

Agenda

Public Facilities Committee

May 14, 2018. 4:00 p.m., Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (4/16/18)
- C. Privilege of the Floor
 - 1. Proposed Local Law Intro 8-18- A Local Law Amending Local Law 7-90 Providing For a Management Salary Plan For County Officers and Employees (RE. Chairman of North County Industrial Water District No. 1 and Chairman of North County Industrial Sewer District No. 1)
 - 2. Proposed Resolution- Confirm User Charges: North Chautauqua Lake Sewer District
 - 3. Proposed Resolution- Adjust CARTS 2018 Budget to Reflect Additional Funding
 - 4. Proposed Resolution- Authorization for Funding to Replace the Fabric Cover on the Charlotte Salt Shed
 - 5. Proposed Resolution- Adjust D5112 - Capital Improvement Accounts
 - 6. Proposed Resolution- Authorization of Funding to Replace Boiler at the Mayville Municipal Building
 - 7. Proposed Resolution- Amend 2017 Budget for Year End Reconciliations – Final Adjustments
 - 8. Proposed Resolution- Resolution in Support of Chautauqua County Veteran Memorial State Highway Designations
 - 9. Other-

LOCAL LAW
INTRODUCTORY NO. 8-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(RE: CHAIRMAN OF NORTH COUNTY INDUSTRIAL WATER DISTRICT NO. 1 AND
CHAIRMAN OF NORTH COUNTY INDUSTRIAL SEWER DISTRICT NO. 1)

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

Section 1. Purpose.

Pursuant to the adopted 2018 County budget, separate appropriation amounts are allocated to the personal services accounts of the North County Industrial Water District No. 1 (\$4,500), and the North County Industrial Sewer District No. 1 (\$1,500). The personal services appropriations of the two districts fund the annual designated flat salaries of each district's chairman. However, the existing County management salary plan still refers to a single combined title for the chairs of the two districts. It is therefore appropriate that the combined title be separated into two individual titles (one for each district), even though the two districts' chairman positions have traditionally been held by the same person.

Section 2. Amendments.

Local Law 7-90 of the County of Chautauqua, providing for a management salary plan for County officers and employees, is amended as follows:

a. The non-scheduled title of "Chairman, North Industrial Water District #1 and Sewer District #1," is eliminated from the management salary plan.

b. The following non-scheduled titles shall be added to the management salary plan at the designated annual flat salaries listed below, and the annual flat salary shall be a cap on the amount which may be paid for a full year of service:

Chairman, North County Industrial Water District No. 1 – \$4,500
Chairman, North County Industrial Sewer District No. 1 – \$1,500

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

| |
|-------------|
| SDC 4.20.18 |
| KMW 4.20.18 |
| SMA 4.23.18 |
| KMD 4/26/18 |
| KLC 4/26/18 |
| GMB 5/3/18 |

TITLE: Confirm User Charges: North Chautauqua Lake Sewer District

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District, the Administrative Body of the North Chautauqua Lake Sewer District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the North Chautauqua Lake Sewer District, and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective, now therefore be it

RESOLVED, That the *Charges by the North Chautauqua Lake Sewer District*, adopted by the Board of Directors of the North Chautauqua Lake Sewer District as the Administrative Body of such Sewer District and included below, are hereby confirmed.

Charges by the North Chautauqua Lake Sewer District

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers of the North Chautauqua Lake Sewer District.

SECTION II

DEFINITIONS

As used herein, the following terms shall mean and include:

A. *District:* The North Chautauqua Lake Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. *Administrative Head:* The Administrative Head or body of the North Chautauqua Lake Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. *User:* The assessed owner of a parcel of property connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III

UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers of the District shall be determined as follows:

A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries shall consist of one unit.

B. Each separate dwelling unit within one building shall consist of one unit.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.

D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 6-94 to justify increasing a unit allocation.

SECTION IV

SCALE OF CHARGES

Pursuant to Section 266 of the County Law, charges for collection, conveyance, treatment and disposal of sewage shall be as follows.

REGION 1, which includes all properties whose waste is treated by the North Chautauqua Lake Sewer District: \$135.00 per unit per quarter.

REGION 2, which includes all properties whose waste is treated by the Chautauqua Utility District: \$185.00 per unit per quarter.

SECTION V

BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers of the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof for quarters ending on the last day of February, May, August and November, and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the tenth day of the following month, which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

SECTION VI

APPEALS

In accordance with Section 266 of the County Law and Resolution 19-79 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within forty-five (45) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-

0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent.

B. Within forty-five (45) days of the receipt of the appeal, the Board shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

SECTION VII

SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII

EFFECTIVE DATE AND REPEALER

This law shall be effective June 1, 2018. The law confirmed by Resolution 155-13 of the Chautauqua County Legislature shall be repealed prospectively as of May 31, 2018.

