

Agenda

Public Facilities Committee

June 18, 2018. 4:00 p.m., Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (5/14/18)
- C. Privilege of the Floor
 - 1. Proposed Resolution- Confirm Appointment - Chautauqua County Parks Commission
 - 2. Proposed Resolution- Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport
 - 3. Discussion-
 - Tabled Resolution- Confirm User Charges: North Chautauqua Lake Sewer District
 - 4. Other-
 - Proposed Resolution- Authorize Capital Project for Jamestown Community College (JCC) Five Year Master Plan

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, the County owns and operates the Dunkirk Airport in the Town of Sheridan and is in need of fixed base operator (FBO) services at the Dunkirk Airport for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the Chautauqua Region Economic Development Corporation (CREDC) is a not-for-profit local development corporation incorporated pursuant to Section 1411 of the Not-For-Profit Corporation Law, and is operated for the charitable and public purposes of aiding and promoting the economic development of Chautauqua County, and lessening the burdens of government; and

WHEREAS, pursuant to Resolution No. 246-17, the County Legislature authorized CREDC to provide interim fixed based operator services at the Dunkirk Airport through July 31, 2018; and

WHEREAS, the County issued Requests for Proposals (RFP) for fixed based operator services at the Dunkirk Airport in February 2018 and April 2018 and received no proposals despite numerous inquiries; and

WHEREAS, it would be advantageous for CREDC to continue to provide interim FBO services for the County at the Dunkirk Airport to allow the County to progress further toward the installation of a new fuel farm, and to compile additional financial, usage, and other statistical information over the coming months to enhance the issuance of another RFP for the delivery of FBO services at the Dunkirk Airport; now therefore be it

RESOLVED, That the County Executive is authorized to extend the agreement with CREDC to provide fixed base operator services for the County at the Dunkirk Airport on an interim basis, as follows:

1. Term. August 1, 2018 – June 30, 2019.
2. Payment. CREDC shall pay the County on a quarterly basis the net profits from its FBO operations after payment of all of its reasonable expenses in operating FBO services. In the event that CREDC has a net loss for any quarter, the County shall reimburse CREDC for the applicable deficit in the payment of its reasonable expenses for the quarter.
3. Other. As negotiated by the County Executive.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**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. _____**

MM 6/4/18
KMD 6/4/18
SMA 6/6/18
KLC 6/6/18
GMB 6/13/18

TITLE: Authorize Capital Project for Jamestown Community College (JCC)
Five Year Master Plan

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, JCC is mandated by the State University of New York (SUNY) to have a Five Year Master Plan (the "Project"); and

WHEREAS, JCC originally scheduled this Project for 2019 but the Project needs to be expedited because SUNY requires that the project be completed sooner; and

WHEREAS, the Project cost is expected to be \$300,000 but the Project is eligible for state funding and local non-county funding at a combined rate of approximately 75%; therefore be it

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

RESOLVED, That Reserve for Capital is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance, Reserved Fund Balance—	
	Reserve for Capital	\$ 75,000

;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 Transfers—Interfund Transfers	\$ 75,000
---------------	---	-----------

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.2490.00001.4	Contractual—JCC Five Year Plan (2018)	\$ 75,000
----------------	---------------------------------------	-----------

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.2490.00001.R503.1000	Interfund Transfers – Interfund Transfer	\$ 75,000
------------------------	--	-----------

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date