

Minutes

Planning & Economic Development Committee

June 16, 2021, 6:00 pm

Virtual Meeting via Zoom

Gerace Office Building, Mayville, NY

Members Present: Starks, Muldowney, Ward, Rankin, Lawton

Member Absent: Odell, Harmon

Others: Tampio, Ames, Chagnon, Dennison, Abdella, Champ, Engstrom, McCoy, Reynolds, Wurster, Keller, Briska

Vice Chair Starks called the meeting to order at 6:00 p.m.

Approval of Minutes (5/19/21)

MOVED by Legislator Muldowney, SECONDED by Legislator Lawton.

Unanimously Carried

Privilege of the Floor

Vice Chair Starks: Is there anyone to speak to the privilege of the floor?

Mr. Doug Champ: I'll be quick because what I have to say could take an hour. I live in Jamestown, New York. A lot of you people know me, some of you don't. I'm here tonight to really present and I'm going to do it more in detail in writing to the Legislature next week about the issues confronting this County regarding the State energy plan and the overall cost associated to it. Most people don't realize that in Chautauqua County there are six utilities. There is three municipalities and three private. Those private are National Grid, National Fuel and NYSEG. It's probably the only County in New York State that has that many utilities and this is why it's complex. The State energy plan which is a long term plan is being financed strictly by fees and levies associated to rate payers which affects all the economic development in this County for the next 20 years. To give you an example, in Jamestown, municipal utility, which generates to some extent, but buys both its power on the grid. Their cost over the next 19 years will be \$111 million dollars. Fourteen thousand rate payers, that's more than the value of the power plant. Here's the problem, we are financing an energy plan that does not have an end game to it. We don't know what the kilowatts are going to be on the renewable side versus kilowatts that we have to generate or not generate depending on what type of vehicle you have. I'm an energy guy. Have been involved in this for 40 years. I'm a utility guy, I've talked all over the country and what I'm concerned about is that we're not paying close enough attention because here is a

problem as well, the municipalities, which are, by the way, Westfield, Brocton, and Mayville, and the municipal system which is Jamestown, do not pay system benefit charges. In other words, there is a disproportion amount of money going from those utilities to finance the State energy plan and those fees are going to be so high that by the year 2025 in Jamestown, is going to cost more in fees than it does in transportation cost of the kilowatts from National Grid. Think about that. Everything is affected with this. In addition to that, there are a couple of other side shows that are going on that I don't think the County is aware of. Grow New York which is a separate entity because it finances development on the agricultural side for innovation and creativity has never been applied for from Chautauqua County because nobody takes the time to understand the program. On top of that, NYSERTA which gets your money under the fees is creating what they call, Energy Hubs. One Energy Hub in each development region of the County. Ten regions, \$3.5 million dollars.

Vice Chair Starks: Would you be able to wrap it up please?

Mr. Champ: As you see, I could go on with a lot of technical aspects. My problem with this is that I don't believe the Legislature is aware of it. I don't believe the constituents are aware of it and we need to have further discussion on the cost associated with economic development with these energy fees which are (zeck, wreck, and orrick)? which is a tax finance on wind.

Karen Engstrom: Mayville. Renewables do not reveal what they pay, what they produced. Renewables are not applied. This Legislature has passed a no PILOT resolution for wind which is a gesture. It honors the fact that this County tries to honor its overall plan which is to preserve our rural character. Monday night, the Town of Chautauqua entertained the first solar proposal of five, as the Supervisor told us. This solar proposal has been opposed by the Amish, 80 strong, 80 signatures opposed, 30 people stood in the room and said this is going to, once again, jeopardize the water. Mayville has is facing a \$1 million dollar remediation for perfluorononanoic substances, the forever chemical that cannot decompose and will accumulate. The location of the first solar project is abhorrent, it will destroy the view as we go up the Hartfield/Stockton Road. It will destroy the Amish community there, it may contaminate the soil. The ground water which is where Mayville gets its water and possibly because it's very close, Chautauqua Lake. Now the Agricultural and Markets Department of the State says that any solar project put in our State, will be deemed by them forever – never redeemable. Forever industrial, that's it, industrial and the EPA established that it cost a \$1,000 per solar panel to decommission them. The representative from the proposal for Mayville had the audacity to say that they would give \$30,000 per megawatt to remove these. When you do the math, it's really \$16 million dollars (*inaudible*) not forthcoming (*inaudible*) many, many of us in every town to please and they will be there next week, to consider the conversation that you had some time ago about a resolution, a non-binding resolution. One that honors the rural character and the security of the population and put forward as you did for wind a no PILOT resolution for solar for 5 megawatts and larger because we feel that our security, our safety, our economy, our environment, and the safety of our water are at risk. I know they don't have to comply with it but it will help. One more point, our efforts to documents these renewables spread across Cattaraugus County and Allegheny County and Chautauqua County and in every case, a developer threatens to pull out if they don't get a PILOT. That is a very important tool. If you think the State is going to overrun you, they can't overrun you. They are getting 250 times, at least for solar, than any reliable

