BEING TRANSFE ME DEPARTMENT/AGENC		YES		NO 🗌	
IF YES, IS TRAN	SFER FROM .8 ACCOUNT	?	YES		NO 🗌	
IS A NEW ACCOUNT BEING ESTABLISHE)?		YES	\boxtimes	NO 🗌	
*NOTE: ADDING TO, OR SUBTRACTING F MOVING FUNDS BETWEEN NEW						ISFER.
	SOURCE O	F FUNDS				
🛛 LOCAL	FEDERAL		STATE			ER
		-				
	COMMITTEE(S) A	ASSIGNMENT	DATE RE	ECEIVED <u>08/09/</u> County Executive	22	
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES			G & ECONOMI ACILITIES	C DEVELOPMENT	-	
DATE OF INITIAL COMMITTEE CONSIDERATIO	N_P.F. 8/15/22					
TIME AND LOCATION OF COMMITTEE MEETIN	G 4:00 p.m. Legislative Chamb	ers				
DEPARTMENT HEAD REQUESTED TO ATTEND)	YES 🛛	NO 🗌			
ACTION REQUIRED BY ANOTHER COMMITTEE		YES 🛛	NO 🗌			
2 ND COMMITTEE AND DATE OF MEETING <u>A.C.</u>	8/18/22					
TIME AND LOCATION OF COMMITTEE MEETIN						
DEPARTMENT HEAD REQUESTED TO ATTENE		YES 🛛	NO 🗌			
PRE-FILE AS A MOTIO	FORMATION	LAR MEETIN	NG			

TITLE: A Resolution Authorizing the Issuance of \$1,612,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Portland Pomfret Dunkirk Sewer District Infiltration and Inflow Reduction Project

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the Portland Pomfret Dunkirk Sewer District (District) was established by Resolution 272-77 in accordance with County Law Article 5-A; and

WHEREAS, a 2022 engineering study of the District's collection system identified numerous items in need of repair which, in their current state, are allowing for infiltration out of and inflow into the sewer collection system (I & I); and

WHEREAS, the engineering firm of Barton and Loguidice prepared a Map and Plan dated July 2022 which includes recommended work to reduce I & I; and

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

WHEREAS, it is now desired to provide for the financing and undertaking of the District improvements authorized pursuant to the Local Finance Law; now, therefore,

BE IT RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

<u>Section 1.</u> The design and construction of improvements to reduce I & I in the Portland Pomfret Dunkirk Sewer District's collection system, in and for the County of Chautauqua, New York, at a maximum estimated cost of \$1,612,000, is hereby ratified and confirmed.

<u>Section 2.</u> The plan for the financing of such improvements shall be by the issuance of up to \$1,612,000 bonds of said County herein authorized.

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

<u>Section 4.</u> 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 bonds as the same respectively become due and payable. To the extent not paid from assessment and/or user charge water rates in the District, all the taxable real property in said County shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

<u>Section 5.</u> Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell 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.

<u>Section 6.</u> All other matters except as provided herein relating to the 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.

<u>Section 7.</u> 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 days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

<u>Section 8.</u> The County has previously indicated its 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 object or purpose described herein.

<u>Section 9.</u> This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of such 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.

