

Agenda

Public Facilities Committee

Tuesday, January 16, 2018, 4:00 p.m., Room 331

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (12/11/17)
- C. Privilege of the Floor
 - 1. Proposed Resolution – Confirm Re-Appointments – Airport Commission
 - 2. Proposed Resolution – Confirm Re-Appointments – NY Fish & Wildlife Management Board
 - 3. Proposed Resolution – Confirm Re-Appointments – Soil & Water Conservation District Board of Directors
 - 4. Proposed Resolution – Amend Personal Services & Employee Benefit Appropriations Accounts – Environmental – Landfill
 - 5. Proposed Resolution – Close Capital Projects
 - 6. Proposed Resolution – Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District
 - 7. Proposed Resolution – Continuation of Interim Funding for North Chautauqua County Water District
 - 8. Discussion - Solid Waste Flow Control – County Attorney Abdella
 - 9. Other

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

GMB 1/10/18

TITLE: Confirm Re- Appointments - Chautauqua County Airport Commission

BY: Public Facilities Committee:

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

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Airport Commission.

Legislator John Hemmer
7539 E. Rt. 20
Westfield, N.Y. 14787
Term Expires: 12/31/19

Legislator Mark Odell
90 Old Mill Rd.
Brocton, N.Y. 14716
Term Expires: 12/31/19

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VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

GMB 1/10/18

TITLE: Confirm Re-Appointments – New York Fish & Wildlife Management Board

BY: Public Facilities Committee:

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

WHEREAS, County Executive, George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the New York State Fish and Wildlife Management Board.

Zenon Olow
23 Bernett Drive
Fredonia, N.Y. 14063
Term Expires: 12/31/19

Legislator Christine Starks
100 Central Ave.
Fredonia, N.Y. 14063
Term Expires: 12/31/19

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County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Confirm Re-Appointments - Chautauqua County Soil & Water Conservation District Board

BY: Public Facilities Committee:

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

WHEREAS, County Executive George M. Borrello, has submitted the following re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Soil and Water Conservation District Board.

Fred Croscut
7804 Freeman Rd.
Sherman, N.Y. 14781
Term Expires: 12/31/20

Allen Peterson
3030 Strunk Road
Jamestown, N.Y. 14701
Term Expires: 12/31/20

Legislator Frank J. Gould
70 Hoag Road
Ashville, N.Y. 14710
Term Expires: 12/31/18

Legislator Lisa Vanstrom
55 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/18

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**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

GPS 12-14-17
KMW 12.14.17
SMA 12-20-17
KMD 12/21/17
KLC 1/2/18
GMB 1/8/18

TITLE: Amend Personal Services & Employee Benefit Appropriation
Accounts –Environment--Landfill

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, some expenses within the landfill organization have exceeded initial budgetary estimates, as well as some appropriations have a surplus; 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:

A.8160.6000.1	Personal Services-Environment—Closed Landfills	\$15,250
A.8160.6000.8	Employee Benefits- Environment—Closed Landfills	<u>\$ 7,600</u>
	Total	\$22,850

DECREASE APPROPRIATION ACCOUNTS:

A.8160.1000.1	Personal Services-Environment—Landfill	\$15,250
A.8160.1000.8	Employee Benefits- Environment—Landfill	<u>\$ 7,600</u>
	Total	\$22,850

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County Executive

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**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

KMD 12/26/17 KMW 1.2.18 SMA 1/2/18 KLC 1/3/18 GMB 1/8/18

TITLE: Close Capital Projects
BY: Public Facilities and Audit & Control Committees:
AT THE REQUEST OF: County Executive George M. Borrello

WHEREAS, the following capital projects have been completed and can be closed:

- H.2490.550 Community College Tuition—JCC Capital (1996)
- H.3110.06759 Sheriff—County-Wide Radio Project
- H.3110.06964 Sheriff—Prop & Evid Rm/Proc Lab (2016)
- H.3110.06966 Sheriff—Next Generation 911 Sys (2015)
- H.3150.06894 Jail—Jail Maintenance (2013)
- H.1620.25820 Buildings & Grounds—SCOB Cooling Tower (2015)
- H.1620.25926 Buildings & Grounds—SCOB Lighting (2014)
- H.5130.25811 Road Machinery—Mobile Data Collect Syst (2010)
- H.5610.25671 Chautauqua County Airport—Acquire Snow Rem Eqp-DNK (2015)
- H.8020.37913 Planning—Harris Hill Bike Trail (2014)
- H.3010.14690 Emergency Services—Station Seven Improvements (2017);

now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of the closed capital projects, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

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**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

SDC 1-2-18
KMW 1.2.18
SMA 1-2-18
KMD 1/3/18
KLC 1/8/18
GMB 1/9/18

TITLE: Confirming User Charges: Portland Pomfret Dunkirk 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 Portland Pomfret Dunkirk Sewer District, the Administrative Body of the Portland Pomfret Dunkirk Sewer District, has, pursuant to Section 266 of the County Law, and after a Public Hearing held on December 12, 2017, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the Portland Pomfret Dunkirk Sewer District; and

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

RESOLVED, That the *Charges by the Portland Pomfret Dunkirk Sewer District* adopted by the Board of Directors of the Portland Pomfret Dunkirk Sewer District as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

CHARGES BY THE PORTLAND POMFRET DUNKIRK 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.

SECTION II

Definitions

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

- A. *District:* The Portland Pomfret Dunkirk 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 Portland Pomfret Dunkirk 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 within the District connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III

Charge Areas

Real property within the District shall be classified as follows for the purpose of making charges hereunder.

- A. Property served by a collector sewer to which

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1. Sewer service from the sewer system of the Van Buren Point Association, Inc. was available prior to 1984.
2. Sewer service from the sewer system formerly owned by the Shore Acres Association, Inc. was available prior to 1984.

B. Property served by a collector sewer which was constructed by the District.

SECTION IV

Units Per Parcel

The number of units attributable to each parcel of property served by public sewers within 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.

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 12,500 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. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which 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 toxicity as 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 ensure a proportional distribution of operation and maintenance cost to each user or user class. At a minimum, the District can utilize criteria identified in the Local Law Regulating Sewer

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Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

SECTION V

Scale of Charges

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

A.	CHARGE AREA	ANNUAL RATES PER UNIT
	A1	\$ 440.00
	A2	440.00
	B	400.00

B. \$0.0120 per gallon (or \$12.00 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined under the same criteria as is stated in Section IV D hereof.

SECTION VI

Billing

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by adding the following two items:

1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).
2. The actual or estimated water use of such parcel in gallons multiplied by \$0.0120 determined in accordance with Section V B hereof.

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding 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 VII

Appeals

In accordance with Section 266 of the County Law and Resolution 235-03 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 sixty (60) 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 Portland Pomfret Dunkirk 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

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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. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Board of Directors of the Portland Pomfret Dunkirk Sewer District 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 of Directors shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to Chairman, Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757.

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 to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his/her 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 of Directors 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 District Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

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, without interest, 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 Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his or her appeal.

SECTION VIII

Severability

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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 IX

Effective Date and Repealer

These user charges shall be effective February 1, 2018. The user charges confirmed by Resolution 54-13 of the Chautauqua County Legislature shall be repealed prospectively as of midnight on January 31, 2018.

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County Executive

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