

## Agenda

Public Facilities Committee

**March 13, 2023, 4:00 p.m., Legislative Chambers**

**Livestreamed on YouTube**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (2/13/23)
- C. Privilege of the Floor
1. Proposed Resolution – A Resolution Temporarily Amending Portland Pomfret Dunkirk User Charge Resolution 262-19
2. Proposed Resolution – Acceptance of Accelerated Transit Capital Grant
3. Proposed Resolution – Amend 2023 Budget to Implement the Renovations of CARTS Hub/Junction Project, Using Funding from the American Rescue Plan Act (ARPA)
4. Proposed Resolution – Amend Funding Supplemental Agreement No.3 with NY State DOT for Performance of Federal Aid Project PIN 5761.82
5. Proposed Resolution – Amend 2023 Budget to Implement the Storage Assessment Project, Using Funding from the American Rescue Plan Act (ARPA)
6. Proposed Resolution – Amend 2023 Budget to Implement the Conewango Dams Sediment Removal and Valve Rehabilitation Project, Using Funding from the American Rescue Plan Act (ARPA)
7. Proposed Resolution – Amend 2023 Budget to Implement the Purchase of Heavy Equipment Project, Using Funding from the American Rescue Plan Act (ARPA)
8. Proposed Motion – Restore Essential Air Service to the Chautauqua County Airport/Jamestown
9. Other –

**CHAUTAUQUA COUNTY**  
**RESOLUTION NO. \_\_\_\_\_**

**TITLE:** A Resolution Temporarily Amending Portland Pomfret Dunkirk User Charge Resolution 262-19

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** Legislature Chairman Pierre E. Chagnon:

WHEREAS, the Portland Pomfret Dunkirk Sewer District Board (Board) serves as Administrative Head of the Portland Pomfret Dunkirk Sewer District (District) and determines District customer user charges, subject to confirmation by the County Legislature; and

WHEREAS, Pursuant to Resolution 262-19, in the event the Board discovers that it omitted a charge, in whole or in part, on a customer's sewer bill, a bill for such charge shall be mailed promptly thereafter, with delayed bills not being issued beyond a one year time period; and

WHEREAS, it has come to the Board's attention that the mathematical formula being used for the calculation of commercial customer bills (Actual Formula) did not match the formula articulated in Resolution 262-19; and

WHEREAS, the Board has determined that (i) both the Board and its customers have relied on billing amounts resulting from application of the Actual Formula, (ii) Resolution 262-19 was adhered to in terms of charging commercial customers both a base rate and a water-based rate, and (iii) it would present a hardship to commercial customers, who are now being charged in accordance with Resolution 262-19, to receive delayed bills for the omitted charges; and

WHEREAS, the Board is seeking Legislative confirmation of their determination that delayed bills should not be issued for the difference between amounts due under the Actual Formula and those under the Resolution 262-19 formula; now therefore be it

RESOLVED, That commercial customers of the District not be issued delayed bills for the omitted charges.

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Acceptance of Accelerated Transit Capital Grant

**BY:** Public Facilities and Audit & Control Committees:

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

WHEREAS, The County of Chautauqua has been approved for a grant of funds by the New York State Department of Transportation, Accelerated Transit Capital Grant Program for the renovation of the CARTS Hub/Junction at 215 E. 3<sup>rd</sup> Street, Jamestown, NY 14701; and

WHEREAS, funding for these projects are 100% State Funds; and

WHEREAS, the County of Chautauqua and the State of New York are entering into an agreement that authorizes the undertaking of the project and payment of the State funds for the project; now therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary agreements with the State of New York, and other such documents for the above named project; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Budget:

ESTABLISH AND INCREASE CAPITAL APPROPRIATIONS ACCOUNT:

H.5630.25261.4	Contractual---Bus Operations, Renovations of CARTS Hub	\$475,062
----------------	---	-----------

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5630.25261.R359.7000	NYS Aid-Transp Capital	\$475,062
------------------------	------------------------	-----------

\_\_\_\_\_  
**APPROVED**

\_\_\_\_\_  
**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Amend 2023 Budget to Implement the Renovations of CARTS Hub/Junction Project, Using Funding from the American Rescue Plan Act (ARPA)

**BY:** Public Facilities and Audit & Control Committees:

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

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

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

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

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the renovations of CARTS Hub/Junction project fits within the guidelines for ARPA spending, is needed to provide the citizens and visitors of Chautauqua County with a safe place out of the weather to wait for buses, and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

H.5630.25261.4	Contractual—Renovations of CARTS Hub	\$100,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$100,000</u>
	Total	\$200,000

ESTABLISH & INCREASE REVENUE ACCOUNTS:

H. 5630.25261.R503.1000	Interfund Transfers—Interfund Transfer	\$100,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$100,000</u>
	Total	\$200,000

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

**CHAUTAUQUA COUNTY**  
**RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Amend Funding Supplemental Agreement No.3 with NY State DOT for Performance of Federal Aid Project PIN 5761.82

**BY:** Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolutions 161-17, 68-21,18-22, 61-22 and 142-22, the Chautauqua County Legislature approved the Replacement of County Bridge 1082, Foote Ave (the Project) and committed to \$2,470,000 to cover 100% of the Project's Preliminary Engineering Design I-VI and Right-of-Way Incidental Phases and Construction/Construction Inspection Phases ; and

WHEREAS, the New York State Department of Transportation had issued Supplemental Agreement No. 3, with funding under title 23 U.S. Code, for the Construction/Construction Inspection Phases, which called for the apportionment of the costs of such program, estimated to be \$2,884,000, to be \$2,307,200 Federal Funds, \$304,500 State Marchiselli funds, and \$272,300 local funds; and

