

Minutes

Planning & Economic Development Committee

March 21, 2018, 6:00 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Odell, Chagnon, Starks, Himelein, O'Connell

Others: Tampio, Ames, McCord, McCoy, Harvey, Geise, Gooch, Abdella, Dennison, Borrello, Longley

Chairman Odell called the meeting to order at 6:00 p.m.

Approval of Minutes (2/21/18)

MOVED by Legislator Starks, SECONDED by Legislator Chagnon

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Draft for Legislative Review – Amendment to Administrative Code

Mr. Abdella: You'll recall that last month a version of amendments to the Administrative Code relating to the creation of a Deputy County Executive for Economic Development and the restructuring of the Planning and Economic Development function were on your agenda and were discussed at the committees to some extent, but those were pulled back for further revision and tweaking and so, before you this month is a new set of documents that have those revisions. With regard to number one, the Administrative Code, the primary change that I'll highlight is that- what it does is create within what was formally the Department of Planning and Economic Development and what would now be called the Department of Planning and Development- two divisions. One would be the Division of Economic Development and the second division, which was in the draft last month, would be the division of Planning and Community Development. The overall name of the department and as it's reflected as an area of County government the Charter would be changed to simply Planning and Development but based on the existence of there now being a division of Economic Development and a Deputy County Executive for Economic Development. That's not because economic development is not still a priority, it's just reflecting that planning and then the development of the County encompasses not only economic development but many other facets of development. So that's really the higher elevation view of

the changes but it now reflects, in greater detail, the economic development purposes that are retained from some of the prior versions of the code. It also reflects the creation of this new division of planning and community development that are all under the umbrella of a single Department of Planning and Development with a Deputy County Executive for Economic Development overseeing the (*inaudible.*) It also retained from last month, to reconfirm, is that the new Division of Planning and Community Development is headed by the Director, who is also independently appointed by the County Executive, as is the Deputy Director of Planning and Economic Development. So, you have two direct County Executive appointees in this department, which speaks to the importance of this department and the two divisions and their function and the need to have direct oversight by the County Executive as well.

County Executive Borrello: I know we covered this last month quite a bit but what I want to reiterate is that, by having this restructuring and having a direct report where Don is now elevated to a direct report to the County Executive and his position of Director of Planning and Community Development and then Mark who also is Deputy County Executive is that- what I wanted to eliminate is there is a number of positive things and positive reasons to do that, but also one of the things that we wanted to eliminate was the potential to- where we have conflict of interest often- not often- sometimes- Potentially conflict of interest sometimes between the goals of Economic Development and the IDA and the overall goals of us following our comprehensive plan and what is in the best interest of the quality of life in Chautauqua County. I want to make sure that when those potential conflicts occur, that both arguments are brought to the County Executive and an open discussion can occur, versus having one side have the ability to quiet the other side. I think that's one of the instrumental roles in this change is elevating Planning and Community Development to that level so these conversations can occur with the County Executive and with, ultimately, the Legislature and everyone else being able to be informed.

Chairman Odell: Any questions or comments at this point?

Legislator Gould: Mr. Chairman, are you ok with this?

Chairman Odell: I am.

Vice Chair Chagnon: Mr. Chairman, I have a comment. Last month, with what was presented to us, I had a host of questions and I would like to make my views known at this point. I think that what we have in front of us now is much improved from what we saw last month. I think that what we have in front of us now is excellent and I would like to thank the County Attorney for pointing out that the source of many of my questions was that I was comparing the new language to what I thought was the Administrative Code posted online, only to find out from Steve that what was posted online was an obsolete version of the Code. Many of my questions went away when I looked at the current version of the Administrative Code. My questions have been answered. Thank you, Steve. I am pleased and impressed with the document that is in front of us.

Chairman Odell: Thank you. We don't have anything to vote on here tonight.

County Executive Borrello: Thank you, Mr. Chairman.

