

Minutes

Public Facilities Committee

Monday, January 17, 2017, 4:00 pm

Gerace Office Building, Mayville, N.Y.

Members Present: Hemmer, Wilfong, Nazzaro, Scudder

Member Absent: Gould

Others: Himelein, Tampio, Abdella, Horrigan, Crow, Nalbone

Chairman Hemmer called the meeting to order @ 4:00 pm.

**Approval of Minutes (12/12/16)**

MOVED by Legislator Scudder, SECONDED by Legislator Nazzaro.

*Unanimously Carried*

**Privilege of the Floor**

No one chose to speak at this time.

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**Proposed Resolution – Transfer DPF Administration Petty Cash from Checking to Cash**

Ms. Crow: Over time, we have been helping departments to kind of clean up any unnecessary and just review the need for petty cash accounts and consolidate or close them where we can. It used to be they needed a checking account from time to time to pay back people who put in a deposit for a bid so they would repay them by check. It really doesn't happen too often anymore that they need to do that from petty cash so they are eliminating the checking account and just going to retain a petty cash account and increase it from \$50 to \$100.00.

Legislator Scudder: So it's doubled?

Ms. Crow: In total it's being reduced 50%.

Chairman Hemmer: Any other questions? The checking account is just going to be closed?

Ms. Crow: Yes.

*Unanimously Carried*

**Proposed Resolution – Amend County Road System Map to Add CR 649 Precision Way**

Ms. Crow: In a review with the State and County of the miles of road that goes into our calculation of what we get, CHIPS reimbursed, funding for, there was a disparity in the context of this piece of road. It's not on the County's map system and while we have been maintaining it, we haven't been getting that mileage included in the total miles that we submit for CHIPS funding. By doing this, we'll now be able to include, I believe it's a quarter of a mile or road into the calculation. That should help us a little bit with our CHIPS funding.

Legislator Nazzaro: (*Inaudible*) we have been maintaining anyway.

Ms. Crow: Yes, we have. Now we can actually get a reimbursement for it.

Chairman Hemmer: Any questions concerning this resolution?

*Unanimously Carried*

**Proposed Resolution – Close Accounts for Completed Department of Public Facilities Projects as of 12/31/16**

Ms. Crow: So since we have been working with each of the departments for year end to get consent or let us know what accounts can be closed at the end of this year so this is the list that DPF had provided that the projects were either completed or not moving forward. At least in one case. I probably can't speak to any of the specific projects themselves as to how they were completed or not but, they have been identified as projects that can be closed.

Legislator Nazzaro: So there are dollar amounts tied to each one of these and they are not – this follows what we want to do for closing projects that are complete or not completed. Are we able to get like what the dollar amounts are on these? I would assume that -

Ms. Crow: Well, they should all be on – I know that I have not sent out the performance report for November or December. I was going to do that after we booked our accruals but in the monthly budget performance report, I sent out a list of capital projects so these would all been on that last report but I can resend it. The airport projects there's minimal local share involved in those so it's not going to create a big amount either way going back to the reserve for capital. Is that what you are getting at?

Legislator Nazzaro: I was just wondering, in total, what is going back. I'm assuming this is a positive.

Ms. Crow: Yes, I wouldn't say any of these are over budget because we'd have to do an amendment.

Legislator Nazzaro: Right, but I was wondering does this goes back into reserve.

Ms. Crow: Minimal, if any. The 5610 accounts are all your airport accounts and like I said, most of those projects, our local share is only like 5 or 10% on those and then, the Luensman roof pavilion, that would have been funded with timber sales so that just goes back. Doesn't go back to reserve for capital because timber sales revenues are dedicated towards Parks capital projects.

Legislator Nazzaro: And there is nothing in here like – and you know, like fuel storage (*cross talk*).

Ms. Crow: I'll go back and look but I don't think they're - I mean, I think they were either completed and might have a small balance but these I don't think were large projects that would have a significant impact. But I will review it before Thursday.

Legislator Wilfong: Kitty, how does something stay on? I see that master plan you said that was for the airport from 2008. How does a project stay open that long?

Ms. Crow: We've kind of changed the process for airport projects in the last couple of years. It used to be that, the airport has a master plan that is reviewed year and then up until a couple of years ago, the department would submit into the capital projects request for that budget year cycle, all of those projects. Well, when the FAA comes around actually funding those, when they (*inaudible*) on FAA list of ones to actually fund, it could be several years later but in the meantime they just kind of sit there on our County budget books. So we decided that when we go through the process of the capital budget now, they only list out the projects that are in that plan but we don't approve any new airport projects until the funding is actually coming available. So then we don't end up with these ones that kind of just hang out there. Sometimes they might have been on our original master plan but then the FAA never funds them and they sit there forever.