REQUEST FOR LEGIS	SLATION AND MEMO	ORANDUM IN	SUPPORT	
TO CLERK OF THE LEGISLATURE		DATE	8/1/2022 MONTH DAY YEAR	
TITLE OF PROPOSED RESOLUTION OR LOC the County of Chautauqua, New York, to Pay Inflow Reduction Project				
DEPARTMENT OR AGENCY REQUESTING LI	EGISLATION: Legisla	ature Chairman F	Pierre E. Chagnon	
CONTACT PERSON: Mathe	w Oehlbeck	TEL:	716-753-4715	
PURPOSE OF LEGISLATION: Bonds Re	solution for PPD I&I			
IS EMERGENCY ACTION	ON REQUIRED?	YES 🗌	NO 🖂	
STATE THE EMERGENCY NATURE OF THE F	PROPOSED LEGISLATION	l:		
	FISCAL IMPLICATIONS			
IS A TRANSFER* OF FUNDS NECESSARY?		YES 🗌	NO 🖂	
IF YES, ARE THE FUNDS WITHIN THE SAME DEPA		YES 🗌		
IF YES, IS TRANSFER FF	ROM .8 ACCOUNT?	YES 🗌		
IS A NEW ACCOUNT BEING ESTABLISHED?		YES 🗌		
*NOTE: ADDING TO, OR SUBTRACTING FROM, EX MOVING FUNDS BETWEEN NEW OR EXIS	XISTING BUDGET CLASSIFIC STING CLASSIFICATIONS OR	CATIONS OR ACC	OUNTS IS NOT A TRANSFER. TRANSFER.	
	SOURCE OF FUNDS			
⊠ LOCAL □ FED	ERAL 🗌	STATE		
	OFFICE USE ONLY			
	COMMITTEE(S) ASSIGNMEN	Т		
		DATE RECEI FROM <u>Coun</u>	VED <u>08/09/22</u>	
ADMINISTRATIVE SERVICES		IG & ECONOMIC DE FACILITIES		
DATE OF INITIAL COMMITTEE CONSIDERATION _ P.F. 8/	15/22			
TIME AND LOCATION OF COMMITTEE MEETING 4:00 p.r	n. Legislative Chambers			
DEPARTMENT HEAD REQUESTED TO ATTEND	YES 🛛	NO 🗌		
ACTION REQUIRED BY ANOTHER COMMITTEE	YES 🛛	NO 🗌		
2 ND COMMITTEE AND DATE OF MEETING <u>A.C. 8/18/22</u>				
TIME AND LOCATION OF COMMITTEE MEETING <u>8:35 a.</u>	m. Legislative Chambers			
DEPARTMENT HEAD REQUESTED TO ATTEND	YES 🛛	NO 🗌		
	COMMITTEE ACTION			
PRE-FILE AS A RESOLUTION PRE-FILE AS A MOTION FOR I APPROVED - REFER TO OTHE REJECTED - NOTIFY SPONSO TABLED - PENDING INFORMA TABLED OR REFERRED	NEXT REGULAR MEETING ER COMMITTEE DR	NG		

TITLE: Authorize County to Apply for Grants on Behalf of the Portland, Pomfret, Dunkirk Sewer District for Inflow and Infiltration Repair

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, Portland, Pomfret, Dunkirk Sewer District (PPDSD) infrastructure was initially installed in the 1930's, 1950's and 1980's and much of the infrastructure has not been updated or repaired since that time; and

WHEREAS, old infrastructure is likely to have cracks and leaks, which can lead to infiltration and inflow (I & I) of storm and ground water into, and leakage of sewage out of, collection system pipes; and

WHEREAS, sewage leaking out of pipes can result in an improper discharge of sewage to the ground, and such sewage can migrate to Lake Erie and surrounding areas; and

WHEREAS, storm and ground water entering into collection system pipes is unnecessarily processed through a treatment plant resulting in higher treatment cost; and

WHEREAS, I&I studies of the Portland, Pomfret, Dunkirk Sewer District collection system showed numerous areas in need of repair; and

WHEREAS, a Map and Plan has been developed for reduction of I & I (the Project); and

WHEREAS, government loan and grant funds for the Project may be available from numerous sources including without limitation the New York State Environmental Facilities Corporation (EFC)- EPA Clean Water State Revolving Fund (CWSRF) program, the USDA Rural Development Program, EFC's Water Infrastructure Improvement Act (WIIA) program, the New York State Department of Environmental Conservation's Water Quality Improvement Project (WQIP) program, the DEC-EFC Engineering Planning Grant (EPG) program, and Empire State Development's Empire State Economic Development Fund Program; and

WHEREAS, it is in the best interest of the County and PPDSD customers to apply for funding assistance when available; therefore be it

RESOLVED, That the County Executive is authorized to submit Project funding applications to federal and state government entities, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That when a Project funding application is successful, upon the County Legislature's approval of the funding and allocation of any required matching funds, the County Executive is authorized to execute and submit the contracts and documents necessary to secure funds, and to represent the County in all matters related to Project funding.

