

## Agenda

Planning & Economic Development Committee

**March 18, 2020, 6:00 pm, Room 331**

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (2/19/20)
- C. Privilege of the Floor
  - 1. Proposed Resolution - Authorize Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial
  - 2. Proposed Resolution – Authorizing Public Hearing Regarding a Potential Application for 2020 Community Development Block Grant Funding Through New York State Office of Community Renewal and the Uses of Said Funding
  - 3. Proposed Resolution – Utilize Soil and Water Appropriation from the 2% Occupancy Tax to Conduct Geographic Information System (GIS) Analysis of Chautauqua Lake Watershed
  - 4. Proposed Resolution – Establish Capital Projects for Trail Development and Lake Erie Management Commission
  - 5. Proposed Motion – In Opposition of the Energy Siting Amendment to the NYS Budget
  - 6. Other

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

SMA 03/09/20 KMD 03/09/20 KLC 3/10/20
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**TITLE:** Authorize Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial

**BY:** Planning & Economic Development and Audit & Control Committees:

**AT THE REQUEST OF:** Legislators Terry Niebel and Mark Odell:

WHEREAS, Chautauqua County's historic sites, memorials, and other assets are invaluable resources in Chautauqua County that preserve historic artifacts and possessions, provide educational and tourism opportunities, and enhance the quality of life; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization is dedicated to showing appreciation for all veterans in Chautauqua County, including those that sacrificed their lives while serving; and

WHEREAS, there are many past and present members of the military who earned honors and awards, including POWs/MIAs, those who sacrificed their lives while serving, and others who died while not in action; and

WHEREAS, many of these brave soldiers lack a local memorial in their honor and the Chautauqua Hometown Heroes Veterans Memorial will honor these individuals; and

WHEREAS, the Mayville Cemetery will be the future home of the Chautauqua Hometown Heroes Veterans Memorial, which will attract people from throughout the region and further afield to honor our brave soldiers; and

WHEREAS, the centerpiece of the Chautauqua Hometown Heroes Veterans Memorial will be an octagon building constructed with commemorative bricks along with educational kiosks telling the stories of past wars and sacrifice, which will cater to and attract visitors from within and outside of the region to pay tribute to our courageous veterans; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization secured donations from the Town of Chautauqua (\$5,000.00), the Village of Mayville (\$8,800.00), and the Chautauqua Region Community Foundation (\$10,000.00), along with funding being provided by a number of private donors; and

WHEREAS, the Chautauqua Hometown Heroes Veterans Memorial organization seeks \$6,500.00 from the County to assist in constructing seven (7) educational kiosks that cater to visitors and tourists, which are key tourism-attraction components to this memorial honoring all veterans in Chautauqua County, including those who sacrificed their lives while serving; therefore be it

RESOLVED, as set forth below, the Chautauqua County Legislature hereby appropriates A Fund Balance to allow the County Executive to enter into a contract to assist the Chautauqua Hometown Heroes Veterans Memorial organization in constructing seven (7) educational kiosks for use at the Chautauqua Hometown Heroes Veterans Memorial; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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

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

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$6,500
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.-----4	Contractual—Planning	\$6,500
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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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

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

<b>MRG 3-5-20</b>
<b>KMD 03/05/20</b>
<b>ABC 03/05/20</b>
<b>SMA 03/05/20</b>
<b>KLC 3/6/20</b>
<b>PMW 3/9/20</b>

**TITLE:** Authorizing Public Hearing Regarding a Potential Application for 2020 Community Development Block Grant Funding through the New York State Office of Community Renewal and the Uses of Said Funding

**BY:** Planning & Economic Development Committee:

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

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of the Webb’s Chautauqua Resort project located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project and administration of the OCR Economic Development Grant; and

WHEREAS, the County is required to hold a public hearing prior to submitting an application for CDBG funding to provide information to the public on the proposed Project and to seek input from the public on community development, housing needs, and proposed activities under the CDBG program, especially input from low-and moderate-income residents; therefore, be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on April 22, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least eight (8) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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

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

DWM 3-4-20
KMD 03/05/20
ABC 03/05/20
SMA 03/05/20
KLC 3/6/20
PMW 3/9/20

**TITLE:** Utilize Soil and Water Appropriation from the 2% Occupancy Tax to Conduct Geographic Information System (GIS) Analysis of Chautauqua Lake Watershed

**BY:** Planning & Economic Development Committee:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr., and Legislators Frank “Jay” Gould and Lisa Vanstrom:

WHEREAS, conservation of soil and water resources are problems of public concern in Chautauqua County, and there is a need, in the interest of public health, safety and welfare, for the existence of a Soil and Water Conservation District to address these issues; and

WHEREAS, Chautauqua County was declared a Soil Conservation District by Res. No. 80-44, in accordance with the provisions of the Soil Conservation Districts Law; and

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, as amended, there has been a 5% occupancy or “bed tax” on the rental of lodging units within the County; and

WHEREAS, Section 1202-j of the New York State Tax Law further provides that amounts over three-fifths of all revenues derived from the imposition of the occupancy tax should be used for the sole purpose of maintaining and enhancing the lakes of Chautauqua County, including the reduction of erosion, sedimentation and nutrient loading; and

WHEREAS, the mission and existence of the Soil Conservation District meets the criteria for use of these funds; and

WHEREAS, the 2020 Adopted Budget appropriated the sum of \$35,000 to the Soil & Water Conservation District to be used for technical assistance, storm water management, and hydro-seeding services for governmental entities within the Chautauqua Lake Watershed; and

WHEREAS, the Soil & Water Conservation District proposes to use this appropriation for efforts to undertake a GIS analysis of the Chautauqua Lake Watershed to support a New York State Department of Environmental Conservation (NYS DEC) Water Quality Improvement (WQIP) Grant to identify the most at-risk areas in the watershed for erosion and water quality issues; and

WHEREAS, the Soil & Water Conservation District will continue to offer the hydro-seeding services for governmental entities within the Chautauqua Lake Watershed through funding from the NYS DEC WQIP Grant; and

WHEREAS, this initiative meets the criteria of the 2% occupancy tax and funding appropriation for the Soil & Water Conservation District; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Soil & Water Conservation District for the implementation of a GIS analysis of the Chautauqua Lake Watershed.