Chairman Hemmer: Any other questions?

*Unanimously Carried*

**Proposed Resolution – Authorizing Public Hearing Regarding Modification of Improvements for Phosphorous Removal in the Treatment Plant of the North Chautauqua Lake Sewer District**

County Executive Horrigan: What this is, the bonding for this project was approved several months ago for \$2.8 million. Since that time, there is a new engineering firm that actually is working on all the sewer districts. Their reevaluation of this has boosted the project to \$3.5 million. There were some things left out of the initial one. The good news is that, even though it's about a \$700,000 increase, the user charges are actually going to decrease. Because that is where we got zero percent financing. So what this is, is, Steve has worked this with the engineers, with the North Chautauqua County Sewer District. This is a request for a public hearing so that we can move forward with the TMDL project. That is the North Chautauqua Lake project to get this done and it does require revision of the map plan and report. It does have to eventually go to the Comptroller but we are on a schedule to apply for the zero percent

financing. We want to continue with that so in order to make the deadline of March, whatever it is, for that, we have to have this project approved. So it is an increase in funding from where we were at \$2.8 to I think \$3.5. But any questions that you might have, Steve is probably the best to answer. Anything else Steve?

Mr. Abdella; I will mention the resolution references \$3.9 million because they added a contingency amount. So the figures in there are the maximum amount that would be expended. But yes, they are estimating it currently at \$3.5 million.

Legislator Scudder: Were we at 30 years even before we got the interest free?

Mr. Abdella: Yes.

Legislator Scudder: So if we don't get this interest free, we're going with it anyhow.

County Executive Horrigan: We do have the letter with the interest rate.

Legislator Scudder: Oh, so that is a done deal. As done as it can be.

Ms. Abdella: Exactly.

Chairman Hemmer: Any other questions? It went up so much, did we consider trying to rebid it? Since it went up so much sometimes when we get big jumps like that we take another look at it and try and get somebody else to evaluate it as – you know, did we think about that or is that the time table such that we don't want to do any –

Mr. Abdella: Actually, it has not been bid yet. This is a revised engineer's estimate by doing these additional things. This emergency generator for the whole facility, replacement of its mechanical bar screen, the milling and paving of the roadway and then converting it to an ultra violet as opposed to a chlorine treatment system. This is the revised plan but it's just a cost estimate. The bidding will be when you actually find out where it comes in. As I said, it had a sizable contingency so it could come in less. But we're obligated to put in here the maximum amount that could be expended.

County Executive Horrigan: We did look at the improvement carefully. Were they really needed, the additional items. I shouldn't say improvements and yes they are. We're confident that O'Brien and Gere, this engineering firm, in all of the projects they are doing around Chautauqua Lake, they are now doing all of the projects, South & Center, the Chautauqua Heights, and this one have the right picture. So, that's where we are at.

Legislator Nazzaro: Maybe you said it and I didn't catch it. So the price is going up, you said probably going to be about \$3.5 for the cost of improvements and then the increase for the typical single family home, actually is going down slightly instead of up and the reason for that, again?

County Executive Horrigan: Interest free financing.

Legislator Nazzaro: That is the interest free.

County Executive Horrigan: Yes.

Legislator Nazzaro: And that's locked in?

County Executive Horrigan: We got the award letter and they said yes you are eligible for it.

Legislator Nazzaro: It was unfortunate that the project didn't stay the same or go down and have the free interest rate.

County Executive Horrigan: This is part of the whole Chautauqua Lake sewer project.

Legislator Nazzaro: It is an important project. No question about it.

Chairman Hemmer: Any other questions?

*Unanimously Carried*

**Proposed Resolution – Authorize Amendments to FBO and Hangar Lease Agreement at The Greater Chautauqua/Jamestown Airport**

County Executive Horrigan: Nothing has changed from last month. We went forward with this with a public hearing and as I said in my discussions with the FBO, who we believe is the right FBO, we have increased our revenue and I believe it's the right thing to do. We will not be taking over fixed base operations and exposing ourselves to that risk but we believe this is the best deal moving forward. Best interest in the pilots aviation and also minimize local share. We did get you some financial stuff Chuck. You did get all of that last time.

Legislator Nazzaro: I'm going to spare everyone. I'm not going to go over all the reasons I gave before when we had the resolution for the public hearing. Again, I will be voting no for the reasons I gave before however, as I stated also, this is certainly not any reflection on the fine work that Jamestown Aviation does. I just want to make that clear.