source. That's in the Wall Street Journal in the documents that I have. If we can get solar to back off in this area, wait, (*inaudible*), there will be a solution that we can solve these problems with. Thank you.

Vice Chair Starks: Is there anyone else to speak to the privilege of the floor? Seeing no one, we'll go onto our first resolution.

Proposed Resolution – Confirm Appointments – Chautauqua County Food Policy Council

Vice Chair Starks: I see that we have a proposed amendment to this resolution on your desk. May I have a motion to accept the amendment by substitution?

Legislator Ward: So moved.

Legislator Lawton: Second.

Vice Chair Starks: Is everyone in favor for receiving this amendment by substitution? All in favor?

Unanimously Carried (amendment)

Vice Chair Starks: Is there any discussion on the amended resolution of the appointments and re-appointments to the Food Policy Council? If there are no discussion or comments, all in favor?

Unanimously Carried

Proposed Resolution – Amend Resolution 315-17 Regarding Membership of Chautauqua Lake Protection and Rehabilitation Agency

Vice Chair Starks: It's proposed by Chairman Chagnon and he is here. Would you like to speak to it Mr. Chagnon?

Chairman Chagnon: I certainly would Madam Chair, thank you. So when the Legislature established the Chautauqua Lake Protection and Rehabilitation Agency back in 2017, the agency was comprised of representatives surrounding Chautauqua Lake but as the agency has been working, it has become clear that there are municipalities surrounding Chautauqua Lake that are not presently represented on the agency and so the feeling became very acute that we should make sure that all the towns and all the villages surrounding Chautauqua Lake are represented on the agency. So this resolution would add two town representative and two village representatives to the agency so that then all the towns and villages surrounding the lake are represented.

Vice Chair Starks: Does anyone have a questions for Chairman Chagnon?

Legislator Ward: I have one. (*Inaudible*) for my clarification. How are those property owners chosen for (*inaudible*)....

Chairman Chagnon: The property owner and the member representing Chautauqua Institution were proposed in the resolution and they were appointed by the Legislature. They are still both serving. The property owner is a former Legislator, Mark Tarbrake, and the member representing Chautauqua Institution is the President of Chautauqua Institution, Michael Hill.

Vice Chair Starks: Any other questions or comments? All in favor?

Unanimously Carried

Proposed Resolution – Approve Updated By-Laws for Southern Tier West Regional Planning and Development Board

Vice Chair Starks: This one is also at the request of Chairman Chagnon, would you like to speak to this one as well?

Chairman Chagnon: I certainly would, thank you. So when I was appointed to the Southern Tier West Regional Planning and Development Board earlier this year, one of the first things they asked me was, why hasn't Chautauqua County approved our revised and amended by-laws? And I said, "Oh, I'm sure we're working on that, I'll get back to you on that." So I contacted the County Attorney and he said that he would look at them and get back to me shortly. Being a man of his word, as always, he reviewed the proposed changes to the by-laws and had some concerns with the proposed changes. He and I discussed those concerns, I took those concerns back to the Southern Tier West Regional Planning and Development Board and suggested that we make some modifications to the proposed changes to the by-laws which we worked out. Then they presented those revised by-laws, revised, revised by-laws to the County Attorney and he was perfectly accepting of them. So that is now what has been presented to Chautauqua County, Cattaraugus County, and Allegheny County because all three of the counties that comprise the Southern Tier West Regional Planning and Development Board have to approve the by-law changes. So, instead of being the last one, like when I joined the board, we're going to be the first one to approve them, I hope.

Vice Chair Starks: You all should have received a copy of the by-laws. Does anyone have any questions for Chairman Chagnon?

Legislator Rankin: I would like to ask Chairman Chagnon, just in general, what do you think are the most important things that we need to think about as we move forward with these by-laws?

