

Minutes

CHAUTAUQUA COUNTY SEWER AGENCY

Thursday, May 14, 2020, 3:00 p.m.

Mina-Findley Lake Community Center

2883 North Road, PO Box 38

Findley Lake, NY 14736

*Meeting held by Virtual Zoom technology
Call-in Number provided for Public Listening*

Call to Order – Chairman Brumagin called the meeting to order at 3:12 p.m.

Ms. Brumagin: I would like to start by announcing that there was a problem with what was placed in the newspaper in regards to the meeting. It did have the phone number on there but it did not have a conference ID number. So, there are members of the public who (*inaudible*) because that are ID number was not on the notice in the newspaper. Kathy, would you do the attendance?

Tampio: Sure.

Members Present: Rebecca Brumagin, Colleen Meeder, Frank “Jay” Gould, Bill Ward

Members Absent: David White, Mark Persons, Ed Mulkearn and Donny Wensinger

Others: Dave McCoy, Kathy Tampio, Bill Boria, Jeff Messenger, Jon DeAngelo, Steve Abdella, Isacc Gratto, and Steve Burmaster

Ms. Brumagin: O.k., Kathy are there minutes from the last meeting that need to be approved?

Mr. Abdella: Excuse me, Rebecca, you stated that the notice in the newspaper did not give the necessary information for the public to call and listen in?

Ms. Brumagin: It did not give the conference ID number. It gave the telephone number, but not the conference ID number. Does that mean that we need to reschedule?

Mr. Abdella: I guess I’ll ask Jon DeAngelo- that sounds like someone calling the number isn’t going to be able to listen into the meeting?

Mr. DeAngelo: Well, that’s correct, however we do have people on the public comment line. I’m not sure how they got that number if it wasn’t published. That’s correct.

Mrs. Tampio: The notice that was sent to the paper did include the phone number and the conference ID number, so I don’t know if someone called that number is there a way to let them into the conference?

Ms. Brumagin: I think what the issue is the legal notice may have included the number- the conference ID number, but I think there was also something in the newspaper that was (*inaudible*) that said that the meeting was taking place and had the phone number but did not have the ID number, so I think the legal notice was correct (*inaudible*.)

Mr. Abdella: Alright, well it seems like some individuals were able to get the number. I'll guess what I'll say is the obligation is to give notice to the media- Kathy, there was not a legal notice of the meeting published, was there?

Mrs. Tampio: It wasn't a legal notice, it was a public notice.

Ms. Brumagin: I know how some of the people got the information because the memo that we sent out did have the ID number on it. I gave that to some people and I forwarded it to someone as well and that had the ID number on it.

Mr. Abdella: O.K. The duty is to give the newspaper the details of the meeting and it sounds like the newspaper did not- they're under no obligation to publish anything, but what they did publish was incomplete. I think the meeting can go forward. I think you may need to reconfirm any action taken at a later date, but let's see where the meeting goes.

Ms. Brumagin: O.K. Steve, will you be on the line the entire meeting?

Mr. Abdella: Yes, as long as I can be.

Ms. Brumagin: Thank you. Let's go back to whether there are minutes from the last meeting that need to be approved.

Mrs. Tampio: Yes. There were minutes that were submitted by Dave McCoy from February that I have here.

Ms. Brumagin: O.K., is there a motion to approve those minutes?
Motion to approve- Colleen Meeder/ second Rebecca Brumagin
Carried (*with Mr. Ward abstaining from the Vote*)

Ms. Brumagin: We don't really have a long schedule today. I think the main purpose of this meeting is to discuss the potential of French Creek basically working with town of Mina and where the Peak is at with that potential. We did approve at a prior meeting the engineering report and asked for Peek' n Peek to give feedback in regards to their interests because if they are interested then the County Sewer Agency could possibly move forward and if they're not then that means looking at the Town of Mina by itself which does not fall under the County Sewer Agency. So, at this time I'm going to ask Jeff Messinger- because Jeff has been a participant even those he's not a member he's been a participant in our meetings- Donny Wensinger was the representative from Peek'n Peak- Jeff are you able to speak? Issac? Jeff? Are you able to give us an update on what's happening with Peek'n Peak, Scott Enterprises and some of the changes in personnel and what your thoughts are at this point in time?