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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

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

MRG 2/27/20
DWM 2/27/20
KMD 02/27/20
ABC 02/27/20
SMA 02/27/20
KLC 2/28/20
PMW 3/9/20

**TITLE:** Establish Capital Projects for Trail Development and Lake Erie Management Commission

**BY:** Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, pursuant to adopted budgets in 2015 through 2017, the Chautauqua County Legislature pledged funds for non-county maintained trail establishment and development; and

WHEREAS, pursuant to adopted budgets in 2012 through 2018, the Chautauqua County Legislature pledged funds for lake improvement projects administered by the Lake Erie Management Commission (LEMC); and

WHEREAS, pursuant to adopted budgets in 2016 and 2017, the Chautauqua County Legislature pledged funds for the integrated sewage management plan (ISMP); and

WHEREAS, the pledged amounts were not spent in their entirety so they were earmarked as designated portions of the 3% and 2% Occupancy Tax reserves; and

WHEREAS, trail development and lake improvements are important aspects of tourism development in Chautauqua County and meet the criteria for capital projects, so it is prudent to establish them as such; and

WHEREAS, the ISMP has been completed so a designation of funds is no longer needed, and the designated funds can be considered part of the general reserve for lakes and waterways; now therefore be it

RESOLVED, That the designation attached to the pledged funds for the ISMP be removed; and be it further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.883.0000	Fund Balance, Reserved Fund Balance – Reserve for Occupancy Tax	\$ 81,528
A.----.----.889.0000	Fund Balance, Reserved Fund Balance – Res: Lakes & Watrway	<u>\$ 72,522</u>
	Total	\$154,050

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$154,050
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.8020.37010.R503.1000	Interfund Transfers – Interfund Transfer	\$ 81,528
H.8020.37011.R503.1000	Interfund Transfers – Interfund Transfer	<u>\$ 72,522</u>
	Total	\$154,050

**APPROVED**

**VETOES (VETO MESSAGE ATTACHED)**

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

\_\_\_\_\_  
Date

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.8020.37010.4	Contractual— Trail Development (2020)	\$ 81,528
H.8020.37011.4	Contractual— Lake Erie Mngt Comm (2020)	<u>\$ 72,522</u>
	Total	\$154,050

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**APPROVED**

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**VETOES (VETO MESSAGE ATTACHED)**

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**County Executive**

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

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_-20**

**TITLE:** In Opposition of the Energy Siting Amendment to the NYS Budget

**AT THE REQUEST OF:** Legislators Mark Odell, Elisabeth Rankin, Lisa Vanstrom, John Davis, John Hemmer, Bob Scudder, Dan Pavlock, and Bob Bankoski:

WHEREAS, On February 21, 2020, Governor Cuomo announced a 30-day budget amendment “to dramatically speed up the permitting and construction of renewable energy projects”; and

WHEREAS, This amendment could be passed with the budget by April 1<sup>st</sup>, replacing Article 10 with a new, fast track method of energy project siting, effectively removing local control in the decision making process and any input from municipalities or citizens or local environmental groups; and

WHEREAS, the new process would include almost no opportunity to bring in locally sourced data or regional experts to present evidence regarding specific siting issues; and

WHEREAS, the State will allow no public comment or input prior to a project application; and

WHEREAS, the State will allow no role for environmental or citizen groups outside of commenting on the draft project proposal; and

WHEREAS, once an application is submitted, the new Office of Renewable Energy Siting (ORES) has 60 days to review and determine if it is “complete”. If the decision is not made in that time, the application is automatically deemed complete. Once the application is determined to be complete the ORES Office will approve the project within 12 months or it is automatically considered approved. There is no process for extending this time limit; and

WHEREAS, there is no mandated hearing as part of this new siting process so there is no method for submitting expert testimony; and

WHEREAS, the Chautauqua County Legislature finds local input to be of tremendous value in assisting the decision making process with regards to large size energy producing projects and further that any large scale energy producing construction project should have to face review of the project’s potential environmental impact using the same standards provided to every other large-scale construction project; and

WHEREAS, the Chautauqua County Legislature recognizes the importance of Lake Erie as a source of drinking water for our residents and its economic significance for recreation and tourism, and is concerned that New York State or any other authority, agency, commission, or department thereof might nearsightedly allow any private and/or public entity to construct and install, with or without permanent bases, pylons, piers or similar structures, one or more wind turbines in the waters of Lake Erie without the input of any local review; now therefore be it

KNOWN, That the Chautauqua County Legislature opposes the 30-day amendment proposed by the Governor which would substantially remove municipalities, environmental, birding and citizen groups from the process of vetting wind and solar projects in New York State and does hereby request that this budget amendment be withdrawn before the budget is voted on; and be it further

MOVED, That the Clerk of the Legislature is hereby directed to forward copies of this Motion to the New York State Assembly Leader Carl Heastie, NYS Senate President and Majority Leader Andrea Stewart Cousins, Minority Leader John Flanagan, Governor Andrew M. Cuomo, Senator George Borrello, Assemblyman Andrew Goodell and all others deemed necessary and proper.