

# Agenda

## Public Facilities Committee

**April 14, 2025, 4:00 p.m., Legislative Chambers**

### **Livestreamed on YouTube**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (3/17/25)
- C. Privilege of the Floor
  - 1. Proposed Resolution – Confirm Appointment – North Chautauqua Lake Sewer District
  - 2. Proposed Resolution – Amend 2025 Budget for CARTS
  - 3. Proposed Resolution – Authorize Amendment of Lease Agreement with the City of Dunkirk to Increase Office Space for the Office of the Chautauqua County Public Defender
  - 4. Proposed Resolution – A Resolution Authorizing \$1,612,000 Bonds of the County of Chautauqua, New York, to pay the Cost of the Increase and Improvement of the Portland Pomfret Dunkirk Sewer District in and for said County
  - 5. Proposed Resolution – North Chautauqua Lake Sewer District Determinations in Relation to the Upgrade of Wastewater Treatment Plant Infrastructure
  - 6. Proposed Resolution – North Chautauqua Lake Sewer District Capital Account Establishment in Relation to the Project to Upgrade Wastewater Treatment Plant Infrastructure
  - 7. Proposed Resolution – A Resolution Authorizing the Issuance of \$10,147,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North Chautauqua Lake Sewer District Upgrade of Wastewater Treatment Plant Infrastructure Project
  - 8. Proposed Resolution – Authorize County to Apply for Grants on Behalf of the North Chautauqua Lake Sewer District for Upgrade of Wastewater Treatment Plant Infrastructure
  - 9. Proposed Resolution – A Resolution Authorizing \$5,480,000 Bonds of the County of Chautauqua, New York, to pay the cost of the Increase and Improvement of the North Chautauqua Lake Sewer District in and for said County
  - 10. Other –

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

**TITLE:** Confirm Appointment – North Chautauqua Lake Sewer District

**BY:** Public Facilities Committee:

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

WHEREAS, the North Chautauqua Lake Sewer District was established as a County Sewer District by Resolution 86-75, as amended, and Resolution 37-76; and

WHEREAS, Pursuant to County Law §261 Resolution 38-76; as amended by Resolutions 263-19 and 148-21, the District is administered by a board consisting of six (6) members, five (5) of whom are appointed by the County Legislature and serve six (6) year terms, and one (1) of whom is appointed by the Chairman of the County Legislature and serves at the pleasure of the Chairman of the County legislature; and

WHEREAS, one Board Member resigned at the end of his term which expired on 12/31/24, leaving a vacancy; and

WHEREAS, District Sewer Board members recommend appointment to the Board of the individual named below; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints the following member to the North Chautauqua Lake Sewer District Board effective immediately upon confirmation by the Legislature.

Daniel Roush  
35 East Evans Street  
Mayville, NY 14757  
Term to Expire: December 31, 2030

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

**County Executive**

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**Date**

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

**TITLE:** Amend 2025 Budget for CARTS

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

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

WHEREAS, The Department of Public Facilities division of CARTS (CHQ Transit) entered into an Agreement of Service with Spectrum Enterprise for advertising during Q4 2024; and

WHEREAS, CARTS realized an increase in ridership revenues as a direct result of said advertising; and

WHEREAS, CARTS would now like to enter into a formal agreement for advertising with Spectrum; and

WHEREAS, this increased expense and revenue is not included in the 2025 Adopted Budget; now therefore be it

RESOLVED, That the Director of Finance is authorized to make the following change to the 2025 Adopted Budget:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		
A.5630.5625.4	Contractual – CARTS	\$35,000
<u>INCREASE REVENUE ACCOUNT:</u>		
A.5630.5625.R178.9000	Departmental Income – Oth Transportation Income	\$35,000

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

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

**TITLE:** Authorize Amendment of Lease Agreement with the City of Dunkirk to Increase Office Space for the Office of the Chautauqua County Public Defender

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

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

WHEREAS, the County of Chautauqua desires to amend the lease agreement authorized by Resolution 257-22 leasing approximately 775 square feet of office space on the second floor of Dunkirk City Hall, located at 342 Central Avenue, Dunkirk, New York (“Premises”) for use by the Office of the Chautauqua County Public Defender; and

WHEREAS, negotiations have been undertaken to obtain an amended lease agreement mutually beneficial to the County of Chautauqua and the City of Dunkirk to add an additional 1260 square feet more or less of office space on the second floor of Dunkirk City Hall; and

WHEREAS the 2025 Adopted Budget includes appropriations for lease expenditures and other occupancy costs associated with the Premises, as well as a revenue budget for reimbursement of those costs from the New York State Office of Indigent Legal Services; now therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with the City of Dunkirk upon the following terms and conditions:

1. Premises. Approximately 2035 square feet of office space on the second floor of Dunkirk City Hall, 342 Central Avenue, Dunkirk New York.
2. Term. The original lease term is in effect until December 31, 2027. The amended lease, with new terms, will run from the effective date through December 31, 2027.
3. Rent. The amended rent shall be as follows:  
\$3,025.00 per month commencing on the effective date of the amended lease through December 31, 2025.  
\$3,150.00 per month commencing on January 1, 2026 through December 31, 2026.  
\$3,300.00 per month commencing on January 1, 2027 through December 31, 2027.
4. Utilities. Landlord shall be responsible for all utilities, including heat and electric. County shall be responsible for the cost of phone and internet service.
5. Other. As negotiated by the County Executive.

