

Minutes

Planning & Economic Development Committee

October 16, 2019, 6:00 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Chagnon, O'Connell, Starks, Proctor

Member Absent: Odell

Others: Tampio, Ames, McCoy, McCord, Keller, Dennison, Abdella

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

Approval of Minutes (9/18/19)

MOVED by Legislator Starks, SECONDED by Legislator O'Connell.

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Local Law Intro. 5-19 - A Local Law to Amend the Sustainable Energy Loan Program in the County of Chautauqua

Mr. Abdella: This local law and this is actually the third version of this program that the County has adopted. What's happened each time is either the State legislation or this Energy Improvement Corporation that implements the program decides to make some modifications to that program which then triggers – they end up getting in contact with us and that triggers our need to amend our local law by substitution to reflect a modified program. So what they've done this time and I guess what is of most interest to us is, they've taken out some of the administrative and financial responsibilities that the County had in the implementation of the program. Including, this appearing on our tax bills and us having to assist in the enforcement of the lien for the payback of these loans through the tax collection process. In the prior system and we never actually had a project as I understand it under that system, we would have to foreclose and their lien for any delinquent installment payments, would be part of that foreclosure and then we had to first potentially pay them off or look to the proceeds of the sale to pay them off and if there was a shortfall they had a statewide reserve fund set up for any shortfalls that took place but we still, at the end of the day, had some risks, I think, there. That is now removed. If they have a lien, they will have to independently enforce that lien and our taxes are in a position

ahead of that lien. We're pretty much removed from that process but there is still the need to have local authorization for the program within this County.

Legislator Starks: That will allow us to stay on the list so that companies and people, whatever, can participate?

Mr. Abdella: That's right.

Vice Chairman Chagnon: But as far as the County's concern, the County's risk, it's actually an improvement over the previous program.

Mr. Abdella; It's an improvement and appears to essentially have gone away.

Vice Chairman Chagnon: Don, do you have any words of advice on this?

Mr. McCord: No, Steve's handled it very well. *(Rest of statement inaudible)*

Legislator O'Connell: This is a normal occurrence with this type of program to have to amend it as it evolves?

Mr. Abdella: It's not. This has been unusual and so I'll admit, when I saw this one, I said, "they are amending it again?" But then what I saw what they were doing and thought, well, that helps the County out.

Legislator Starks: I think it's great if it even minimizes our risk even more and allows people to still participate or companies to participate, awesome.

Vice Chairman Chagnon: It's a win/win. Any further discussion?

Proposed Resolution – Accept Grant Funding from the New York State Department of Agriculture and Markets to Update the Chautauqua County Agriculture and Farmland Protection Plan

Ms. Keller: Last October our department submitted a resolution and approved for the authorization of the submission of an application for Farmland Protection planning grant through the New York State Department of Agriculture and Markets. This grant would allow us to update our County's Agriculture and Farmland Protection plan, originally developed in 2000-2001. Since the development and adoption of that plan, agricultural has changed in the last 18 years. We've also received new data on the state of agriculture in our County. This plan will one; focus on identifying challenges and strategize opportunities to support the economic viability of agriculture and ag businesses in our County as well as protect farmland. The New York State Department of Agriculture and Markets grant, is for \$50,000. We received notification that we have been awarded this grant this past September. In addition to this \$50,000, it will be matched with \$20,000 in-kind from both our department and Cornell Cooperative Extension. We have also received a \$30,000 grant award from the Chautauqua Region Community Foundation.

This resolution for you today will allow the County Executive to enter into an agreement to accept the \$50,000 from Ag and Markets for the Farmland Protection grant.

Vice Chairman Chagnon: Questions or comments?

Legislator O'Connell: The grants specific to just updating the plan?

Ms. Keller: Yes, updating and developing new strategies identifying those challenges.

Vice Chairman Chagnon: When will the work begin?

Ms. Keller: We have begun some work on this already. We've looked to see who will be on the committee. We've reached out to a couple of people to see if they would be interested and being on a Farmland Protection Committee and we are currently working on developing a RFP to seek out consultants so we hope to begin this as soon as we are able to.

Vice Chairman Chagnon: And you are getting a warm response from people interested in serving on the committee?

Ms. Keller: Yeah actually. I've received responses from about 10 or 11 people already so it's encouraging.

Vice Chairman Chagnon: Good. Any other questions or comments?

Legislator Starks: Congratulations. Thank you for your hard work on it.

Ms. Keller: Thank you.

Vice Chairman Chagnon: Hearing no other questions or comments, all those in favor?