RE	QUEST FO	R LEGISLATIO	N AND MEM	ORANDUM	IN SUPPO	ORT	
TO CLERK OF THE LE	GISLATURE			DATE	<u> </u>		/EAR
TITLE OF PROPOSED Pomfret, Dunkirk Sewe				inty to Apply f	or Grant on	Behalf of the	e Portland,
DEPARTMENT OR AG Chairman Pierre E. Cha		ESTING LEGISLAT	ION: Coun	ty Executive P	aul M. Wende	el, Jr. and Le	<u>gislature</u>
CONTACT	PERSON:	Mathew Oehlbe	eck	TEL:	716-753-4	715	
PURPOSE OF LEGISL	ATION:	Apply for Grant for	I&I Repair				
	IS EMERGEN	NCY ACTION REQU	JIRED?	YES		NO 🖂	
STATE THE EMERGEN	ICY NATURE	OF THE PROPOSI	ED LEGISLATIO	N:			
		FISCA	L IMPLICATION				
IS A TRANSFER* OF FUN	IDS NECESSAI	RY?		YES		NO 🖂	
		HE FUNDS BEING THE FUNDS BEING THE SAME DEPARTMENT		YES		NO 🗌	
	IF YES, IS TRA	ANSFER FROM .8 AC	COUNT?	YES		NO 🗌	
IS A NEW ACCOUNT BEI	NG ESTABLISH	IED?		YES		NO 🖂	
*NOTE: ADDING TO, OR MOVING FUNDS		G FROM, EXISTING B W OR EXISTING CLA					SFER.
		SOU	RCE OF FUNDS				
🛛 LOCAL		FEDERAL	Γ] STATE			R
			ICE USE ONLY	NT			
					CEIVED <u>08/0</u>	9/22	
				FROM <u>C</u>	County Executive		
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES	6		PUBLIC	ING & ECONOMIC FACILITIES SAFETY	C DEVELOPMEN	ΙT	
DATE OF INITIAL COMMITTE	EE CONSIDERAT	TION <u>P.F. 8/15/22</u>					
TIME AND LOCATION OF CO		ГING <u>4:00 p.m. Legislativ</u>	e Chambers				
DEPARTMENT HEAD REQU	ESTED TO ATTE	ND	YES 🛛	NO 🗌			
ACTION REQUIRED BY ANO	THER COMMITT	ΈE	YES 🛛	NO 🗌			
2 ND COMMITTEE AND DATE	OF MEETING <u>A.</u>	C. 8/18/22					
TIME AND LOCATION OF CO		ГING <u>8:35 a.m. Legislativ</u>	ve Chambers				
DEPARTMENT HEAD REQU	ESTED TO ATTE	ND	YES 🛛	NO 🗌			
		COM		 l			
PRE- APPF REJE TABL	FILE AS A MO ROVED - REFE ECTED - NOTIF	SOLUTION FOR NEX TION FOR NEXT REG R TO OTHER COMM Y SPONSOR INFORMATION	T REGULAR MEET GULAR MEETING				

TITLE: State Environmental Quality Review Act (SEQRA) Determination concerning the Rehabilitation of the North County Industrial Water District No. 1 Water Storage Tower

BY: Public Facilities Committee:

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

WHEREAS, Resolution 303-76 established the North County Industrial Water District No. 1 (NCIWD) in accordance with County Law Article 5-A; and

WHEREAS, Resolution 411-76 authorized construction of a water storage tower for the District, which tower was subsequently constructed; and

WHEREAS, the water storage tower is in need of maintenance and repair including exterior painting, installation of an interior coating system, level control and safety upgrades, and repair of steel and foundation elements (the Project); therefore be it

RESOLVED, That in accordance with Article 8 of the New York State Environmental Conservation Law and the State Environmental Quality Review Act (SEQRA), the Chautauqua County Legislature has considered the Project under SEQRA and hereby determines that the Project meets the requirements of a Type II action under 6 NYCRR 617.5(c)(1), "maintenance or repair involving no substantial changes in an existing structure or facility," and under 6 NYCRR 617.5(c)(2), "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site," and pursuant to 6 NYCRR 617.5(a), the Project as a Type II action is not subject to further SEQRA review under 6 NYCRR Part 617.

