

## Agenda

### Public Facilities Committee

**October 15, 2024, 4:00 p.m., Legislative Chambers**

### **Livestreamed on YouTube**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (09/16/24)
- C. Privilege of the Floor
1. RES. NO. 243-24 – Authorize Lease of Restaurant Facilities at Chautauqua County Airport – JHW to Basil & Bones (*Referred back to Committees by the Full Legislature on September 25, 2024 for further consideration*)
2. Proposed Resolution – Approval of Inter-Municipal Agreement between the North Chautauqua County Water District and the Town of Portland and the Village of Brocton
3. Proposed Resolution – Authorize Extension of the Agreement between the Portland Pomfret-Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services
4. Proposed Resolution – Amend 2024 DPF Capital Projects Accounts Budget
5. Proposed Resolution – Authorize Agreement with NYSDOT for Performance of Federal Aid Local Project Agreement PIN 5763.97, Bridge Deck Sealing of 13 Bridges Various Locations, Chautauqua County
6. Proposed Resolution – Amend 2024 Budget to Implement the Resurfacing Parking Lots by HRC & DMV Project, Using Funding from the American Rescue Plan Act (ARPA)
7. Proposed Resolution – Amend 2024 Budget to Implement the Asphalt Hot Box Trailer Project, Using Funding from the American Rescue Plan Act (ARPA)
8. Proposed Resolution – Amend 2024 Budget to Increase Funding for the Heavy Equipment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan
9. Proposed Resolution – Amend 2024 Budget to Implement the Security at Falconer DPF Project, Using Funding from the American Rescue Plan Act (ARPA)
10. Other –

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

**TITLE:** Authorize Lease of Restaurant Facilities at Chautauqua County Airport – JHW to Basil & Bones

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

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

WHEREAS, the Airport Commission has considered and recommends leasing space in the Robert H. Jackson Terminal at JHW to Basil & Bones for use as a restaurant, event space, and commercial kitchen; and

WHEREAS, pursuant to Local Law 6-2000 a public hearing is not required for airport leases that have a term of less than one (1) year; and

WHEREAS, a budget amendment is not required as revenues are already budgeted that will cover the increase; therefore be it

RESOLVED, That the County Executive is authorized to execute a lease agreement with Basil & Bones for the Airport Restaurant Facilities at the County Airport JHW upon substantially the following proposed terms and conditions:

1. Term. Six (6) months, commencing on October 1, 2024. An extension term will be subject to approval by the County Legislature at end of the term (March 31, 2025).
2. Premises. County Terminal Building Restaurant comprising 2,909 gross square feet of open floorplan office. County, at no additional cost to Lessee, shall provide for the exclusive use of parking adjacent to the Terminal building, next to the restaurant door entrance directly to the outside.
1. Payment. Tenant shall pay County a monthly fixed rental fee of Four Hundred and No/100 dollars (\$400)
2. Other. As negotiated by the County Executive.

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**APPROVED**

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

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

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

**9-16-24 PF – Typo in first WHEREAS clause  
9-25-24 LEG – Referred back to Committees PF, AC**

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

**TITLE:** Approval of Inter-Municipal Agreement between the North Chautauqua County Water District and the Town of Portland and the Village of Brocton

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

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

WHEREAS, pursuant to Resolutions 260-15 and 39-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the District), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk; and

WHEREAS, the County entered into a November 17, 2015 inter-municipal Agreement, known as the Water Purchase/Supply Agreement (the Water Agreement), with the City of Dunkirk, Village of Brocton (Brocton), and Towns of Portland (Portland), Pomfret (Pomfret), Dunkirk (Dunkirk) and Sheridan (Sheridan), which established terms and rates for the County's sale of water to Brocton, Portland, Pomfret, Dunkirk and Sheridan (Towns and Village, collectively, the Local Municipalities); and

WHEREAS, Pursuant to an Agreement dated May 16, 2019 (the O&M Agreement), the Local Municipalities perform operation and maintenance services for the District; and