Chairman Chagnon: The changes to the by-laws were not what I would consider to be substantive. They were cleaning up some language, bringing some things up to current requirements, current State standards, but, nothing of any serious consequence. The issue that the County Attorney and I had with the proposal is that they were proposing to give far too much

authority to the Executive Committee and so we have gotten that back well in line with where it should be.

Legislator Muldowney: How many members on the Board from Chautauqua County? In year's past, I remember both City Mayor's being on it. Is that still the case?

Chairman Chagnon: The County Executive, I believe both City Mayors are on the board. Don McCord, former Planning Director, is on the board. There is Joe -

Legislator Muldowney: I didn't mean to catch you off guard. I mean, the Mayors are both still on it and there are a number of officials from the County on it.

Chairman Chagnon: Yes.

Legislator Muldowney: Thank you.

Vice Chair Starks: Any other questions or comments on the proposed resolution for the by-law? All those in favor?

Unanimously Carried

Proposed Resolution – Authorize Use of Lake Erie Management Commission Capital Project H.8020.3711 Funds to Co-Fund Dunkirk Lighthouse and Veterans Park Museum Perimeter Fence

Vice Chair Starks: I know that Mr. McCoy is here to speak on this and I welcome him to do so and I know that it's a marvelous project. I'm very familiar with the Lighthouse and it's wonderful.

Mr. McCoy: I have with me tonight, Mr. David Briska who is the Director of the Dunkirk Lighthouse. The Lake Erie Management Commission was approached several months ago by Mr. Briska concerning some issues he has with the fence, the safety perimeter fence that surrounds the property. The Lighthouse and the museum is steep in history. It goes back 150 years –

Mr. Briska: Actually, since 1826. The house and tower that are there now was 1875. So, a long time.

Mr. McCoy: As many of you know, Lake Erie has been at historically high levels. We've had some severe weather events in 2019 and 2020. Some of the cliff has slid away taking the fence with it and it's an undesirable condition creating safety hazards for those who chose to visit this unique and important economic attraction in Chautauqua County. The Lake Erie Management Commission is about water quality, public access and education in the Lake Erie Watershed. We feel this is a good fit to help co-fund this project.

Mr. Briska: As you said, my name is David Briska. I am the Treasurer of the Lighthouse and also the daily operations person, volunteer. We, over the last winter, lost a little bit of our shore line to the storms in November and October pulling away a lot of the dirt around the cliff line and so the fence now has nothing holding it in place. Back in November, I got a quote from a couple of fence companies. One in particular (*inaudible*) with a quote, the other one just kind of never got back to me even though I've called him about four times trying to get it in. The quote I got was approximately at the time, in November, about \$55,000. When I contacted him in March about actually ordering the fence, the price had gone up \$5,000 and he said it was going up again in April so I decided to actually order the fence so I didn't have to pay even more for it. I looked at trying to find some help in funding this fence. The fence itself is costing us over \$41,000, just to order the fence itself. The Community Foundation gave us a grant of \$10,000 towards it to help and of course the Lake Erie Commission is trying to help us with matching funds so hopefully we can get this all taken care of very soon. We have about 5,000 people who walk on our property every season and I hate to have somebody fall into the lake because the fence is so unsafe at the moment. Plus the fact that like things have fallen on the fence and broke it in different other places but we are going to try right now to move the fence back about 10 feet from the cliff so that we don't have to keep having the same problem over, and over, and over again and the fence itself will look a whole lot more uniformed. Right now we have some chain link fence, we have some chicken wire fence, we have some 10 foot tall fence, we have some 4 foot tall fence, that's just (*inaudible*) are kind of welded and taped together. So once we order the fencing and the fence is in, it will all be uniformed and everything will look about the same which will help us when people come in. We do like fund raisers at the Lighthouse. We have five weddings this year and of course when you are taking pictures, they are always looking for a place where the fencing is nice so that they can get the water behind it and right now, sometimes it's pretty hard to find a place where you can actually take a picture without something in the background not looking good. Not only is it safety, but it will also beautify the area and protection of course anybody that comes to the Lighthouse.

Vice Chair Starks: The Lighthouse is a great piece of property and a very structure of history and safety for all of your events is certainly a great priority and building costs just keep going up. Does anyone have any questions or concerns or would like additional information from Mr. McCoy and Mr. Briska? Thank you for your great explanations. All in favor?

