

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

10. Proposed Resolution – Determinations in Relation to Rehabilitation of the Water Tower of The North County Industrial Water District No. 1
11. Proposed Resolution – 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. Proposed Resolution – Authorize County to Apply for Grants on Behalf of the North County Industrial Water District No. 1 for Water Storage Tower Rehabilitation
13. Other -

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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)

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE July 25, 2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Confirm Re-Appointment – Airport Commission.

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: Public Facilities Committee

CONTACT PERSON: Shannon Barnhart TEL: 716-661-8930

PURPOSE OF LEGISLATION: same as above

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

IS A TRANSFER OF FUNDS NECESSARY? YES NO

ARE THE FUNDS BEING TRANSFERRED WITHIN THE SAME DEPARTMENTAL/AGENCY ACCOUNT? YES NO

IS A NEW ACCOUNT BEING ESTABLISHED? YES NO

IS TRANSFER FROM .8 ACCOUNT? YES NO

ARE FUNDS BEING TRANSFERRED FROM CONTINGENCY? YES NO

SOURCE OF FUNDS

LOCAL FEDERAL STATE OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 8/9/22

FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING _____

TIME AND LOCATION OF COMMITTEE MEETING _____

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Authorize the Conveyance of an Easement and Right of Way to Niagara Mohawk 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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").

Section 1 – Description of the Easement. 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.

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

Section 5 – General Provisions. 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

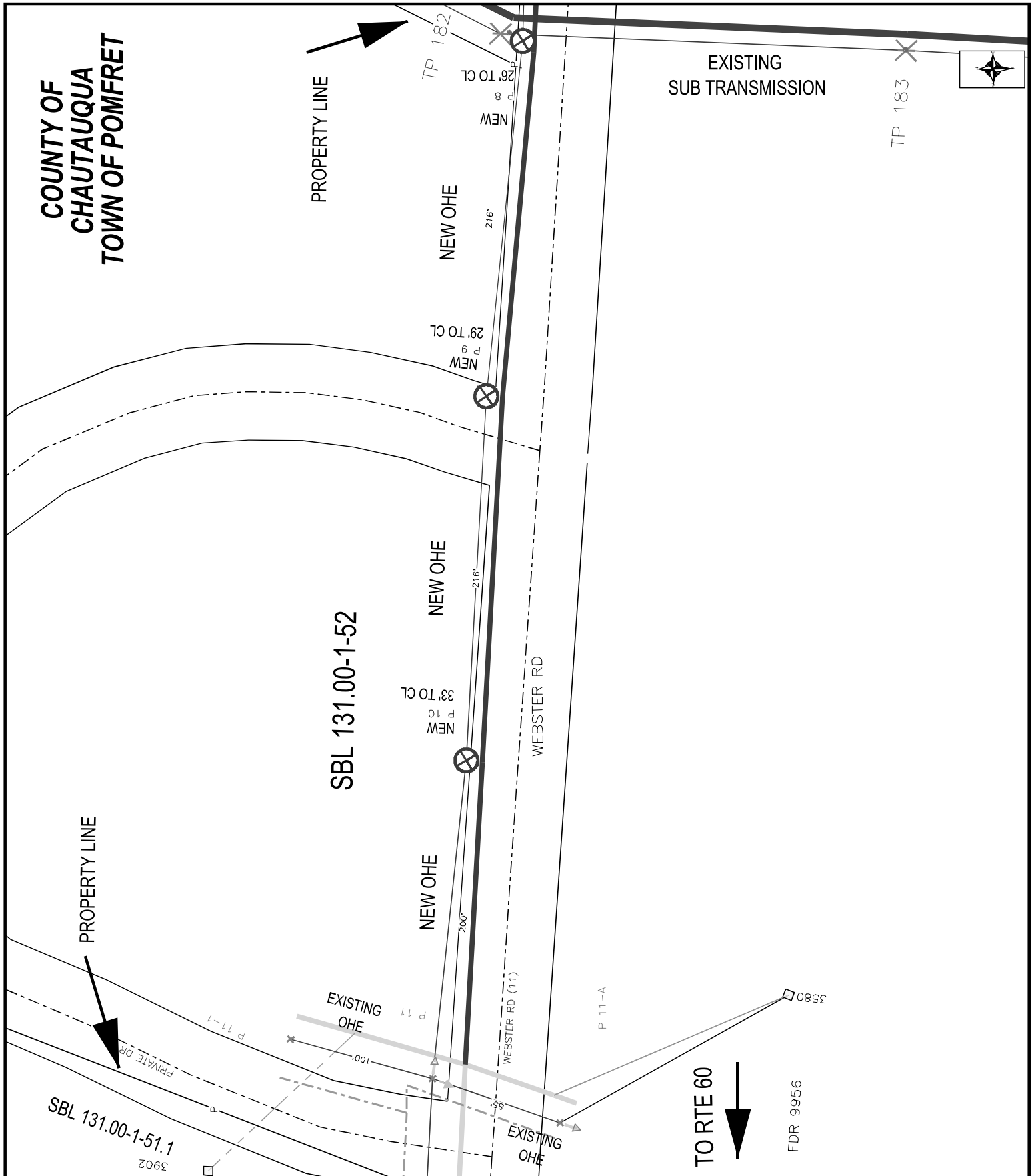
By: _____
Print *(sign here)*
Name: _____
Print Title: _____