WHEREAS, the New York State Department of Transportation has issued a revised executed Supplemental Agreement No.3, with funding under title 23 U.S. Code, for the construction/Construction Inspection Phases, which now calls for the apportionment of the costs of such program to be \$2,884,000, to be \$2,307,200 Federal Funds, \$432,600 State Marchiselli funds, and \$144,200 local funds; and

WHEREAS, the local share is now calculated to decrease by \$128,100, and the sum of \$128,100 has been appropriated from D.5112.390 for the Replacement of County Bridge 1082, Foote Ave (The Project) and should be returned to D.5112.390; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2022 Adopted Budget:

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

---

**County Executive**

---

**Date**

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements, County Bridge Program	\$128,100
--------------	--	-----------

INCREASE REVENUE ACCOUNT:

D.9901.----.R503.1000	Interfund Transfer—Interfund Transfer	\$128,100
-----------------------	---------------------------------------	-----------

INCREASE REVENUE ACCOUNT:

D.5112.389.R358.9003	New York State Aid--Marchiselli Funds	\$128,100
----------------------	---------------------------------------	-----------

DECREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R503.1000	Interfund Transfer—Interfund Transfer	\$128,100
----------------------	---------------------------------------	-----------

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
**County Executive**

\_\_\_\_\_  
**Date**

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Amend 2023 Budget to Implement the Storage Assessment Project, Using Funding from the American Rescue Plan Act (ARPA)

**BY:** Public Facilities and Audit & Control Committees:

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

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

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

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

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Storage Assessment project fits within the guidelines for ARPA spending, is needed to review the storage needs and building conditions of the Highway Maintenance Facilities to make recommendations to repair or replace facilities, and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.5130.25261.4	Contractual—Storage Assessment	\$29,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$29,000</u>
	Total	\$58,000

INCREASE REVENUE ACCOUNTS:

H. 5130.25261.R503.1000	Interfund Transfers—Interfund Transfer	\$29,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$29,000</u>
	Total	\$58,000

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Amend 2023 Budget to Implement the Conewango Dams Sediment Removal and Valve Rehabilitation Project, Using Funding from the American Rescue Plan Act (ARPA)

**BY:** Public Facilities and Audit & Control Committees:

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

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

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

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

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the Conewango Dams Sediment Removal and Valve Rehabilitation project fits within the guidelines for ARPA spending; is needed for continued compliance with NYSDEC, as well and operational and maintenance requirements with National Resource Conservation Services; and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.1440.25974.4	Contractual—Engineers, Conew Wtshd Dam 33 Sed Rem (2017)	\$ 640,000
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$ 640,000</u>
	Total	\$1,280,000

INCREASE REVENUE ACCOUNTS:

H.1440.25974.R503.1000	Interfund Transfers—Interfund Transfer	\$ 640,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$ 640,000</u>
	Total	\$1,280,000

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date



**CHAUTAUQUA COUNTY  
RESOLUTION NO. \_\_\_\_\_**

**TITLE:** Amend 2023 Budget to Implement the Purchase of Heavy Equipment Project, Using Funding from the American Rescue Plan Act (ARPA)

**BY:** Public Facilities and Audit & Control Committees:

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

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

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

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

WHEREAS, some funds allocated in the ARPA Spending Plan are no longer needed for the originally designated project(s), and are now available for other projects, and a procedure has been established for the ARPA working group to review new requests for APPA funds and to allocate the available funds; and

WHEREAS, the purchase of Heavy Equipment project fits within the guidelines for ARPA spending; is needed to purchase a Sign Truck in the amount of \$80,000; purchase a Heavy Haul Road Tractor in the amount of \$200,000; purchase a Welding Truck in the amount of \$55,000; and purchase a 12 Ton Goose Neck Trailer in the amount of \$35,000; and budget amendments are necessary to authorize spending for the project; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2023 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.5130.626.4	Contractual—Road Machinery	\$370,000
	DPF Large Equipment (Annual)	
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$370,000</u>
	Total	\$740,000

INCREASE REVENUE ACCOUNTS:

H.5130.626.R503.1000	Interfund Transfers—Interfund Transfer	\$370,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$370,000</u>
	Total	\$740,000

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_\_\_**

**TITLE:** Restore Essential Air Service to the Chautauqua  
County Airport/Jamestown

**AT THE REQUEST OF:** Legislator Thomas Nelson:

Whereas, the Jamestown Airport had commercial passenger air service for over 60 years until January 16, 2018, when the Federal Government terminated Essential Air Service (EAS) to Jamestown, New York due to low passenger counts and

Whereas, the reason for low passenger counts was the inability of the EAS carrier at the time to dependably serve the Jamestown Airport out of Pittsburgh, mainly due to a pilot shortage and

Whereas, the Greater Jamestown Area should not be punished for a low passenger count due to undependable air service, and

Whereas, it is important to the economic development of Chautauqua County that visitors be able to fly to Jamestown to visit the National Comedy Center and other nearby attractions such as Chautauqua Institution, and

Whereas, it is important to current and future businesses in the Greater Jamestown Area to be able to fly in and out of Jamestown, and

Whereas, Bradford (McKean County) Pennsylvania, which is much smaller than the Greater Jamestown Area has dependable EAS service to Pittsburgh and to Washington (Dulles),

Now be it Moved as follows: The Chautauqua County Legislature calls upon Congressman Nick Langworthy, Senator Charles Schumer and Senator Kirsten Gillibrand to request that US Secretary of Transportation, Pete Buttigieg, restore EAS to Chautauqua County Airport/Jamestown.