REQUEST FC	OR LEGISLATION AN	ID MEM	IORANDUM		ORT	
TO CLERK OF THE LEGISLATURE			DATE _	 Month	7/2022 DAY YEA	AR
TITLE OF PROPOSED RESOLUTIO Determination concerning the Reh Tower						
DEPARTMENT OR AGENCY REQU	ESTING LEGISLATION:	North	<u>n County Industr</u>	ial Water Di	strict No. 1	
CONTACT PERSON:	Mathew Oehlbeck		TEL:	716-753-4	4717	
PURPOSE OF LEGISLATION:	Rehabilitation of District W	ater Tow	er			
IS EMERGE	NCY ACTION REQUIRED?	?	YES		NO 🖂	
STATE THE EMERGENCY NATURE	OF THE PROPOSED LEC	GISLATIC	DN:			
	FISCAL IMPL					
IS A TRANSFER* OF FUNDS NECESSA			YES [NO 🖂	
	THE FUNDS BEING TRANSFE SAME DEPARTMENT/AGENC		YES [
IF YES, IS TR	ANSFER FROM .8 ACCOUNT	?	YES [NO 🗌	
IS A NEW ACCOUNT BEING ESTABLIS	HED?		YES [NO 🖂	
*NOTE: ADDING TO, OR SUBTRACTIN MOVING FUNDS BETWEEN NE						ER.
	SOURCE O		 }			
	FEDERAL	[STATE			
	COMMITTEE(S)	ASSIGNME	DATE REC	CEIVED08/0		
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES		PUBLI	ING & ECONOMIC C FACILITIES C SAFETY	DEVELOPME		
DATE OF INITIAL COMMITTEE CONSIDERA	TION <u>P.F. 8/15/22</u>					
TIME AND LOCATION OF COMMITTEE MEE	TING <u>4:00 p.m. Legislative Chamb</u>	oers				
DEPARTMENT HEAD REQUESTED TO ATTR	END	YES 🛛	NO 🗌			
ACTION REQUIRED BY ANOTHER COMMIT	TEE	YES 🗌	NO 🛛			
2 ND COMMITTEE AND DATE OF MEETING						
TIME AND LOCATION OF COMMITTEE MEE		YES 🗌				
DEPARTMENT HEAD REQUESTED TO ATTE			NO 🗌			
PRE-FILE AS A MC	G INFORMATION	ILAR MEE				

TITLE: Determinations in Relation to Rehabilitation of the Water Tower of the North County Industrial Water District No. 1

BY: Public Facilities and Audit & 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 183-22 calling a public hearing for the purpose of considering a proposal to rehabilitate the water tower of the North County Industrial Water District No. 1 (the Project); and

WHEREAS, notice of said public hearing was duly published as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, 3 North Erie Street, Mayville, New York on August 24, 2022 at 6:35 PM, prevailing time; and

WHEREAS, the Legislature has duly considered the July 2022 Project Map & Plan report prepared by CPL, engineers duly licensed in the state of New York, 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 report and other data filed with it, the Legislature hereby determines in accordance with County Law §268 that it is in the public interest to construct the proposed improvements as described in the Map & Plan report and in the Notice of Public Hearing for a maximum amount to be expended of \$863,000.00, and the Project is 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 North County Industrial Water District No. 1 (District), they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the District will derive therefrom; and be it further

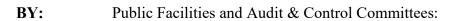
RESOLVED, That the District Board is directed to proceed with the improvement in the manner specified by County Law §262, funded first by grant and loan funding that may be secured by the County for this Project, with the balance of Project costs funded by ARPA funds allocated by Resolution 17-22.