Proposed Local Law Intro 2-18- A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (Re: Deputy County Executive for Economic Development And Director of Planning and Community Development)

Mr. Abdella: So this would be implementing the changes that are reflective in the Code as far as these two new positions and it's not significantly different from last month. Some of the purposes up above in Section One were modified to reflect the changes in the code that we discussed. But otherwise, it would be the same and as far as with the Code, our plan was to seek any additional comment as we had tonight through the Committee's (*inaudible*) and officially promulgated with the local laws at the same time, which do need County Legislature passage.

Chairman Odell: Before we have any questions on this, just to backtrack, was the Administrative Code updated online?

Clerk Tampio: Yes.

Chairman Odell: Ok, good. Does the Committee have any questions, comments or concerns? All in favor? Opposed?

Unanimously Carried

Proposed Local Law Intro 3-18- A Local Law Amending the Chautauqua County Charter

Mr. Abdella: This simply removes that word "economic." So this area of County government would be called the Planning and Development area of County government.

Chairman Odell: Ok, any questions from the Committee? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Requesting CCIDA To Approve No Further PILOT Agreements for Wind Energy Projects Larger Than 25 Megawatts Rated Capacity

County Executive Borrello: I'll start this off. We have several projects throughout the County that are underway and I think it's important to point out that those projects that are underway they all received PILOT Agreements. There are several reasons for this, but after conferring with fellow Legislators, and I'm really speaking on behalf of the Legislators that did put this forth, Legislators Scudder and Nazzaro. We just don't feel that if a wind project is worthwhile and already has subsidies from the federal and state governments. In the case of the state government, they are perpetual subsidies for the purchase of that energy that it's producing, that cannot be sold on the open market without the subsidy from the state government. There is no need for them to provide local tax payer dollars to subsidize even further the wind projects. If they can stand on their own, so be it. Now that being said, there are other avenues if a town or another municipality within the County wishes to pursue a wind project, there is another process

through the state that they can do so. In my opinion, it will require a lot more due diligence and assume a lot more openness in the process than the current process that's out there. So, by asking the IDA- the main statement here is we do not want County taxpayer dollars subsidizing wind projects- large industrial wind turbine projects. Putting in that 25 megawatts requirement, that means that small projects, projects that are powering individual homes or a farm or a business, those are fine. Those projects that are developed for the purpose of creating a giant wind farm that takes up- where a small wind project reduces the strain on the grid because it's powering a home, which means less to come off the grid. We are talking about industrial wind farms. That's what we are asking that the IDA not provide a PILOT agreement for. There is certainly a tremendous amount of evidence that these things are detrimental to our community, to our property values, quality of life, and it certainly goes against many things that are outlined in our comprehensive plan- our County comprehensive plan. So, to speak on behalf of the County residents and the County taxpayers to say that we do not want tax incentives given to something that is inherently a negative and goes against our County comprehensive plan is what this piece of legislation speaks to.

Chairman Odell: Very good. That's where the number came from? 25?

County Executive Borrello: 25 megawatts is something that we took from other counties that have proposed similar restrictions. Again, it allows those small projects. Those small projects don't have the wide spread impact on the quality of life of other people. This is something that is a much smaller footprint. They would still be allowed to receive PILOT Agreements.

Chairman Odell: Ok, understood. Committee?

Vice Chair Chagnon: 25 megawatts, how many industrial turbines is that?

County Executive Borrello: That's not one industrial wind turbine, this is a- a 25 megawatt is something you would see if you've seen along- there is a home near Fredonia that you can see off the thruway that just looks like a big propeller going around. That might even be smaller than 25 but I don't know the exact wattage. That might be a 10 or 15.

Legislator Starks: Ok, I was looking for a visual. What does 25 look like? So 25 looks like something between the big one and that little propeller.

Chairman Odell: The one on Route 5 is tapping on 18-19.

Legislator Starks: Ok, that just gives me a little more context.