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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

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

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

**TITLE:** A Resolution Authorizing \$1,612,000 Bonds of the County of Chautauqua, New York, to pay the Cost of the Increase and Improvement of the Portland Pomfret Dunkirk Sewer District in and for said County

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

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

WHEREAS, the County Legislature of the County of Chautauqua, New York, has heretofore, pursuant to Section 268 of the County Law, found it to be in the public interest to increase and improve the facilities of the Portland Pomfret Dunkirk Sewer District in said County, as more fully described in Section 1 of this resolution; and

WHEREAS, the State Comptroller has approved said increase and improvement of facilities on December 3, 2024; and

WHEREAS, the project described herein has been determined to constitute a Type II Action as defined under regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, by such definition, will not have a significant adverse impact upon the environment; and

WHEREAS, it is now desired to provide for the financing of such increase and improvement pursuant to the Local Finance Law; now therefore be it

RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The increase and improvement of the facilities of the Portland Pomfret Dunkirk Sewer District in the County of Chautauqua, New York, consisting of the reconstruction of sewer mains and pump stations, including manholes and meter vault replacement, together with original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$1,612,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$1,612,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said District, in the manner provided by law, and the imposition of user charge water rates therein, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said County shall be subject to the levy of ad valorem taxes, sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Director of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

interests of said County, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Director of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Director of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 9. The Director of Finance is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Director of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Director of Finance consistent with the provisions of the Local Finance Law.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper(s) of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law, and upon adoption shall supersede Resolution No. 203-22, bond resolution dated and duly adopted August 25, 2022.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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

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

**TITLE:** North Chautauqua Lake Sewer District Determinations in Relation to the Upgrade of Wastewater Treatment Plant Infrastructure

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

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 98-25 calling a public hearing pursuant to County Law §268 for the purpose of considering a project to upgrade infrastructure in the Wastewater Treatment Plant (WWTP) of the North Chautauqua Lake Sewer District (NCLSD); and

WHEREAS, notice of said public hearing was duly published as required by law and the public hearing was held at the Legislative Chambers, Gerace Office Building, Mayville, New York, on April 23, 2025, at 6:35 PM, prevailing time; and

WHEREAS, the Legislature has duly considered the February 2025 Map, Plan and Report prepared by Square Engineering, competent engineers and duly licensed in the state of New York, as well as the testimony and other information received by said engineering firm at the public hearing and otherwise; now therefore be it

RESOLVED, upon the Map, Plan and Report and other data filed with it, the Legislature hereby determines in accordance with County Law §268 that it is in the public interest to construct the proposed improvements to the NCLSD WWTP as described in the Map, Plan and Report and in the Notice of Public Hearing for a maximum amount to be expended of \$10,147,000.00 (the Project), and the Project is hereby approved; and be it further

RESOLVED, That the initial allocation of the costs of the improvements as described in the Map, Plan and Report and in the Notice of Public Hearing are hereby approved with NCLSD users paying an estimated annual cost of \$121.00, which, when added to the estimated average annual sewer charge, will be expected to result in a maximum annual sewer charge of \$737.00; and be it further

RESOLVED, That to the extent that the cost of the improvements and the expense of operation and maintenance are not paid from the revenues of the NCLSD, they shall be assessed in proportion as nearly as may be to the benefit which each lot or parcel in the NCLSD will derive therefrom; and be it further

RESOLVED, That the NCLSD Board is directed to proceed with the improvement in the manner specified by County Law §262 upon:

1. Comptroller approval of the Project; and
2. Financing being secured in an amount and manner satisfactory to the NCLSD Board.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

County Executive

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**Date**

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

**TITLE:** North Chautauqua Lake Sewer District Capital Account Establishment  
in Relation to the Project to Upgrade Wastewater Treatment Plant Infrastructure

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

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

WHEREAS, pursuant to Resolution 98-25, the County Legislature determined that it is in the public interest to perform work to upgrade the infrastructure of the North Chautauqua Lake Sewer District (District) Wastewater Treatment Plant; and

WHEREAS, it is appropriate to establish capital accounts for the undertaking of the work; and

WHEREAS, the financing of the work will be accomplished by a combination of grants, loan funding, and bonds, but the exact dollar amount of each revenue source is not known, so the revenue budgets cannot be established at this time; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to establish accounts for the District's capital improvements, as follows:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

ESN.8130.30001.4	Contractual—Sewage Treatment—NCLSD WWTP (2025)	\$10,147,000
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**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

**County Executive**

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**Date**



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

**TITLE:** A Resolution Authorizing the Issuance of \$10,147,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North Chautauqua Lake Sewer District Upgrade of Wastewater Treatment Plant Infrastructure Project

