

Minutes

Planning & Economic Development Committee

October 21, 2020, 6:00 pm, Legislative Chambers

Gerace Office Building, Mayville, NY

Members Present: Odell, (Starks, Muldowney, Harmon, Ward by Zoom)

Others: Tampio, Ames, DeAngelo, Chagnon, Cullen, McCoy, Geise, Abdella, Dennison, Nixon

Chairman Odell called the meeting to order at 6:08 p.m.

Approval of Minutes (9/16/20)

MOVED by Legislator Harmon, SECONDED by Legislator Starks.

Unanimously Carried

Privilege of the Floor

Chairman Odell: Madam Clerk, do we have anything under privilege of the floor tonight?

Clerk Tampio: No.

Chairman Odell: O.k., on to resolutions.

Proposed Resolution – Confirm Appointment – Southern Tier West Regional Planning & Development Board

Chairman Odell: We do see that on here we a very good appointment put in Chairman Pierre Chagnon to replace Legislator Frank Gould who served admirably on that board for a number of years. Mr. Chairman, do you have time.

Chairman Chagnon: Thank you Mr. Chairman for asking that question. I live to serve as you know and Legislator Gould has served the County very, very well in this capacity for a long time. It's becoming more of a burden for him to travel over to Salamanca for the meetings so he asked if he could step back from that responsibility and I was happy to step in and carry it forward for him. Serving also with the other representatives for the County being the County Executive and the Director of Planning, and the Mayor of the City of Dunkirk. So, I'm happy to do my part to continue to represent the County of Chautauqua on the Southern Tier West.

Chairman Odell: Thank you very much Mr. Chairman for that. To the committee, any questions or concerns?

Unanimously Carried

Proposed Resolution – Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Repair of the Chadakoin River Flow Gage

Mr. McCoy: We're requesting \$10,000 as a stop gap measure to assist with funding for the repair of the weir on the Chadakoin River. It's a United State Geological Survey data collection point. One of thousands across the country and we happen to have several in the County. This weir has a gage that produces flow data on the Chadakoin that we use hand in hand with another gage on Chautauqua Lake to monitor the lake levels. But it's also important from a flood management perspective. Normally something like this could probably wait because it's a relatively minor repair but it happens to be threatening a building of a local employer. So it's a situation of do it now at reduced cost or wait a while and perhaps incur much greater costs.

Chairman Odell: Thank you Dave, it's always best to be proactive versus reactive. So in the resolution yes, we do have up to, currently sitting about \$264,000 in the 2% occupancy tax reserve fund so we're good there. In the resolution, I just want to point out that it's a collaborative effort including DPF as well with in-kind services, but we're utilizing up to \$10,000. So it could be less but we're earmarking that for it. So thank you very much. Any questions?

Legislator Harmon: Is there a start date on this or will there be a start date for this?

Mr. McCoy: We would love to be able to do it after the Legislature approves this resolution which will be on the 28th.

Legislator Harmon: Is this something that can be done during the winter months or is it something that you have to wait until spring?

Mr. McCoy: It's a weather thing because number one, DPF is providing the labor and equipment which is in-kind so they have limited availability until the snow starts to fly and their people are on the roads plowing. But also, this is the time of the year when Chautauqua Lake is normally being drawn down for the winter elevation. We've had a very dry summer and the lake level is low and we've worked out an arrangement with the DEC where we've been able to extend the winter drawn down to November 16th. So, we should not be experiencing high flows. Had a little bit of rain, the lake jumped up 3 inches over the last couple of days so, which is a positive thing, I think, but we've been able to hold the flows down at a manageable level to do the repair.

Chairman Odell: Thank you, good question Tom. Anyone else?

Unanimously Carried

Proposed Resolution – Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist with Developing a Chautauqua Lake Stakeholder Agreement

Mr. McCoy: About two years ago we engaged a consultant, Ecology and Environment, well respected consultant firm from outside of the area with very little experience here in the Chautauqua Lake Watershed. For that very reason, we wanted an unbiased and objective approach to coming up with an agreement between the Chautauqua Lake stakeholders to move forward together with some unity and some consensus on lake management issues. That agreement, called the Memorandum of Agreement was relatively successful and during these last 18 months, we've been able to move forward on a number of fronts, that being world class science to Chautauqua Lake with the Jefferson project. Also attracting world class science from the United State Army Corp of Engineers, the Engineer Research Development Center to bring their algae skimmers here and help to execute a pilot program for removing algae from fresh water and converting that into biofuels and other products such as fertilizer. So it's a year and a half, almost 2 years we've been able to do a lot of things and it's also helped to facilitate the stakeholders to work together on a number of other issues, particularly lake maintenance, weed cutting and shoreline cleanup and other things. It's been a very worth-while agreement. That agreement is going to expire this spring, we would like very much to negotiate another agreement for another 2 year term and hence we're seeking some money to retain the same consultant again.