Unanimously Carried

Proposed Resolution – Environmental Assessment of Projects for 2020 2% Occupancy Tax Projects

Mr. McCoy: Once again I'm here to talk about 2% projects. Funding became available for three additional projects this year and last month we resolved to do the environmental review for these 3 additional projects. That has been completed. These three projects fall under the category of unlisted actions within the context of SEQRA. After completing the exhaustive environmental review associated with the short form, we concluded that there are no significant adverse environmental impacts and recommend a negative declaration.

Vice Chairman Chagnon: Questions or comments? I trust you all read the SEQRA documents thoroughly and -

Legislator Starks: Always a pleasure.

Vice Chairman Chagnon: Since that is what we are doing, is that we're affirming that we agree with those documents. O.k., no other questions or comments?

Unanimously Carried

Proposed Resolution - Authorize Advance of Funds to Chautauqua County Soil & Water for WQIP Projects – Jamestown Riverwalk Restoration and Silver Creek Dam Removal

Mr. McCoy: In September, I was approached by Soil & Water and they expressed concerns over cash flow and the ability to implement these two important projects and asked if there wasn't some way we could help them with cash flow. After some discussion, we decided that they would approach the DEC and ask if they were eligible for a 25% advance. They have done that. DEC has indicated they are eligible. So this cash flow infusion if you will, would be to cover the other 75% so they can request reimbursement upon completion of the projects. Essentially a little less than \$400,000 over a period of two years.

Vice Chairman Chagnon: Would this involve interest?

Mr. McCoy: Would we charge our friends at Soil & Water interest?

Vice Chairman Chagnon: Let me ask the corollary question. Is interest an allowable cost under the grant?

Mr. McCoy: I don't know. I've never been in a position to ask that question.

Legislator O'Connell: Does this situation occur often where you have a large amount of outlay and you have cash flow problems and you have to borrow?

Mr. McCoy: It's happened once before in connection with a legislative member item for the completion of in lake projects and completion of a Watershed Management Plan for Cassadaga Lakes and Bear Lakes. At that time, we extended an offer to provide additional cash resources in the amount of \$200,000.

Vice Chairman Chagnon: To Soil & Water Conservation District.

Mr. McCoy: Yes.

Vice Chairman Chagnon: Can we find out if interest is reimbursable under the grant?

Mr. McCoy: We can.

Vice Chairman Chagnon: Before tomorrow morning at 8:35?

Mr. McCoy: Probably not.

Vice Chairman Chagnon: When the Audit & Control committee meets.

Legislator Starks: In your experience, how timely are the reimbursements? I mean, do they take a long time to get the reimbursements back, once submitted? I understand they do it and submit and all that but, how timely is the actual reimbursement?

Mr. McCoy: It varies with the granting agency and the project manager for the granting agency. Recently submitted request for reimbursement for around 11 water quality improvement grants, and they were processed within a matter of weeks. But that doesn't always happen.

Legislator Starks: Along with the same thought of interest, with these reimbursements, do you or whoever, have to wait until the whole project is done to reimburse or can you do portions of expenses along the way up to that total amount?

Mr. McCoy: As I mentioned, the DEC under certain circumstances permits a 25% advance payment and we're working on getting that. However, these are reimbursements for eligible costs and in order to demonstrate that they have been expended, you have to provide documentation.

Legislator Starks: No but my thinking is, is that all along the timeframe of this project, there are expenses, do you have to submit them all at once or can you do portions of the projects at a time once you have documentation for a (*cross talk*)..

Mr. McCoy: You can submit them in an incremental manner.

Vice Chairman Chagnon: So that could potentially reduce the amount of interest and cash flow needed.

Legislator Proctor: They will also get reimbursed incrementally as you submit for them?

Mr. McCoy: Yes.

Vice Chairman Chagnon: I'm just thinking about the incremental aspect of it with a 25% advance. Conceivably, you could get your 25% advance. When you've occurred the first 25% of expenses, submit a reimbursement request, get the reimbursement, and still have your 25% match upfront to cover the next 25% which would submit for reimbursement and your cash flow would be –

Mr. McCoy: A little easier.

Vice Chairman Chagnon: A lot easier.

Legislator Starks: Almost to the point where they don't need to ask.

Vice Chairman Chagnon: So this resolution has a figure on it of up to –

Mr. McCoy: Just under \$400,000.

Vice Chairman Chagnon: Just under \$400,000 but potentially that could be significantly less.

Mr. McCoy: Hopefully. We hope to avoid the pay in full situation having to come back and ask for more.

Vice Chairman Chagnon: I was thinking of it the other way.

Legislator Starks: Then you have to start doing your increments more frequently.

Vice Chairman Chagnon: That is what I was thinking that there may be very little need for utilizing any of that if they are incrementing, get into reimbursements.

Mr. McCoy: As an example in that line of thinking, the \$200,000 advance associated with the Bear and Cassadaga Lakes projects, was never used.