APPROVED VETOES (VETO MESSAGE ATTACHED)

Date

REQUEST FO	R LEGISLATION ANI		RANDUM	IN SUPPO	RT	
TO CLERK OF THE LEGISLATURE			DATE	<u>8/3/</u>		VEAD
TITLE OF PROPOSED RESOLUTION		minations ir	Polation to	MONTH Rehabilitati	DAY	YEAR Water
Tower of the North County Industria						
DEPARTMENT OR AGENCY REQUE Chairman Pierre E. Chagnon	STING LEGISLATION:	County E	Executive Pa	ul M. Wendel	, Jr. and L	egislature
CONTACT PERSON:	Mathew Oehlbeck		TEL:	716-753-47	'15	
PURPOSE OF LEGISLATION: <u>Deterr</u> Industrial Water District No1	minations in Relation to R	ehabilitatio	n of the Wa	ter Tower of	<u>the North</u>	County
IS EMERGEN	CY ACTION REQUIRED?		YES		NO 🖂	
STATE THE EMERGENCY NATURE	OF THE PROPOSED LEG	ISLATION:				
	FISCAL IMPLI					
IS A TRANSFER* OF FUNDS NECESSAF	RY?		YES [NO 🛛	
	HE FUNDS BEING TRANSFE		YES [NO 🗌	
IF YES, IS TRA	NSFER FROM .8 ACCOUNT?	?	YES [NO 🗌	
IS A NEW ACCOUNT BEING ESTABLISH	ED?		YES [NO 🛛	
*NOTE: ADDING TO, OR SUBTRACTING MOVING FUNDS BETWEEN NE\						NSFER.
	SOURCE OF	FUNDS				
🛛 LOCAL	FEDERAL	□ s	TATE			ER
	OFFICE US					
	COMMITTEE(S) A	SSIGNMENT	DATE REG	CEIVED <u>08/09/</u>	/22	
			FROM <u>Co</u>	ounty Executive		
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES		PLANNING PUBLIC FA PUBLIC SA	CILITIES	DEVELOPMENT	Г	
DATE OF INITIAL COMMITTEE CONSIDERAT	ION _ P.F. 8/15/22					
TIME AND LOCATION OF COMMITTEE MEET	ING 4:00 p.m. Legislative Chambe	ers				
DEPARTMENT HEAD REQUESTED TO ATTEN	ND	YES 🛛	NO 🗌			
ACTION REQUIRED BY ANOTHER COMMITTI	EE	YES 🛛	NO 🗌			
2 ND COMMITTEE AND DATE OF MEETING <u>A.(</u>	C. 8/18/22					
TIME AND LOCATION OF COMMITTEE MEET						
DEPARTMENT HEAD REQUESTED TO ATTER	ND	YES 🛛	NO 🗌			
PRE-FILE AS A MOT	INFORMATION	AR MEETING				

TITLE: A Resolution Authorizing the Issuance of \$863,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North County Industrial Water District No.1 Water Storage Tank Repair and Rehabilitation Project



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

WHEREAS, the North County Industrial Water District No. 1 has a water storage tank which is in need of repair and rehabilitation; and

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

WHEREAS, it is now desired to provide for the financing and undertaking of the District improvements authorized pursuant to the Local Finance Law; now, therefore,

BE IT RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

<u>Section 1.</u> The design and construction of improvements consisting of the repair and rehabilitation of the North County Industrial Water District No. 1 water storage tank located in the Town of Sheridan, in and for the County of Chautauqua, New York, at a maximum estimated cost of \$863,000, is hereby ratified and confirmed.

<u>Section 2.</u> The plan for the financing of such improvements shall be by the issuance of up to \$863,000 bonds of said County herein authorized.

<u>Section 3.</u> It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law.