Mr. Messinger: Well, actually, we're a little muddy right now. We lost Donny Wensinger and we've replaced him with Issac Gratto, who I've brought along with me. Unfortunately, this change just occurred within the last couple of days. I haven't really had a lot of time to bring Mr. Gratto up to- I mean, he's read the reports and such but honestly we haven't had an opportunity to sit down and discuss. Do you have anything you want to say on that matter at the moment?

Mr. Gratto: Not really. I'm not too sure (*inaudible.*)

Mr. Messinger: I hate to be the person that says can we do this one more time, but I do want Mr. Gratto to know everything that we know and he's not quite there yet.

Ms. Brumagin: Thank you for that update. In addition to that, I'd like to inform the group that approximately 2 weeks ago I sent an email- I spoke with Jeff because I had tried to connect with the corporate offices at Scott Enterprises and was not able to do so, so I reached out to Jeff to ask him if he had any ideas in that regard and he recommended that I send an email to him outlining where we are and our need for a response from the Peek'n Peak representatives. So, that email was sent to Jeff who then forwarded it off to Nick Scott I think and we have not heard back from them and that was a week and a half- two weeks ago. I tried calling the corporate office again yesterday and they weren't picking up the phone and their voicemail is full. There is just no response there either. Now, we understand these are unprecedented times for businesses and a lot of difficult things that they have to be thinking about and a lot of changes that are occurring now. I did emphasize in my email that there was the opportunity for funding and that it would be due July 31st. Time is off the essence in terms of making a decision as to which way we would be going. Would it be a county project and if it is not a county project then it would go back to the Town of Mina for the Town Board to decide if they do or do not want to pursue the formation of the sewer district. I also need to be able to prepare the Town Board for looking at that option and making a decision as to whether or not to move forward. So, that's basically where we are at this point in time and without- Isaac, you said you've only been onboard for a couple of days?

Mr. Gratto: Yes, just a couple of days.

Ms. Brumagin: Could I ask who you report directly to?

Mr. Gratto: To Nick Scott.

Ms. Brumagin: O.k., so you would be able to have a one on one discussion with him?

Mr. Gratto: Yes.

Ms. Brumagin: Donny had shared with us that there was some initial interest in understanding it a little bit further, although to what extent we did not know and he was going to be working with them on that. So, I guess my recommendation at this point is that we are in mid-May – we would need to be able to have an answer very, very soon so that we would know if we should be recommending to the County Legislature that this group (*inaudible*) that our work is done and there is not the opportunity for shared services or what the next step is. I guess I would ask the group whether or not you are willing to hold off for a couple more weeks to give Isaac

the opportunity to meet with Nick Scott and to sort of discuss this further with him to determine if there is an interest, but we really would need to have a final response from the Peak in the next couple of weeks. I'm going to open that up to opinions from the group regarding that.

Mr. Gould: I think that's fair and I think that's what we should do- give it a couple more weeks.

Ms. Meeder: I'm in agreement and I also wanted to mention that I've been in recent conversations with The NYS Office of Homes and community renewal and they're also a part of that CFA consolidated application and there's no word right now as to when those application are going to be ready to be submitted given the COVID situation. So, I do agree that the Peak needs to get back to us in the next couple of weeks, but that end of July date might actually be put off a little bit.

(Cross-talk)

Ms. Brumagin: I had not heard that there was a potential of that the deadline being extended. Thank you for that. Other thoughts?

Mr. Boria: Donny at last meeting expressed issues about questions they had. Some were legal questions that they were going to put together a list of those questions. I recall one of them had to do with a public/private partnership and if there are any examples of such where a primary customer is a private entity. Do you recall what the questions were? That was only one of them.

Ms. Brumagin: *(Inaudible)* about transferring assets to the Town of French creek and if that needed to happen. They were going to be talking to their attorney who would be in an advisory role rather than legal role in that matter. That's all I have in my notes. We were looking to have someone- one of the Scott's possibly attend the next meeting to talk about that further.

Mr. Abdella: I'm not sure exactly what they're asking about in terms of a private/public partnership. We have seen in other sewer districts- take the SSCLSD, you have some significant large users namely Southern Tier Brewing and Cummins Engine where the rates that they are charged are unique to their facility because it's based on whether or not they are providing pre-treatment of their sewage before it enters the public sewage system. Rates can be negotiated reflecting in some cases the contribution of the private entity to the treatment process
(inaudible.)