State of _____)
) §:
County of _____)

On the ____ day of _____ in the year 20____, before me, the undersigned, personally appeared _____, 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/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

COUNTY OF
CHAUTAQUA
TOWN OF POMFRET



EASEMENT #:	EASEMENT SKETCH - EXHIBIT A	NOT TO SCALE
DESIGNER: D HARDING DATE: — WORK ORDER #: 08-21-30413307	LANDS OF COUNTY OF CHAUTAUQUA	nationalgrid SHEET 1 OF 1

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 08/04/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Authorize the Conveyance of an Easement and Right of Way to Niagara Mohawk Power Corporation and Dunkirk & Fredonia Telephone

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: Landfill -Environment

CONTACT PERSON: Aaron Gustafson **TEL:** 8464

PURPOSE OF LEGISLATION: Authorize Easement and Right-of-Way Agreements

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION:

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING _____

TIME AND LOCATION OF COMMITTEE MEETING _____

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 7/28/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Authorize the Portland Pomfret Dunkirk Sewer District to Convey Easement to the Town of Portland Water District No. 2

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

PURPOSE OF LEGISLATION: PPDSD Easement to Town of Portland

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 8/9/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING _____

TIME AND LOCATION OF COMMITTEE MEETING _____

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
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TABLED OR REFERRED

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

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

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING _____

TIME AND LOCATION OF COMMITTEE MEETING _____

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

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

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

RESOLVED, That the PPDSB 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 PPDSB 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

PURPOSE OF LEGISLATION: _____

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: Same as above

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 8/9/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 8/18/22

TIME AND LOCATION OF COMMITTEE MEETING 8:35 A.M. Legislative Chambers

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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 PPDS-D-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:

<u>ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
ESP.8130.30001.4	Contractual—Sewage Treatment—PPDS I&I (2022)	\$1,612,000
<u>ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:</u>		
ESP.8130.30001.R571.0000	Proceeds L/T Obligations—Serial Bonds	\$1,612,000

APPROVED
VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

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

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 8/18/22

TIME AND LOCATION OF COMMITTEE MEETING 8:35 a.m. Legislative Chambers

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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:

Section 1. 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.

Section 2. 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.

Section 3. 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.

Section 4. 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.

Section 5. 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Section 6. 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.

Section 7. 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.

Section 8. 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.