<u>Section 4.</u> 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 bonds as the same respectively become due and payable. To the extent not paid from assessment and/or user charge water rates in the District, all the taxable real property in said County shall be subject to the levy of ad valorem taxes sufficient to pay the principal of and interest on said bonds as the same shall become due.

<u>Section 5.</u> Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell 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.

<u>Section 6.</u> All other matters except as provided herein relating to the 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.

<u>Section 7.</u> 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 days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

<u>Section 8.</u> The County has previously indicated its 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 object or purpose described herein.

<u>Section 9.</u> This resolution, which takes effect immediately, shall be published in summary form in the official newspaper of such 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)

Date

REQUEST I	FOR LEGISLATION AND	D MEMO	RANDUMI	N SUPPORT	
TO CLERK OF THE LEGISLATUR	E		DATE _	8/3/2022 MONTH DAY	YEAR
TITLE OF PROPOSED RESOLUT Chautauqua, New York, to Pay the Rehabilitation Project					
DEPARTMENT OR AGENCY REC Chairman Pierre E. Chagnon	UESTING LEGISLATION:	County	Executive Pau	ul M. Wendel, Jr. and	<u>d Legislature</u>
CONTACT PERSON:	Mathew Oehlbeck		TEL:	716-753-4715	
PURPOSE OF LEGISLATION:	Bonds Resolution for NCIW	D Tower			
IS EMERG	ENCY ACTION REQUIRED?		YES		\triangleleft
STATE THE EMERGENCY NATU		SLATION	:		
	FISCAL IMPLI	CATIONS			7
IS A TRANSFER* OF FUNDS NECES	SARY? E THE FUNDS BEING TRANSFEI	RED	YES 🗌] NO 🛛	
	E SAME DEPARTMENT/AGENCY		YES 🗌] NO []
IF YES, IS ⁻	RANSFER FROM .8 ACCOUNT?	,	YES 🗌] NO [
IS A NEW ACCOUNT BEING ESTABL	ISHED?		YES 🗌] NO 🛛	3
	NEW OR EXISTING CLASSIFICA	CLASSIFIC. TIONS OR	ATIONS OR AC ACCOUNTS IS	COUNTS IS NOT A TI A TRANSFER.	RANSFER.
	SOURCE OF	FUNDS			
🛛 LOCAL	FEDERAL		STATE		THER
	OFFICE USI				
	COMMITTEE(S) A	SSIGNMENT		EIVED <u>08/09/22</u>	
			FROM <u>Cou</u>	unty Executive	
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES			G & ECONOMIC I ACILITIES AFETY	DEVELOPMENT	
DATE OF INITIAL COMMITTEE CONSIDE	RATION _ P.F. 8/15/22				
TIME AND LOCATION OF COMMITTEE M	EETING 4:00 p.m. Legislative Chambe	ers			
DEPARTMENT HEAD REQUESTED TO A	TTEND Y	/ES 🛛	NO 🗌		
ACTION REQUIRED BY ANOTHER COMM	IITTEE Y	res 🖂	NO 🗌		
2 ND COMMITTEE AND DATE OF MEETING	A.C. 8/18/22				
TIME AND LOCATION OF COMMITTEE M	EETING <u>8:35 a.m. Legislative Chambe</u>	ers			
DEPARTMENT HEAD REQUESTED TO A	TTEND Y	(es 🛛	NO 🗌		
	COMMITTEE	ACTION			
PRE-FILE AS A M APPROVED - RE REJECTED - NO	NG INFORMATION				

TITLE: Authorize County to Apply for Grants on Behalf of the North County Industrial Water District No. 1 for Water Storage Tower Rehabilitation

BY: Public Facilities Committee:

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

WHEREAS, Resolution 303-76 established the North County Industrial Water District No. 1 (NCIWD) in accordance with County Law Article 5-A; and

WHEREAS, Resolution 411-76 authorized construction of a water storage tower for the District, which tower was subsequently constructed; and