WHEREAS, the O&M Agreement also modifies a term in the Water Agreement that calls for each Local Municipality to be separately billed for water, replacing that term with a directive that the District issue a single quarterly bill to CBI Water Works (CBI), an inter-municipal operating group formed by the Local Municipalities; and

WHEREAS, Brocton and Portland have asked to be released from CBI and from the O&M Agreement effective December 31, 2024, but intend to continue with the Water Agreement in its original form, with the exception that District may be asked to issue one bill to Portland for all Brocton and Portland water use; and

WHEREAS, Pomfret, Dunkirk and Sheridan wish to continue with the O&M and Water Agreements with District; and

WHEREAS, District has separate contracts with Brocton for use of Brocton's water storage tank and water supply main (Agreement 17-39-01 authorized by Resolution 130-17, and Agreement 18-39-02 authorized by Resolution 112-18), and District may deem it advantageous to enter into an agreement with Portland pertaining to a new water master meter installed by Portland for purposes of measuring water used by Portland and Brocton; now therefore be it

RESOLVED, That:

- (i) the District may amend the O&M Agreement to reflect Brocton and Portland's departure from CBI, provided that Brocton and Portland's outstanding obligations as of the date of their departure from the O&M Agreement, including financial obligations, shall remain in full force and effect;
- (ii) the District may enter into or amend agreements with Brocton and/or Portland for O&M services and for billing, consistent with this Resolution; and
- (iii) a failure by a Local Municipality to timely make contractual payments to the District or the County shall render the Local Municipality subject to late charges, interest and penalties; and be it further

RESOLVED, That contractual terms shall be as negotiated by the District Board subject to approval as to legal form by the County Attorney's office; and be it further

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

RESOLVED, That all existing contracts with the Local Municipalities will remain in full force and effect until the effective date of an amendment or modification consistent with this or future resolutions, or a termination according to contract terms.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

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

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

**TITLE:** Authorize Extension of the Agreement between the Portland-Pomfret-Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services

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

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

WHEREAS, the Portland-Pomfret-Dunkirk Sewer District (County District) has had an Agreement with the Village of Fredonia (Fredonia), Agreement No. 19-44-01, pursuant to which Fredonia provides sewage treatment services for County District (the Agreement); and

WHEREAS, pursuant the Agreement, County District remains responsible for, and charges its customers for, maintenance of County District's sewage transmission lines; and

WHEREAS, Fredonia's charges to its Village customers cover both (i) maintenance of Fredonia's sewage transmission lines and (ii) sewage treatment; and

WHEREAS factoring in County District's maintenance of its transmission lines, the Agreement calls for Fredonia's charges to County District to be one-half the rate that Fredonia charges Village customers, plus extra charges in the event of heavy flows; and

WHEREAS, the Agreement expires on December 31, 2024; and

WHEREAS, County District would like to extend the term of the Agreement to coincide with the length of a thirty (30) year loan from Environmental Facilities Corporation (EFC) for the repair of County District infrastructure (I&I Project); and

WHEREAS, County District and Fredonia have agreed that the initial rate for sewage treatment during the extension term will be \$3.08 per thousand gallons of sewage, and that future rates will reflect Fredonia's actual cost in treating County District's sewage; and

WHEREAS, anticipated Agreement charges for 2025, based on current Agreement terms, are included in the 2025 Tentative Budget; now therefore be it

RESOLVED, That the Portland-Pomfret-Dunkirk Sewer District Board is authorized to enter into a contract amendment to extend the term of the Agreement on the same terms and conditions with the exception of the payment rates, through December 31, 2054 or such later date as represents the end of EFC financing for the I&I Project, with the understanding that future Legislative Resolutions may be requested to amend payment rates when Fredonia reports an increase to the actual cost of treatment.