THE ABOVE LANGUAGE WAS DULY ADOPTED BY THE BOARD OF DIRECTORS OF THE NORTH CHAUTAUQUA LAKE SEWER DISTRICT

On the 17th Day of April, 2018, after the holding of a Public Hearing as noticed in the attached AFFIDAVITS OF PUBLICATION (County Law §266, and County Legislature Resolution 18-79 as amended by Resolution 37-18).

Date: 4/17/18

/s/ Marty Bova
Martin Bova, Jr., Chair
North Chautauqua Lake Sewer District
Administrative Board

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

| |
|------------|
| GPS 5-7-18 |
| KDG 5/7/16 |
| SMA 5/7/16 |
| KMD 5/7/18 |
| KLC 5/7/18 |
| GMB 5/8/18 |

TITLE: Adjust CARTS 2018 Budget to Reflect Additional Funding

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, New York State has recognized the need for additional funds to support rural transportation and, under the Rural Transit Assistance program, has appropriated additional funds for Chautauqua County in the amount of \$136,246; and

WHEREAS, it is appropriate to accept these grant funds to provide rural transportation services in the County; and

WHEREAS, no revenue for Rural Transit Assistance was included in the 2018 operating budget, and

WHEREAS, expenditures associated with the execution of these grants were included in the 2018 operating budget, and

WHEREAS, the budget should be amended to conform to these adjustments; now therefore be it

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

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----,----.917.0000 Unassigned Fund Balance – Unassigned Fund Balance \$136,246

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.9000 NYS Aid – Transportation \$136,246

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

| |
|------------|
| GPS 5/3/18 |
| KMW 5.3.18 |
| SMA 5/3/18 |
| KMD 5/6/18 |
| KLC 5/7/18 |
| GMB 5/8/18 |

TITLE: Authorization for Funding to Replace the Fabric Cover on the Charlotte Salt Shed

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, the Department of Public Facilities has several fabric-covered salt sheds located throughout the County; and

WHEREAS, the fabric cover on the salt shed located at 7059 Rood Road in the Town of Charlotte has become worn and ripped during the recent winter months and is no longer providing proper coverage for the salt storage; and

WHEREAS, it is vital to the winter road deicing operations that the salt is stored in a dry environment, and the cover needs to be replaced; and

WHEREAS, the Department of Public Facilities obtained estimates from a vendor for the replacement of the fabric cover; and

WHEREAS, the Department of Public Facilities completed a Capital Project Request Form to request funding for a project to replace the fabric cover and submitted it to the Chautauqua County Planning Board for review; therefore be it

RESOLVED, That the Legislature for the County of Chautauqua approves the use of capital reserve funding to establish a budget for the replacement of the fabric cover at the Charlotte Salt Shed; and it is further

RESOLVED, That Reserve for Capital is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.----.-----878.0000 Fund Balance—Reserve for Capital \$ 18,039

;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfer—Interfund Transfers \$18,039

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.25004.4 Contractual—Charlotte Salt Shed (2018) \$18,039

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.25004.R503.1000 Interfund Transfers – Interfund Transfer \$18,039

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

| |
|-------------------|
| GPS 5/3/18 |
| KMW 5.3.18 |
| SMA 5/3/18 |
| KMD 5/6/18 |
| KLC 5/7/18 |
| GMB 5/8/18 |

TITLE: Adjust D5112 - Capital Improvement Accounts

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

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

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$3,738,198 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2018-2019 CHIPS appropriations for Chautauqua County to \$3,735,030.14; and

WHEREAS, the Chautauqua County capital budget includes \$853,089 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2018-2019 PAVE-NY appropriations for Chautauqua County to \$852,557.80; and

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and has appropriated additional funds under the EWR program in the amount of \$547,296.36; and

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

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

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

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4 Contractual – Highway Improvements \$543,596

DECREASE REVENUE ACCOUNT:

D.5112.----.R350.PAVE NYS Aid – NYS Aid PAVE NY \$532

DECREASE REVENUE ACCOUNT:

D.5112.----.R350.1000 NYS Aid – NYS Aid CHIPS \$3,168

INCREASE REVENUE ACCOUNT

D.5112.----.R350.EWR NYS Aid-NYS Aid--Extreme Weather Recovery \$547,296

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

| |
|------------|
| GPS 5/3/18 |
| KMW 5.3.18 |
| SMA 5/3/18 |
| KMD 5/6/18 |
| KLC 5/7/18 |
| GMB 5/8/18 |

TITLE: Authorization of Funding to Replace Boiler at the Mayville Municipal Building

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, Chautauqua County owns the Family Court portion of the Mayville Municipal Building (MMB) located at 2 Academy Street in the Village of Mayville; and

WHEREAS, the heat provided to the Family Court space is supplied by a redundant dual Thermal Solutions boiler system contained in an Aaon Roof Top Enclosure at the MMB; and

WHEREAS, one of the boilers developed several issues at the onset of the last heating season, including a leak in the heat exchanger and a malfunctioning burner assembly, and is currently not operational; and