Ms. Brumagin: I was thinking that what they were concerned about was they currently have private system and can there private system be a partnership with a public entity but the system itself would remain in the hands of the business. I don't know if anyone else was thinking that.

Mr. Boria- *(Inaudible)* who would actually own the Peek'n Peak collection system? Would the County purchase that system from Peek'n Peak or would it be a privately owned collection system and then the Peak would pay some sort of a usage fee?

Ms. Brumagin: Steve, would you be willing to talk to McLaughlin(?) about these questions in advance of our next meeting?

Mr. Abdella: Yes.

Ms. Brumagin: I think that would be helpful and that would help make the next meeting smoother. Thank you. That will help us be able to move this in one direction or another.

Mr. Abdella: I can do that. I would just ask the group- If they were to retain ownership of some preexisting facility what then would be the county district infrastructure that would be necessary to exist in the Town of French Creek? Unless the county district is going to receive some amount of sewage either from that treatment plant or otherwise- I'm just wondering- I guess the simple answer to the question is could a portion of the county district in the Town of French Creek be simply privately owned and I don't see how that- you've got to have some county district facility in that town, but as I mentioned in the case of the Brewery they do own significant infrastructure, but they still are having their flows eventually come into the county facility. It's not a stand-alone private system. There has to be some reason for the county district to be there.

Mr. Boria: I think Peek'n Peak were to maintain ownership of their collection system the county district would actually own the pump station where the current Peek'n Peak treatment plant is located or somewhere thereabouts and then that's where the connection would be between Peek'n Peak and county district.

Mr. Abdella: O.k. Again, if they're retaining financial ownership and responsibility for their collection system, that's o.k. and that might factor into what the appropriate rates are that they're charged. If they are still tying into the county district system then that has potential feasibility. I can discuss that further with the Peek'n Peak representative.

Ms. Brumagin: Thank you. I think that would be very helpful. I will ask if anyone has anything else to report? Or any other questions or concerns? In regards to replacing Donny because he is no longer an employee of Scott Enterprises, what is the process for another person to go on in his place? Does the County Legislature approve that or do they approve the position and then the Peak can make the decision who the representative is?

Mr. Abdella: I'm recollecting to some degree the question of having a person from the Peak on the sewer agency- I guess the discussion today is describing the possibility of some sort of public/private partnership that would significantly affect what sort of map and plan might be created that would involve this potentially large user in a unique way- I guess I would suggest not to have someone from Peek'n Peak on agency itself but they are very much needed to participate to discuss these options, but I would say that perhaps the position should be filled by someone not from Peek'n Peak.

Ms. Brumagin: Thank you. Does that mean we have a vacancy or does it mean that we just reduce the number of people on the sewer agency?

Mr. Abdella: You would have a vacancy to fill. How many members are there currently on the sewer agency?

Mrs. Tampio: There are currently 8.

Abdella: I think an attempt should be made to fill it but maybe not until we decide if the agency is even going to go ahead.

Ms. Brumagin: O.k. that makes sense. I think there needs to be formal notification that there is a vacancy to the legislature. Do they need to know? Any updates, comments, questions?

Ms. Meeder: I just wanted to say that in the gloom outlook we have with what's going on with our markets, I have to say we are seeing great interest from the federal and state government in investing in infrastructure. Our CBDG grant (*inaudible*) went from 1 million dollars to now being eligible for 1.25 million dollars. (*Inaudible*) So, even with situation that we have this may be a great opportunity for the district to be formed.

Ms. Brumagin: Thank you. Anyone else have anything to add? Let's schedule the next meeting. Three weeks from now would be the June 4th. That gives attorneys three weeks to connect and then we may know what direction we're going in to inform the Mina Town Board. That would give me a week to prepare an analysis for them. 3 o'clock?

Mr. Ward: That works great.

Mr. Gould: Works for me.

Ms. Brumagin: Thank you. Anything else before we adjourn?

The meeting ended at 3:46 p.m.

Respectfully Submitted,
Kathy Tampio and Olivia Ames
Clerk, Chautauqua County Legislature

- Next meeting –June 4, 2020, 3:00 p.m.

Approved 6/4/2020