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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

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

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

**TITLE:** Amend 2024 DPF Capital Projects Accounts Budget

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

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

WHEREAS, appropriations in the Capital County Bridge Program are expected to exceed budgeted amounts; and

WHEREAS, appropriations in the Capital Highway Improvements Project are expected to be under budgeted amounts; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2024 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements, County Bridge Program	\$250,000
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INCREASE REVENUE ACCOUNT:

D.5112.390.R350.1000	NYS Aid Chips	\$250,000
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DECREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Capital Improvements, Highway Improvements	\$250,000
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DECREASE REVENUE ACCOUNT:

D.5112.391.R350.1000	NYS Aid Chips	\$250,000
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**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

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

**TITLE:** Authorize Agreement with NYSDOT for Performance of Federal Aid Local Project Agreement PIN 5763.97, Bridge Deck Sealing of 13 Bridges Various Locations, Chautauqua County

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

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

WHEREAS, the Project for Bridge Deck Sealing is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$85,000 to be borne at the \$68,000 Federal funds and \$12,750 State Marchiselli funds and \$4,250 Local funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project PIN 5763.97; and

WHEREAS, the local share is currently calculated to be \$4,250 and can be covered with existing fund balance; now therefore be it

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

RESOLVED, That in the event the full Federal and Non-Federal 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 be it 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 be it 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 be it further

RESOLVED, That the A fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Reserved Fund Balance-Reserve for Capital	\$4,250
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; and be if further

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

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

INCREASE APPROPRIATION ACCOUNT:

A.9901.9000.9	Interfund Transfers – Transfer to Oth Funds- Trans Co Road Suppl(A-D)	\$ 4,250
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4	Contractual – Capital Improvements, Bridge Programs (Funded)	\$85,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R503.1000	Interfund Transfers-Interfund Transfer	\$ 4,250
D.5112.389.R458.9002	Federal Aid: Surface Transp Program	\$68,000
D.5112.389.R358.9003	New York State Marchiselli	<u>\$12,750</u>
		\$85,000

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

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



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

**TITLE:** Amend 2024 Budget to Implement the Resurfacing Parking Lots by HRC & DMV 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 Resurfacing Parking Lots by HRC & DMV project fits within the guidelines for ARPA spending, is needed to provide basic upkeep and maintain parking facilities on the Mayville campus, 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 2024 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1620.5020.4	Contractual-Buildings & Grounds, Hall R. Clothier Building	\$40,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1620.5020.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$40,000
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**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

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

**TITLE:** Amend 2024 Budget to Implement the Asphalt Hot Box Trailer 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 Asphalt Hot Box Trailer project fits within the guidelines for ARPA spending, is needed to provide the ability to patch and repair asphalt road surfaces, as needed, throughout the year, 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 2024 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.5130.626.4699.ARP	Contractual—Asphalt Hot Box Trailer	\$50,000
A.9950.----.9	Interfund Transfers- Transfer to Capital	<u>\$50,000</u>
	Total	\$100,000

INCREASE REVENUE ACCOUNT:

H.5130.626.R503.1000	Interfund Transfers- Interfund Transfer	\$50,000
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$50,000</u>
	Total	\$100,000

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

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

**TITLE:** Amend 2024 Budget to Increase Funding for the Heavy Equipment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

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

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

WHEREAS, Pursuant to Resolution 103-23, \$370,000 in ARPA funds were allocated for the Heavy Equipment project (the Project); and

WHEREAS, the approved bid for the Project is \$426,287, of which \$56,287 is over the original approved budget, so budget amendments are necessary to authorize additional spending for the Project and ensure its complete implementation; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Budget:

INCREASE APPROPRIATION ACCOUNTS:

H.5130.626.4	Contractual—Road Machinery	
	DPF Large Equipment (ARPA #56)	\$56,287
A.9950.----.9	Interfund Transfers—Transfer to Capital	<u>\$56,287</u>
	Total	\$112,574

INCREASE REVENUE ACCOUNTS:

H.5130.626.R503.1000	Interfund Transfers—Interfund Transfer	\$56,287
A.9950.----.R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	<u>\$56,287</u>
	Total	\$112,574

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

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

**TITLE:** Amend 2024 Budget to Implement the Security at Falconer DPF 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 Security at Falconer DPF project fits within the guidelines for ARPA spending, is needed to protect from loss of County assets in the future, 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 2024 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual—Other Expenses	
	Security at Falconer DPF	\$50,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

DM.5130.----. R408.9ARP	Federal Aid—Oth Fed Aid ARPA Funds	\$50,000
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**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

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