County Executive Horrigan: We didn't have any takers on the public hearing. Or I should say, it's coming up.

Chairman Hemmer: Any other questions? Out of curiosity, what is our current passenger count and did we get the central air service ..

County Executive Horrigan: Waiver?

Chairman Hemmer: Yes.

County Executive Horrigan: We did get it for 20 – it goes back many years but we got one for 2015 which takes us through really August of this year so we'll have to apply for another one so we did get that extension.

Chairman Hemmer: Oh, so August of 2017.

County Executive Horrigan: Right. So they will have to apply for another one. We will. The results here recently have been not good based on weather and pilots but then again, we've been working with the CEO and lately it's back up again. So, it's a continual work in progress and it's not like we don't have challenges with the airline. Their recent issues are with pilots certified by the FAA, the weather has been somewhat of a factor, airplane availability, all I can tell you is that, I continually communicate with the CEO and VP for customer operations and we continue to work on this.

Chairman Hemmer: Do they still maintain some sort of schedule?

County Executive Horrigan: Oh yes.

Chairman Hemmer: It's just that most of the flights just don't go.

County Executive Horrigan: Well, it depends on the day. It depends on the week. I don't have it as of right now but last week towards the end they were back in doing well again, had scheduled operations and a week before that they cancelled several days. So, we're not where we would like to be for sure but that is the airline that we have and whether or not we can – we'll evaluate again requesting for a waiver to be able to continue, we'll have to wait and see how it works. We have some very positive customer experiences and we have some negative ones as well. I work with Stan Little, the CEO and tell him, we're unhappy and that's where we are at to be honest with you. It depends on the day, the weather, the timing, pilots, airplanes.

Chairman Hemmer: Do we keep a passenger count?

County Executive Horrigan: We have score cards of every month at the Airport Commission meeting. The Commission goes over the completion rate, the cancellation, what is going on, where they are and they spend a considerable time with that. We have that every month.

Chairman Hemmer: Any other questions?

*Carried w/ Legislator Nazzaro voting "no"*

### **Discussion - Amending Rules & Regulations Regarding Verbatim Minutes**

Clerk Tampio: This is a sample of a resolution that Steve drafted based upon the discussions that were held at the Audit & Control meetings.

Legislator Nazzaro: How long do you keep the audio recording of each meeting?

Mr. Abdella: We would keep it permanently to the extent that that is possible, technologically which it should be. There was some discussion of adding that to this but the view has always been that the minute of the meeting, however they are kept, would be kept permanently and it would certainly be my recommendation if we were no longer doing verbatim minutes of the discussion that the audio recording be kept permanently because it's a source of legislative history should there ever be a question of what the legislative intent was. The items listed that minutes would have to be kept for are the items that – that's basically a quote of the open meetings law that requires that any action taken by a governmental body that's voted on formally, has to have a record of minutes. So those would continue to be kept in written form. It's just your debate if you were to go this route would only now be preserved in an audio recording.

Legislator Nazzaro: So the recordings like if, somebody wanted to go back, like a first year Legislator for whatever reason wanted to go back and hear what happened at a committee meeting, that's going to be stored on the website to access? Is that how – I know you are not with IT.

Mr. Abdella: I don't know if they specially decided but that would be ideal.

Clerk Tampio: That was what IT was going to make happen, develop. That there would be a site made available to Legislators from their home computer or from any computer in the County.

Legislator Nazzaro: So if you wanted to hear you could – just like any recording, go on and eventually they are going to archive them after a certain period of time.

Mr. Abdella: My guess is, probably some would be archived. I mean, how many years they would have it on the site, but the rest would be archived and always available if needed.

Legislator Scudder: So if we passed this, what would our minutes look like then that we would be provided from like this Committee here? Would it just be a summary of the vote basically?

Mr. Abdella: A summary of the votes on all of the items on the agenda.

Legislator Scudder: So what we are saying right now is kind of cool, we're not going to be on there?

Legislator Nazzaro: But it would be on a recording.

Legislator Scudder: In a recording but any discussion on a resolution is not going to be there.

Mr. Abdella: Is not going to be there.

Legislator Scudder: I'm just going to say that I am o.k. with that. Because if I read through and somebody does something that I question, I usually call them up and get it firsthand anyway.

Legislator Nazzaro: Going back to the recordings. I know that we had this discussion in Audit & Control. Will the public be able to get those recordings because we had, so like when we have them on the website, are they going to be in a secure website? Do the recordings have to be available to the public?

Mr. Abdella: The recordings with the deemed public information available to the public. I'm not sure what exactly they plan in terms of its placement on the website and access. Besides from all of that, if there is a recording – it's true right now. As long as we keep these recordings, they can be requested.