Chairman Odell: We're still engaging the same number of stakeholders?

Mr. McCoy: We sure hope so. I think we had 90% of them last time. There was just one that was outstanding and hopefully we'll be able to rope them in as well this year.

Chairman Odell: Good. I think it proved to pay dividends and (*inaudible*) a lot of the angst and anxiety that was going on at that time with the lake and bring a bit of unity to it and get everyone on the same sheet of paper. So thank you Dave. Any questions from the committee?

Legislator Ward: I have a question. Dave, may I have the name of the consultant firm again please?

Mr. McCoy: Ecology and Environment.

Legislator Ward: Are we in a similar position with regards to resources as we were prior to the first MOA negotiations? That is, I guess my question is, are we getting close to duplication of efforts when we bring in an outside consultant firm? Do we have either folks in the Jefferson project or otherwise that might help to facilitate this?

Mr. McCoy: That is a good question but I would say that they are more focused on their areas of specialty and being able to plug them in a little further down the line once we are (*inaudible*) again, solidify our stakeholders as probably the best way to proceed.

Mr. Geise: If I could add to that Dave and Bill. I think that there would be a bit of a learning curve. Any time you have a consultant that has spent as much time as E and E has on helping us to create this MOA and then go with a different consultant, it's difficult. I just think that E and E, because of their skill set, because of their past experience and because they are unbiased, it makes sense to me that they would be re-engaged to update this MOA.

Mr. McCoy: Yes, I think the term uniquely qualified is well suited for E and E in this situation.

Chairman Odell: The Memorandum of Agreement or Memorandum of Understanding typically have an ending date anyways so it forces it to come back and stay fresh and be revised. It's a living document. Bill, does that answer your question?

Legislator Ward: Yes, thanks.

Chairman Odell: No further questions.

Unanimously Carried

Chairman Odell: Just for the record, the dollar amount, \$16,000 on this resolution is the same as we had back in 2019.

Proposed Resolution – Authorize Transfer of Equestrian Trail Equipment to the Chautauqua County Equestrian Trail System, Inc. (CCETS)

My name is Brendan Cullen, I'm a Planning Technician with the Chautauqua County Department of Planning and Development. The resolution today is in regard to the transfer of ownership of trail maintenance equipment to the Chautauqua County Equestrian Trails System, Incorporated, known as CCETS. A local non-profit focused on the ongoing development and maintenance of the equestrian trails of Chautauqua County. The County received funding through the Area Development program of the Appalachian Regional Commission, known as ARC, to develop an equestrian trail system in Chautauqua County. During Phase I and II, a wide range of equipment was purchased to build and improve the trails to a condition suitable for horseback riding. To this day, the equipment is still used by CCETS solely to maintain the trail system. CCETS has requested ownership of the equipment to more effectively utilize the tools and repair equipment that has been damaged over time. According to the ARC, Chautauqua County can transfer the title to the equipment purchased with grant funds if a fair market value has fallen below \$5,000. Using the County's equipment value depreciation schedule, all the equipment has fallen below that \$5,000 threshold. ARC had to provide permission prior to the transfer which through the Southern Tier West Regional Planning Commission, we were able to receive. Further approval, CCETS President, Melissa Wittington, drafted a letter explaining how the equipment will continue to be used for the grants original intent. Because of this and that the equipment value has depreciated below \$5,000, ARC had no issue with allowing the transfer. The final step in this process is enacting this resolution to allow the County to transfer ownership of the equipment to CCETS. I'd be happy to answer any questions. Thank you.

Mr. Geise: If I could just add something real quick here. All these years and I worked on this project, I was the project manager, we got three different grants through ARC in three consecutive years. We spent years helping to really give the groups there, which is CCETS, what they needed the resources that they needed including the equipment to build these trails. It's all been volunteer work and there are a lot of hours on that equipment, I assure you because they really worked hard. All these years that the County owned it, we had to maintain the equipment

every year. We had to bring it back and service the equipment so by transferring it over to them, they now take on that role of servicing that equipment and I think that it makes complete sense. I just want to add one other thing. My wife and I had dinner down at Cockaigne on Saturday and low and behold about 8 horseback riders came in to Cockaigne. I asked the bartender, I said, do you get a lot of equestrians here and I also had a conversation with Jason Spain(?) who's kind of the project manager down there, and they said they are getting overwhelmed with horseback riders. So that whole project has really made a big difference in the economy down there. They are working very closely by the way with the snowmobilers. I think it was last month where you guys all approved a SEQRA for a new trail that is going to connect those horse trails, better connect those horse trails and the snowmobile trails to Cockaigne. So, I just wanted to give a little background on this. I am very much in support of this. Thank you.