Vice Chairman Chagnon: Oh, that makes me feel a whole lot better.

Legislator O'Connell: Is the County providing any in-kind services or is it all going to be jobbed out?

Mr. McCoy: This is not a County project. This is a Soil & Water project. They hold the grant. There are in-kind services being provided by the Village of Silver Creek for their dam, part of their drinking water system and they are very happy that the grant funding is able to help them get out of this jam. The Riverwalk project, shared services is with the City of Jamestown.

Legislator O'Connell: The Silver Creek dam, reservoir project has been an ongoing thorn (*cross talk*).

Mr. McCoy: It's tough transitioning from these old technology water supplies that at the time were great but today, they are more of a liability than an asset.

Vice Chairman Chagnon: I'm continuing to think about this.

Legislator Starks: I know and I love the example of ask and you shall receive even when not needed. It was awesome and generous.

Vice Chairman Chagnon: But what I'm thinking is, if we pass this resolution as it is, they don't have to come and ask anymore. They can say, o.k., we're authorized to take an advance so we want a \$100,000 advance. We would not have the opportunity to ask them if they have incremented the reimbursement request and how that's going.

Legislator Starks: Until \$400,000 was spent and maybe comes back.

Vice Chairman Chagnon: Right, so even though we authorize it, could we – thank you for coming forward Steve. You can see that I’m really struggling here. You understand the concept of authorizing it, that gives them the assurance that they can follow through on these projects but,

Mr. Abdella: I think that this would authorize an agreement for up to that amount but, I mean, the County Executive would be able to decide what merits being advanced and could put conditions on. Show us that you have developed a plan that minimizes our need to extend you cash flow or at least ask the question of Soil & Water, can you structure your work and your grant processing in a way –

Legislator Starks: Are we allowed to amend resolutions for such a thing?

Vice Chairman Chagnon: I think what Steve is saying is that if we authorize it the County Executive will address those concerns in the agreement that we have authorized. And Steve is looking like he’s assuring us that that will happen.

Mr. Abdella: Especially since it’s a matter of concern, that makes sense.

Vice Chairman Chagnon: I think that makes good sense that this just isn’t a blank check that says, come and take \$400,000 whenever you want it. We want to make sure that they are doing what they can to minimize the need to draw on that.

Mr. Abdella: It’s hard to tell looking at the resolution. It looked like some thought went into what amount they needed to request. So I don’t know if for some reason they think that they may in fact need to, at a single point and time, have the full three hundred and some thousand extended. But I mean, you all are contemplating isn’t it going to be sort of a rolling credit line and maybe over the life of the project, we will have extended, advanced \$380,000 but it won’t be at the same time. It will just be accumulatively, we will extend it then they reimbursed us, extend it, reimbursed us.

Vice Chairman Chagnon: The total of the grants is \$528,000. They are requesting \$398,000. If you take out the 25% from the \$528,000, that actually puts you below \$398,000. So it doesn’t appear to me that they have anticipated much other than the 25% advance. I would certainly trust you and the County Executive to put together a good agreement to address our concerns rather than trying to put it into a resolution that we haven’t had a chance to discuss with them.

Legislator Starks: No, I agree. I just didn’t see through here and that there was an agreement to follow.

Vice Chairman Chagnon: The last RESOLVED clause is, that the County Executive is authorized to enter into any contracts to advance the funds. So that’s what we’re –

Legislator Starks: We’re defining what contracts (*cross talk*)...

Vice Chairman Chagnon: We're trusting Steve to do a good job with that. You o.k. Dave?

Mr. McCoy: With everything but the interest.

Vice Chairman Chagnon: I think my concerns about interest have been significantly reduced.

Legislator Starks: Would the incremental be the first thing (*cross talk*)..

Vice Chairman Chagnon: Yes, great words.

Legislator Proctor: Why did Cassadaga not have ever get the advance?

Mr. McCoy: Because the projects took forever and they were able to string it out over a period of years as opposed to implementing them in a quick fashion.

Legislator Proctor: And that is not going to happen in this case?

Mr. McCoy: I can't guarantee that.

Vice Chairman Chagnon: It's their grant, it's their project.

Legislator Starks: But the contract can tighten that up (*cross talk*)..

Vice Chairman Chagnon: Good disjointed discussion but good teamwork. Thank you Steve. Any other discussion on the proposed resolution ?

Unanimously Carried

Mr. McCoy: Our friends at Soil & Water have assured me that they will be here tomorrow morning to participate in the Audit & Control committee meeting.

Other

Vice Chairman Chagnon: Is there any other "other" to come before the committee?

Legislator Starks: I have no other, "other". May I make a motion to adjourn?

Legislator O'Connell: Second.

Unanimously Carried (6:32 p.m.)

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