Legislator Nazzaro: I guess the question is and I don't mean – I want to follow all the open meeting laws and everything so I don't want our good friend in the media to take this wrong but, do the recordings have to be open to the public or not? I mean, what is our legal requirement under Open Meetings Law? I know the formal Legislature, the meetings out there we're still going to do all the minutes. These are just for the committee meetings, correct? I know that there are some questions because sometimes we have side conversations and things like that. Is it required that the recordings be viewed by the public?

Mr. Abdella: They have to be available if anyone requests them. I'll have to look as far as are we obligated to put them up on the website? I don't think so but –

Legislator Nazzaro: I thought that we talked about and maybe I'm wrong, the recording you have, so if you do have to go back and I thought we talked about some kind of a secured website where we could go in and get them to review a discussion so we have the information. Because Audit & Control is always the last committee, a lot of the resolutions go through the other committees, so, I know anything definite goes through Audit & Control. I'd want to see how they were discussed in the other committee. I think the question was, we just didn't want everything out there because people could be grabbing these recordings and putting them all over the place, they could take bits and pieces of them. I know that we have some questions whether we wanted to make them publically available. Of course, I would never say anything that I didn't want to public to hear but there may be somebody else.

Mr. Abdella: The recordings are public information and so they are going to be able to the public as far as the issue of how they are accessed, are they accessed through a website or does someone need to contact the Legislature.

Legislator Nazzaro: Let me ask it another way. Are you required to record the meeting and keep verbatim minutes or can you just keep a summary of the minutes?

Mr. Abdella: You are not required to record the meeting. What you are required to do is what is listed in the middle there as far as having minutes of actual votes taken. But you are not required to record the meeting, you are not required to keep a transcript of the meeting.



Legislator Nazzaro: So, I guess that is where I'm heading then and I know it sounds like I'm trying to be difficult but I'm not. This is a major change. So you are required to have the result of the vote, but we're not required to keep verbatim minutes which then that would imply that we're not required to record which means you are not required to provide those recordings. I mean, I have no problem if somebody wants to get the recording, they can get them. We should have nothing to hide but I don't know if it's necessary to put them all out on the website where people can just pull them out. Because we did talk about a secure website or like a legislative portal where we could get the information so we could have all the facts when we vote.

Mr. Abdella: I can look into, if the recording exists, what is your obligation to post it on the website.

Legislator Nazzaro: If somebody wanted it, fine but just to put it all out there –

Chairman Hemmer: They would go through Freedom of Information in order to get it or

–  
Legislator Nazzaro: I just think that we should know our options. I agree, that we should get away from keeping all the minutes. I think having a summary of the vote that meets the minimum requirements. We sort of all agree that it's a very long process as I continue talking and you have to take all the minutes on this so I'm not against it. I just want to understand, are we required to put all those recordings out there? If the Legislature wants it, I have no problem. I know that we had that discussion in Audit & Control.

Mr. Abdella: I can look at that question. But the recordings now and in the future are public information. It's just a question of –

Legislator Nazzaro: Like this recording here, correct me if I am wrong, you are recording so they can be transcribed. The recordings eventually are deleted. Those recordings don't exist for others, is that correct?

Clerk Tampio: Correct, right now.

Legislator Nazzaro: So that is different.

Mr. Abdella: But as long as they do exist, they are public information and as you know, I don't know if this discussion is actually going to be transcribed because often times, you don't have the Clerk transcribed what our discussion items. You have them just transcribed actual resolution debate. So again, it's your choice what you want to transcribe other than the minimum items of voting which much be transcribed.

Legislator Scudder: How about if you only vote no, can it be written down why you are voting no? (*Inaudible*)

(*Cross talk*)

Chairman Hemmer: Your dissenting opinion. Before we – there's a lot of work I think to put this all together right, before we jump into this, right?

Legislator Scudder: We're just talking about it.

Mr. Abdella: We wanted each committee to have a discussion and get feedback on the idea. So there is no action sought at this meeting.

Chairman Hemmer: And when we do go to vote on it, there will be some information on how it's going to be handled at that time. O.k., is there any further discussion on this? Is there any comment on this proposal?

**Other**

Chairman Hemmer: Is there any other items to come before this Public Facilities Committee meeting?

MOVED by Legislator Nazzaro, SECONDED by Legislator Scudder to adjourn.

*Unanimously Carried (4:35 p.m.)*

Respectfully submitted and transcribed,  
Kathy K. Tampio, Clerk/Lori J. Foster, Deputy Clerk/Secretary to the Legislature