Chairman Odell: Brendan that was probably one of the best presentation monologues I've seen for your second time on this show. Thank you very much for that. You answered all my questions up front especially the fair market value is validated and again, they know what's wrong with it, we don't have time for maintenance to take care of it, they can fix it on the fly, they've got the volunteers, staff and the (*inaudible*) so, the stars align nicely sometimes. Any questions from the Committee?

Legislator Ward: I just agree. Somethings – we're in the business of quantifying everything right now but, I've seen those trails. I'm also on the Rails to Trails Board which works closely with a lot of those folks. I've been involved in a couple of trail rides out that way Mark and it's an amazing thing and to leverage that in any way we possibly can is only to our benefit especially right now when folks are limited in their recreational resources. Great presentation and I'm all for it.

Legislator Starks: I just want to further the compliment to Brendan as well because I usually always have a Christine question in there and you left me nothing, thank you.

Mrs. Dennison: I do have a question. Is it \$5,000 per piece or \$5,000 in total?

Mr. Cullen: Per piece.

Mrs. Dennison: Per piece, o.k.. I'm wondering if maybe the resolution should say that. I'm sorry, it does say per unit in the last WHEREAS clause. My apologies.

Chairman Odell: If no further questions?

Unanimously Carried

Proposed Resolution – Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the NYS Division of Tourism

Mr. Nixon: If I could just summarize, we require a resolution from the County authorizing us and designating us as the applicant for New York State Matching funds which are

used for tourism marketing projects. You might remember last year, the State had us switch over from their fiscal year to the calendar year, so we had to come back a second time to make it January 1st to December 31st of this year. We're working on now a resolution for next year. We're just working in advance of the application process which is already late for 2021. We don't know where it's going or whether they'll even be an application process but we wanted to get this resolution prepared so that when the process is put out to all the County tourism agencies, we are prepared to apply. Typically we have a sense of how much money we'll get. Right now I'm just using figures that were the amounts budgeted, originally awarded for 2020, although we have no idea what 2021 is going to look like at this point.

Chairman Odell: Agreed. You thinking Andrew, historical numbers but then down a percentage. You trying to put that in any budget formulation at this point?

Mr. Nixon: Yea, I mean, back in April the State did pass a number that was down about \$500,000 Statewide from the previous or 2020 award amount which is between a 15 and 20% decline in the overall program. So, we could be looking at 15 to 20% decline if the program is valid.

Chairman Odell: Good. Again, this is a housekeeping issue but we appreciate you being proactive versus reactive in bringing this to us now so you are ready to execute when the timing is right so you don't have to slide it in as an emergency down the road. Thank you for that. More so, Andrew, thank you so much for that very thorough and comprehensive last minute presentation at your last committee meeting last month as we prepared to wrestle with the budget. A lot of that detail was very insightful and useful and really appreciate that. To the committee, any questions for Andrew on this housekeeping resolution?

Mrs. Dennison: Can I inject a question?

Chairman Odell: Sure.

Mrs. Dennison: Andrew and Mark and I kind of talked about this regarding the timing and I'm just wondering if we should change the resolution so it doesn't say State fiscal year because I originally raised the question and it's like, the State's fiscal year is not January 1 through December 31, 2021. Andrew, I don't know what your contracts says with them. Shouldn't it just say for the period from January 1, 2021 through December 31, 2021?

Mr. Nixon: I'm just looking at the resolution text. So we did change the dates previously to say January through December. Though I see where it says State fiscal year. It's not the State's fiscal year, that's April 1st. So you could change that to period. That's valid.

Chairman Odell: We'll take out the words "State fiscal year" and replace with a period. Can we treat that as a typo?

County Attorney Abdella: Sure.

Chairman Odell: Everyone got that. The last RESOLVED clause, last sentence, “funds up to \$250,000 will be changed to for the period from January 1, 2021 through December 31, 2021. Everyone in agreement on the committee?

Committee agreed.

Chairman Odell: We can treat that as a simple typo. Thank you for pointing that out Kathleen. With that noted correction, all in favor?

Unanimously Carried

Discussion – Administrative Code Letter

Discussion - Budget Review Recap

Other

Chairman Odell: Anything else under “other”? Seeing none, I’d entertain a motion to adjourn.

MOVED by Legislator Starks, SECONED by Legislator Ward to adjourn.

Unanimously Carried (6:39 p.m.)

Respectfully submitted and transcribed,
Olivia Ames, Deputy Clerk/Lori J. Foster, Sr. Stenographer