WHEREAS, the water storage tower is in need of maintenance and repair including exterior painting, installation of an interior coating system, level control and safety upgrades, and repair of steel and foundation elements (the Project); and

WHEREAS, this legislature has caused a Project Map and Plan together with an estimate of the cost to be prepared by CPL Architects, Engineers, Landscape Architect and Surveyor, D.P.C., engineers duly licensed by the State of New York; and

WHEREAS, government funds may be available for the Project, including without limitation New York State Environmental Facilities Corporation (EFC) Clean Water State Revolving Loan funds, EFC Water Infrastructure Improvement Act (WIIA) funds, and New York State Empire Development program funds; and

WHEREAS, it is in the best interest of the County to apply for funding assistance when available; therefore be it

RESOLVED, That the County Executive is authorized to submit Project funding applications to government entities, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That when a Project funding application is successful, upon the County Legislature's approval of the funding and allocation of any required matching funds, the County Executive is authorized to execute and submit the contracts and documents necessary to secure funds, and to represent the County in all matters related to Project funding.

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT						
TO CLERK OF THE LEGISLATURE			DATE	<u>8/3/2</u> MONTH	2022 DAY	YEAR
TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: <u>Authorize County to Apply for Grants on Behalf of the North</u> County Industrial Water District No. 1 for Water Storage Tower Rehabilitation						
DEPARTMENT OR AGENCY REQUESTING LEGISLATION: County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon County Executive Paul M. Wendel, Jr. and Legislature						
CONTACT PERSON:	Mathew Oehlbeck		TEL:	716-753-47	15	
PURPOSE OF LEGISLATION: <u>Authorize County to Apply for Grants on Behalf of the North County Industrial Water</u> District No. 1 for Water Storage Tower Rehabilitation						
IS EMERGENCY ACTION REQUIRED?			YES 🗌			
STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION:						
	FISCAL IMPLIC					
IS A TRANSFER* OF FUNDS NECESSARY?			YES [NO 🛛	
IF YES, ARE THE FUNDS BEING TRANSFERRED WITHIN THE SAME DEPARTMENT/AGENCY?			YES [NO 🗌	
IF YES, IS TRANSFER FROM .8 ACCOUNT?			YES [NO 🗌	
IS A NEW ACCOUNT BEING ESTABLISHED?			YES [NO 🖂	
*NOTE: ADDING TO, OR SUBTRACTING FROM, EXISTING BUDGET CLASSIFICATIONS OR ACCOUNTS IS NOT A TRANSFER. MOVING FUNDS BETWEEN NEW OR EXISTING CLASSIFICATIONS OR ACCOUNTS IS A TRANSFER.						
	SOURCE OF	FUNDS				
🛛 LOCAL	FEDERAL		STATE			ER
OFFICE USE ONLY						
	COMMITTEE(S) AS	SIGNMENT		CEIVED <u>08/09/</u>	22	
			FROM <u>Co</u>	ounty Executive		
ADMINISTRATIVE SERVICES AUDIT & CONTROL HUMAN SERVICES			ACILITIES	DEVELOPMENT		
DATE OF INITIAL COMMITTEE CONSIDERATION	DN <u>P.F. 8/15/22</u>					
TIME AND LOCATION OF COMMITTEE MEETIN	NG 4:00 p.m. Legislative Chambers	S				
DEPARTMENT HEAD REQUESTED TO ATTEN	D YE	es 🖂	NO 🗌			
ACTION REQUIRED BY ANOTHER COMMITTE		es 🗆	NO 🛛			
2 ND COMMITTEE AND DATE OF MEETING						
TIME AND LOCATION OF COMMITTEE MEETIN	NG					
DEPARTMENT HEAD REQUESTED TO ATTEN		ES 🗌				
	COMMITTEE					
PRE-FILE AS A MOTI	DLUTION FOR NEXT REGULA ON FOR NEXT REGULAR ME TO OTHER COMMITTEE SPONSOR NFORMATION	R MEETIN				

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