Legislator O'Connell: There are other counties that have this restriction in place?

County Executive Borrello: Yeah. Jefferson and Oswego. So that's what this was modeled after.

Chairman Odell: We will be one of many that are going to institute this restriction.

Vice Chair Chagnon: George, just to clarify, you say the word restriction. What this resolution does is it asks the IDA not to offer any other PILOT agreements for these projects. The County doesn't have the authority to direct the IDA because the IDA is a state agency. It's not necessarily a restriction on PILOT's but it's requesting-

Chairman Odell: A strong suggestion.

Legislator Starks: It puts our opinion out there.

County Executive Borrello: Well, again, the role of the IDA is to act in the best interest of the County residents and the County taxpayers. The role of the IDA is to propagate businesses that enhance the economic development of Chautauqua County. We don't feel that- those of us that support this- that those projects do that. So, we are asking them to act in- we are not telling them to do anything that is outside of (*inaudible.*) We are asking them to do something that we feel is in direct alignment with what they should be doing. That's the broader picture.

Legislator Chagnon: The reason I brought that up George, is in speaking about this proposed resolution, our fellow Legislators thought that this was a restriction. That we were prohibiting the PILOT Agreements from being-

County Executive Borrello: We don't have that direct ability.

Mr. Abdella: I will say that I think it has the practical effect of a restriction in that, the County Legislature and the County Executive (*inaudible*) all the members of the IDA board. One of you, the Chairman of Planning and Economic Development Committee, sits as a voting ex-officio member of that board, and in addition to that, assurances have been received from the IDA officials that if this is passed, they will not move forward with PILOT Agreements. I think the practical effect – it is a restriction.

Chairman Odell: Steve, let me ask you, I'm assuming as an ex-officio voting member, myself, I probably need to recuse myself from this. It would be like me asking myself to do something.

Mr. Abdella: No, I would say not. The County Legislature and the County government created the IDA and has numerous controls over, so I don't see a conflict in your role as a County Legislator serving on the IDA board and voting on legislation of this nature.

Chairman Odell: Ok, then I will vote in favor. The rest of the Committee, all in favor say aye. Opposed?

Unanimously Carried

Proposed Resolution– Confirm Appointment – Chautauqua County Industrial Development Agency

Chairman Odell: Gary Henry and we just verified that it is Gary Henry Jr., from Fancher Chair. From the far end of my District 7, I think he will be a fine replacement for Mr. Bryant. Any questions? Concerns? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Confirm Appointment Re-Appointments - Chautauqua County Land Bank Board of Directors

Chairman Odell: Questions, comments, concerns? All in favor, Aye? Opposed?

Unanimously Carried

Proposed Resolution – Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (“SEQR”) of Barcelona to Chautauqua Institution Multiuse Trail Easements

Mr. Gooch: This is a resolution for lead agency and then we have a subsequent resolution as well for the Barcelona to Chautauqua Institution Trail Easement Grant. We were lucky enough to be awarded a grant from New York State DEC. As part of the process, we need to also do SEQR on that before we do anything else. This is a SEQR to lead agency SEQR and then make that to indicate that there will be no negative or significant impact to the environment from this action. Since it is strictly purchase of easements at this point, we don’t have the funding to build anything. So it literally will be just purchasing an easement or some other sort of interest in the property.

Chairman Odell: Any questions, comments or concerns?

Legislator Starks: Congratulations on getting a grant.

Chairman Odell: Sounds like a good project. All in favor? Opposed?

Unanimously Carried

Proposed Resolution – Approving SEQR Findings for Trail Easement Acquisition for the Barcelona to Chautauqua Institution Multiuse Trail

Chairman Odell: I think this one we might have a few questions on.

Mr. Gooch: This is the same thing. Once again, this is just the actual negative declaration saying that there will be no significant environmental impacts from this project. Once again, we are only looking at the purchase of easements at this point. We intend, before construction starts, when we have the funding for that, we will have to go forward with another SEQR at that point. Until then, it’s just easement purchases.