Unanimously Carried

Proposed Resolution – Accept Environmental Assessment (SEQRA) of Proposed Agricultural District Modifications

Ms. Wurster: The next two resolutions kind of go hand in hand. At the last PED meeting I did present the agriculture district modifications and consolidation proposal of the nine districts to four districts. This resolution is specific to those modifications and consolidation of districts. It required by New York State Ag and Markets that we follow through with the Environmental - with the SEQRA documentation and based on our review, the modifications and consolidation will have a negative declaration which means there will be no adverse impacts to the environment due to these modifications or consolidation of districts. Specifically the public hearing that's scheduled for these modifications of the districts and consolidation of the districts

is going to be held right before next week's Legislature meeting. As long as there are no major public input or public - anyone speaking out against our modifications then the next resolution would be that the Legislature adopt the plan with the modifications with our three additions to District 2 and removal of two parcels from District 1, as well as the consolidation (*inaudible*). So, based on public comment, the Legislature will possibly adopt those modifications and lead to our department being able to submit everything to Ag and Markets. Also, just to note in order to prepare for our public hearing, a public hearing notice was sent to the papers, the County website, all of our municipalities, as well as approximately 12,000 property owners within our districts that will be receiving post cards with all the information on the modifications and consolidation that will be in the mailboxes most likely this weekend. So, that's what we have been working on since the last meeting.

Vice Chair Starks: I remember your presentation with all of your graphics. Thank you for your detailed explanation of the two upcoming resolutions. Just to separate them as we vote. The first one is on the SEQRA with the negative declaration. Everyone should have had a copy of that. Does anyone have any questions for Rebecca about the SEQRA? Seeing none, all those in favor?

Unanimously Carried

Proposed Resolution – Determination of Chautauqua County Legislature on Proposed Agricultural District Modifications

Vice Chair Starks: This resolution is also about what Rebecca was describing about the consolidation of the districts and the public hearing that will be at the beginning of our agenda next week. Does anyone have any questions for Rebecca about that consolidation?

Legislator Rankin: I would like to ask Rebecca – I know last month you gave us a lot of really good information and I'm just thinking if there is somebody watching now or hasn't had a chance to keep up on all of that, could you just give us a few key highlight points about why we are doing this and what the benefits are?

Ms. Wurster: Sure. In relation to both the modifications and the consolidation?

Legislator Rankin: Yes.

Ms. Wurster: Specifically it's required by the State that we have agricultural districts. Basically for the purpose of protecting our farmland (*inaudible*) nuisance issues so that farmers are protected in that case. There is a requirement that every 8 years we review our agricultural districts and we allow people to either remove their parcels or add them to the districts. Basically being in the agricultural district really protects our farms so that's a benefit and then the removal, it ultimately doesn't hurt you but that protection as much of within the district isn't there as much. That is most likely the case if you are no longer farming on your land. So, we are currently in the process of reviewing all nine districts. That requirement of the 8 years is kind of off on a few of those districts so we figured we'd do them all at once so that we could be on the same track and move forward with the consolidation of 9 districts to four. This reduces, instead

of doing every nine districts - we're kind of off on our years and doing that with nine is tough so this is going to reduce our administrative time, reducing it to four because then we'll only be doing the four modification reviews and that will be on a schedule of 8 year basis. That is a *(inaudible)* on the administrative side. Like I said for the modification to the district, we reach out to the public, to the communities within, the ag districts to give property owners the chance to add or remove their district and that is required by New York State Ag and Markets that the County administers that and oversees that. That's kind of gist of that. We're currently in that process and like I said *(cross talk/inaudible)* three additions, three parcels and two removals of parcels.

Legislator Rankin: Thank you for that and thank you for all the hard work you put into this. I know it's been a lot and it incredible and I appreciate it.

Ms. Wurster: Thank you.

Vice Chair Starks: Any other questions? Hearing none, could we vote on the resolution for the proposed district modifications remembering that there will be a public hearing before this is formally voted on next week? All in favor?

Unanimously Carried

Other

Vice Chair Starks: I don't know if I may ask to move things out of order but I know the discussion from Emily Reynolds will involve some activity so I don't know if we can ask for any other "other" now and then have the discussion? Is that o.k.? Does anyone have any "other" before we move onto the discussion? Seeing no other "other", Emily and guests.

Discussion – Update – Cornell Cooperative Ext. Agriculture Programs – Emily Reynolds

MOVED by Legislator Ward, SECONDED by Legislator Lawton to adjourn.

Unanimously Carried (6:50 p.m.)

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