Section 9. 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)

County Executive

Date

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: 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

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

PURPOSE OF LEGISLATION: Bonds Resolution for PPD I&I

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION:

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 8/18/22

TIME AND LOCATION OF COMMITTEE MEETING 8:35 a.m. Legislative Chambers

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 8/3/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Authorize County to Apply for Grant on Behalf of the Portland, Pomfret, Dunkirk Sewer District for Inflow and Infiltration Repair

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

PURPOSE OF LEGISLATION: Apply for Grant for I&I Repair

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 8/18/22

TIME AND LOCATION OF COMMITTEE MEETING 8:35 a.m. Legislative Chambers

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 7/7/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: State Environmental Quality Review Act (SEORA) Determination concerning the Rehabilitation of the North County Industrial Water District No. 1 Water Storage Tower

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: North County Industrial Water District No. 1

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4717

PURPOSE OF LEGISLATION: Rehabilitation of District Water Tower

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22

FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING _____

TIME AND LOCATION OF COMMITTEE MEETING _____

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

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)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 8/3/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Determinations in Relation to Rehabilitation of the Water Tower of the North County Industrial Water District No. 1

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck TEL: 716-753-4715

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

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION:

FISCAL IMPLICATIONS

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

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SOURCE OF FUNDS

LOCAL FEDERAL STATE OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY
COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22
FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 8/18/22

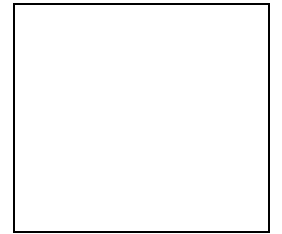
TIME AND LOCATION OF COMMITTEE MEETING 8:35 a.m. Legislative Chambers

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**



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

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 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:

Section 1. 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.

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

Section 3. 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.

Section 4. 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.

Section 5. 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.

Section 6. 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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

Section 7. 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.

Section 8. 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.

Section 9. 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)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 8/3/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Authorize 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

DEPARTMENT OR AGENCY REQUESTING LEGISLATION: County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon

CONTACT PERSON: Mathew Oehlbeck **TEL:** 716-753-4715

PURPOSE OF LEGISLATION: Bonds Resolution for NCIWD Tower

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY

COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22

FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING A.C. 8/18/22

TIME AND LOCATION OF COMMITTEE MEETING 8:35 a.m. Legislative Chambers

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

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.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

REQUEST FOR LEGISLATION AND MEMORANDUM IN SUPPORT

TO CLERK OF THE LEGISLATURE

DATE 8/3/2022
MONTH DAY YEAR

TITLE OF PROPOSED RESOLUTION OR LOCAL LAW: Authorize County to Apply for Grants on Behalf of the North 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

CONTACT PERSON: Mathew Oehlbeck **TEL:** 716-753-4715

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

IS EMERGENCY ACTION REQUIRED? YES NO

STATE THE EMERGENCY NATURE OF THE PROPOSED LEGISLATION: _____

FISCAL IMPLICATIONS

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 OTHER

LEGISLATIVE HISTORY

OFFICE USE ONLY

COMMITTEE(S) ASSIGNMENT

DATE RECEIVED 08/09/22

FROM County Executive

ADMINISTRATIVE SERVICES PLANNING & ECONOMIC DEVELOPMENT
AUDIT & CONTROL PUBLIC FACILITIES
HUMAN SERVICES PUBLIC SAFETY

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 YES NO

ACTION REQUIRED BY ANOTHER COMMITTEE YES NO

2ND COMMITTEE AND DATE OF MEETING _____

TIME AND LOCATION OF COMMITTEE MEETING _____

DEPARTMENT HEAD REQUESTED TO ATTEND YES NO

COMMITTEE ACTION

PRE-FILE AS A RESOLUTION FOR NEXT REGULAR MEETING
PRE-FILE AS A MOTION FOR NEXT REGULAR MEETING
APPROVED - REFER TO OTHER COMMITTEE
REJECTED - NOTIFY SPONSOR
TABLED - PENDING INFORMATION
TABLED OR REFERRED