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

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

WHEREAS, Resolution 37-76 established the North Chautauqua Lake Sewer District (NCLSD) in accordance with County Law Article 5-A; and

WHEREAS, some portions of NCLSD infrastructure were constructed in the early 1980s, and other portions acquired from another party date as far back as the 1950s; and

WHEREAS, the engineering firm Square Engineering, duly licensed in the State of New York, was engaged to perform a study of the Wastewater Treatment Plant (WWTP); and

WHEREAS, several treatment process components at the WWTP are reaching the end of their useful lives and some are capacity-limited; and

WHEREAS, upon conducting a comprehensive analysis of essential WWTP upgrades, Square Engineering has developed a Map, Plan and Report detailing recommended WWTP improvements (the Project) along with estimated Project costs; and

WHEREAS, all conditions precedent to the financing of this capital project, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to provide for the financing and undertaking of the WWTP improvements authorized pursuant to the Local Finance Law; now, therefore,

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

Section 1. The design and construction of improvements in the North Chautauqua Lake Sewer District’s WWTP, in and for the County of Chautauqua, New York, is hereby authorized at a maximum estimated cost of \$10,147,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$10,147,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The Director of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from assessments within the Extension or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. No expenditure shall be made or contract let for the purpose authorized by this bond resolution unless and until the State Comptroller shall consent to such expenditure.

Section 11. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of Chautauqua County, together with a notice of the clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

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

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

**TITLE:** Authorize County to Apply for Grants on Behalf of the North Chautauqua Lake Sewer District for Upgrade of Wastewater Treatment Plant Infrastructure

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

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

WHEREAS, North Chautauqua Lake Sewer District (NCLSD) infrastructure was initially installed in the 1950's and 1980's and much of the infrastructure has not been updated or repaired since that time; and

WHEREAS, the engineering firm Square Engineering, duly licensed in the State of New York, was engaged to perform a study of the Wastewater Treatment Plant (WWTP); and

WHEREAS, several treatment process components at the WWTP are reaching the end of their useful lives and some are capacity-limited; and

WHEREAS, Square Engineering prepared an engineering report reviewing and analyzing needed WWTP improvements and alternatives and making recommendations, and developed a Map, Plan, and Report for recommended WWTP improvements (the Project) together with an estimate of Project costs; and

WHEREAS, government loan and grant funds for the Project may be available from numerous sources including without limitation the New York State Environmental Facilities Corporation (EFC)- EPA Clean Water State Revolving Fund (CWSRF) program, the USDA Rural Development Program, EFC's Water Infrastructure Improvement Act (WIIA) program, the New York State Department of Environmental Conservation's Water Quality Improvement Project (WQIP) program, the DEC-EFC Engineering Planning Grant (EPG) program, Empire State Development's Empire State Economic Development Fund Program, and Bipartisan Infrastructure Law (BIL) funds; and

WHEREAS, it is in the best interest of the County and NCLSD customers to apply for funding assistance when available; now therefore, be it

RESOLVED, That the County Executive is authorized to submit Project funding applications to federal and state government entities, to execute related documents, and to represent the County in connection with such funding applications; and be it further

RESOLVED, That when a Project funding application is successful, upon the County Legislature's approval of the funding and allocation of any required matching funds, the County Executive is authorized to execute and submit the contracts and documents necessary to secure funds and to represent the County in all matters related to Project funding.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

## County Executive

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**Date**

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

**TITLE:** A Resolution Authorizing \$5,480,000 Bonds of the County of Chautauqua, New York, to pay the cost of the Increase and Improvement of the North Chautauqua Lake Sewer District in and for said County

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

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

WHEREAS, the County Legislature of the County of Chautauqua, New York, has heretofore, pursuant to Section 268 of the County Law, found it to be in the public interest to increase and improve the facilities the of North Chautauqua Lake Sewer District in said County, as more fully described in Section 1 of this resolution; and

WHEREAS, the State Comptroller has approved said increase and improvement of facilities on March 5, 2025; and

WHEREAS, the project described herein has been determined to constitute a Type II Action as defined under regulations of the State of New York promulgated pursuant to the State Environmental Quality Review Act which, by such definition, will not have a significant adverse impact upon the environment; and

WHEREAS, it is now desired to provide for the financing of such increase and improvement pursuant to the Local Finance Law; now therefore be it

RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:  
Section 1. The increase and improvement of the facilities of the North Chautauqua Lake Sewer District in the County of Chautauqua, New York, consisting of the reconstruction of sewer mains and pump stations, including manholes, together with original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$5,480,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$5,480,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 5. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually apportioned and assessed upon the several lots and parcels of land within said District, in the manner provided by law, and the imposition of user charge water rates therein, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said County shall be subject to the levy of ad valorem taxes, sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Director of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said County, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

**County Executive**

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**Date**

delegated powers, the Director of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Director of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 9. The Director of Finance is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Director of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Director of Finance consistent with the provisions of the Local Finance Law.

Section 11. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper(s) of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law, and upon adoption shall supersede Resolution No. 183-23, bond resolution dated and duly adopted June 28, 2023.

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

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