Vice Chair Chagnon: Mr. Chairman, the resolve clause says that the Chautauqua County Legislature based upon thorough review of the Environmental Assessment Form proposes that we take action. I haven’t had an opportunity to review the Environment Assessment Form.

Mr. Gooch: I expected it to be sent along with the resolution so I'm surprised by that.

Mr. McCord: I believe it was sent out this afternoon by the Legislative Office in addition to the full packet.

Legislator Starks: I would not have had the chance to read it.

Chairman Odell: Thorough review are the key words there.

Mr. Gooch: Well it was submitted when we prefiled.

Clerk Tampio: It was submitted, but we omitted to send it out to the Legislators.

Vice Chair Chagnon: I can't vote on this because I have not had time to review.

Chairman Odell: Understood. If everyone is in agreement I guess we will have to table.

Legislator Starks: Is this one connected to all of the- what's the connection? Does tabling this-

Mr. Gooch: We are working to get this approved- or get a contract approved with New York State and we can't move forward with that until the SEQR is approved. So holding this up in any way will cause us to be delayed another month, which we can do, but it will not make New York State happy. I just want to make you aware of that.

Mr. Abdella: One option would be for the Committee to vote to pass it on without recommendation to the full Legislature and it will be on the agenda next Wednesday. You would be able to do the review between now and Wednesday.

Chairman Odell: We can discuss it in respective caucuses and in the Legislature if need be.

Vice Chair Chagnon: Mr. Chairman, I don't anticipate having any major concerns with it but as the resolution is written, I haven't done the review, so I can't vote in favor of that resolution as it is presented at this time. I'm comfortable with Steve's proposal that we just vote to move it on to the Legislature for consideration and that will give us an opportunity to review the Environmental Assessment Form and then we will vote on the resolution at the floor of the Legislature.

Chairman Odell: Ok, is everyone in agreement?

Mr. Gooch: May I just add some pertinent details? Barcelona to Chautauqua Institution Trail is a historic trolley line that existed from Lake Erie to Chautauqua Lake. So much of the trail will be on an already constructed physical feature of land that has been there since the early 1900's. I just want to make you aware of the impacts that will or will not come from this at this

point. I'm here to answer any of your questions if needed.

Chairman Odell: And it is just an EAF so it's just a condensed form anyways.

Mr. Gooch: We actually did a long form just to be thorough.

Vice Chair Chagnon: Did you get State Historic funding?

Mr. Gooch: Yes. So SHPO is involved with this as well. This particular easement- or this particular SEQR, they are not involved in, but they are involved in the project. We will be consulting with them throughout the project.

Vice Chair Chagnon: So you don't have SHPO approval yet?

Mr. Gooch: Not on this, no.

Vice Chair Chagnon: Ok, good luck.

Mr. Gooch: They are involved, that's part of the grant. They are involved in the process and once we get that contract signed, after the SEQR, we can then involve them more thoroughly.

Legislator Starks: We can make sure that this is discussed at each caucus?

Vice Chair Chagnon: I can make sure it's discussed at one of the caucuses.

Chairman Odell: Ok.

Vice Chair Chagnon: Mr. Chairman, I would make a motion that we pass this proposed resolution on to the Legislature for consideration without an opinion from the Committee.

Legislator Starks: I agree. I'll second that motion.

Chairman Odell: Ok, all in favor? Opposed?

Unanimously Carried to Pass the Resolution to the Full Legislature for Consideration.

Clerk Tampio: Excuse me, Mr. Chairman. I believe that one of them needs to sign it in order for it to move to the full Legislature.

Vice Chair Chagnon: I will do so.