WHEREAS, the dual boilers are provided for redundancy in the heating, and if the other working boiler goes down for any reason the space would be without heating; and

WHEREAS, it is not recommended to go through another heating season without the redundancy; and

WHEREAS, the Department of Public Facilities obtained estimates from a contractor for both the repair and replacement of the boiler and has determined that the replacement option is the most advantageous; and

WHEREAS, the repair would not include a warranty/guarantee period on the longevity of repair, so it is recommended to have a new replacement boiler installed; therefore be it

RESOLVED, That the Legislature for the County of Chautauqua approves the use of capital reserve funding to establish a budget for the boiler replacement to allow the Department of Public Facilities to proceed with the boiler replacement; and it is further

RESOLVED, That Reserve for Capital is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

| | | |
|-----------------|-----------------------------------|----------|
| A.-----878.0000 | Fund Balance--Reserve for Capital | \$57,000 |
|-----------------|-----------------------------------|----------|

;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

| | | |
|---------------|--|----------|
| A.9950.-----9 | Interfund Transfer—Interfund Transfers | \$57,000 |
|---------------|--|----------|

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

| | | |
|----------------|---|----------|
| H.1620.25005.4 | Contractual—MMB Boiler Replacement (2018) | \$57,000 |
|----------------|---|----------|

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

| | | |
|------------------------|---|----------|
| H.1620.25005.R503.1000 | Interfund Transfer – Interfund Transfer | \$57,000 |
|------------------------|---|----------|

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

| |
|--------------------|
| KMD 4/20/18 |
| KMW 4.20.18 |
| SMA 4/23/18 |
| KLC 4/26/18 |
| GMB 5/3/18 |

TITLE: Amend 2017 Budget for Year End Reconciliations – Final Adjustments

BY: Public Facilities and Audit & Control Committees:

AT THE REQUEST OF: County Executive George M. Borrello:

WHEREAS, some department expenses exceeded initial budgetary estimates, as well as some appropriations had a surplus; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

| | | |
|-----------------|---|----------------|
| EL.8160.7000.8 | Employee Benefits - Environment-Recycling | \$5,166 |
| EL.8189.----.8 | Employee Benefits - Oth Env-House Haz Waste | \$94 |
| ESN.8110.8112.8 | Employee Benefits - Administration-Administration | \$3,150 |
| | Employee Benefits - Sewage Treatment-Sewage Treatment | \$430 |
| ESN.8130.8132.8 | | \$430 |
| ESS.8110.----.8 | Employee Benefits - Administration | <u>\$9,012</u> |
| | - Total | \$17,852 |

DECREASE APPROPRIATION ACCOUNTS:

| | | |
|-----------------|---|----------------|
| EL.8160.1000.8 | Employee Benefits - Environment-Landfill | \$5,260 |
| ESN.8120.8122.2 | Equipment - Sanitary Sewers-Sanitary Sewers | \$3,580 |
| ESS.8110.----.4 | Contractual - Administration | <u>\$9,012</u> |
| | - Total | \$17,852 |

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

TITLE: Resolution in Support of Chautauqua County Veteran Memorial State Highway Designations

BY: Public Facilities Committee:

AT THE REQUEST OF: Legislators Lisa Vanstrom, David Wilfong, John Davis, Terry Niebel, Mark Odell, Christine Starks, Elisabeth Rankin and Chairman Paul Wendel:

WHEREAS, Private Charles S. Cooper, Jr. lost his life during combat operations while serving in Iraq in 2005; and

WHEREAS, Sergeant Jonathan A. Gollnitz lost his life during combat operations while serving in Afghanistan in 2012; and

WHEREAS, Sergeant James C. Matteson lost his life during combat operations while serving in Iraq in 2004; and

WHEREAS, Lance Corporal Aaron M. Swanson lost his life during combat operations in Afghanistan in 2011; and

WHEREAS, Staff Sergeant David W. Textor lost his life during combat operations in Iraq in 2008; and

WHEREAS, these men embody the type of heroic soldiers who dedicated their lives to the cause of freedom for our great nation, making the ultimate sacrifice; therefore be it

RESOLVED, That the Chautauqua County Legislature supports the State of New York's designation of portions of State Highways within Chautauqua County in memory of the following Gold Star Heroes:

- Private Charles S. Cooper, Jr. – NYS Route 60 (North in the City of Jamestown, running by Lakeview Cemetery)
 - Sergeant Jonathan A. Gollnitz – NYS Route 20 (Village of Fredonia)
 - Sergeant James C. Matteson – NYS Route 394 (West Ellicott near Celoron)
 - Lance Corporal Aaron M. Swanson – NYS Route 394 (Lakewood)
 - Staff Sergeant David W. Textor – NYS Route 394 (Between Kennedy and Falconer);
- and be it further

RESOLVED, That the Clerk of the County Legislature is directed to send a copy of this resolution to State Senator Catharine Young and Assemblyman Andrew Goodell.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date