Proposed Resolution – Authorize County Executive to Enter into Amended Municipal Agreement with the Energy Improvement Corporation (“EIC”) for Sustainable Energy Loan Program of Chautauqua County

Mr. Abdella: Last month the Legislature did pass the local law that incorporated the amendments that had occurred at the State Legislative level regarding this program. That local law has now been- there has been a public hearing and signed by the County Executive. That allows us to now bring you this follow up resolution authorizing the County Executive to enter in to an amended agreement with EIC to implement those State Legislative changes.

Chairman Odell: This will finish off one of our four corner stones of the (*inaudible*) program that you will be hearing about here shortly. That's good, just getting things wrapped up. Any questions on that, anyone? All in favor? Opposed?

Unanimously Carried

Other-

Proposed Motion - Opposing Governor Cuomo's Proposal Contained in the 2018 Budget Review Bill to Amend Laws Regarding the Current 480 & 480-A Forest Exemption And to add a new 480-B Taxation of Forest Land Under a Forest Practice Program or Forest Certification Program known as the Empire Forests for the Future Initiative

Chairman Odell: This was at the request of myself and Vice Chairman Pierre Chagnon. This was also brought up through Real Property. On the Real Property side, Vice Chairman, I think you could probably lend a little bit more on the property side and we will talk about the other stakeholders.

Vice Chair Chagnon: In speaking with the Director of Real Property Tax, there is a real concern about what this would do to the taxable properties in Chautauqua County. But, more than that, it was a concern for a bit of an over reach of authority. That got my attention that I needed to look into it further, but our Chairman did a lot of good investigation and found a lot of good information from the Empire State Forest Products Association that led us to this point.

Chairman Odell: They actually had a lobby day a few days ago, Empire State Forest Products Association, as well as the New York Forest Owners Association at Albany just two days ago, just expressing their opposition. Mainly from the restrictions being placed on the landowners, especially with the requirements for timber harvest reporting, and when they can do the timber harvest. Those were two of the biggest concerns. At the end of the day, what they were- the changes were developed to encourage more participation by landowners because there really wasn't that much participation as it was. We have 19 million forested acres in New York State, 75% of that is privately held. So that's about 14.25 million acres. They only had participation in either the 480 or the 480-A program somewhere around 8-8.5% overall. That wasn't enough control, so they were trying to make enticements by saying, "hey we can do this program if you have even as little as 25 acres, here's some free tax abatements." So that was discussed with real property, but more so that a lot of the land owners didn't understand was how they were going to be followed, tracked, and restricted on their ability to utilize their forest lands and certain constraints they would be under and how they are managed. There are plenty of good organizations that allow for good stewardship, and promote good stewardship of the land,

including New York Forest Owners Association. So, that's the reason for this motion and opposition.

Vice Chair Chagnon: Many other counties in New York State have adopted a similar motion. There are counties in the state that have a greater concern because of their forest production. We certainly have a substantial concern in County.

Chairman Odell: Ok, well there is no action on a motion. It's just for information only. Any questions from anybody on this Committee?

Legislator Starks: Yes. I'm not quite sure where- so, is the crux of it that it needs to be the local option? The landowners need to have more of their-

Chairman Odell: Participation in any of these programs isn't mandatory by any means. Again, it's really very low participation rate overall, even statewide. In the Catskill Forests or the Adirondack Park, overall, participation is less than 8.5%. As proposed, we view enough of these programs out there, they usually don't give you something without- you're going to get a buck but you have to spend a buck and a half to get that buck sometimes. It just didn't smell right. It does have an impact on the real property tax situation as well as opposition from the local chapters that came to us.

Legislator Starks: Thank you, I just needed clarification.

Chairman Odell: Ok, very good. We are going to keep moving right on.

Discussion- Planning and Development Presentation 2017 Annual Report discussed by Michael Longley, Don McCord, Pat Gooch, and Dave McCoy

MOVED by Legislator Starks, SECONDED by Legislator Chagnon to adjourn.

Unanimously Carried (8:39 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk/Olivia L. Ames, Committee Secretary