

Minutes

Planning & Economic Development Committee

**May 19, 2021, 6:00 pm**

**Virtual Meeting via Zoom**

Gerace Office Building, Mayville, NY

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

Others: Tampio, Ames, Wurster, Giese, Chagnon

Chairman Odell called the meeting to order at 6:01 p.m.

Approval of Minutes (4/21/21)

MOVED by Legislator Starks, SECONDED by Legislator Harmon.

*Unanimously Carried*

Privilege of the Floor

Chairman Odell: Madam Clerk, do we have any correspondence for privilege of the floor tonight?

Clerk Tampio: We have no communications for privilege of the floor.

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Proposed Local Law Intro 2-21 – A Local Law Adopting a Pilot Youth Deer Hunting Program

Chairman Odell: I don't see Sheriff Quattrone for tonight. I know that he was in Public Safety earlier and spoke on this and that is fine. The basis on this new local law, (*inaudible*) and actually through the budget process, going to allow 12 and 13 year olds to participate in the big game. Not in tree stands but participate with guns, crossbow and understand that we have the full support of the Sheriff on this. I think that is a good thing. It's not something that we have to vote on tonight. It's just being introduced through committee. We don't have anyone here to speak or answer to any of it but this will go to the full Legislature next week regardless. Any questions or comments? We don't have anyone to speak on it tonight but –

Legislator Muldowney: Does this concern, does this Legislature give the option to (*inaudible*) counties to (*inaudible*)..... is that the way I'm understanding this?

Chairman Odell: Yes, to opt in. For the 12 and 13 year olds with a licensed hunter will be allowed to hunt deer with rifle, shot gun, muzzle loader in areas were firearms can be used during normal hunting season (*inaudible*) crossbow, so this will be good to keep the sport alive.

Legislator Lawton: I'll add a comment quick in support of that. I think it's a nice thing for kids to be able to do. One of the key points is they are going to be accompanied by an adult mentor. They are not hunting alone.

Chairman Odell: Actually they have some provision in there for backend metrics just to verify, just to see if there has been any change in the safety records so that's a good thing. As this committee always says, you can't quantify what's not measured and they are going to take that measurement on the backend. So, thank you very much.

Legislator Starks: I'm always neurotic about safety so I was very interested to read that that portion because the mommy in me is very neurotic about young teens with guns.

Chairman Odell: Supervised.

Legislator Starks: Yes but the mentorship and I think it's a very nice opportunity to bond with a parent or another trusted adult and not to be on a couch in front of a screen. So I thought that was good.

Legislator Muldowney: I agree exactly with what everybody has said but the only one thing that I'm surprised that's in there not that I'm against it but there was such a controversy for the longest time about shot guns or a rifle. I'm not a hunter but there is a certain provision where you can only hunt with a rifle in a certain area. I'm just a little surprised that that is in there because –

Chairman Odell: It (*inaudible*), yeah, you're right Kevin. For the longest time, (*inaudible*) rifles weren't permitted in New York State whatsoever, maybe 8 or 10 years ago they were but in certain zones. Basically where there – not down here on the Lake Erie flats (*inaudible*)... provisions for backstops and hills and I think they used Rt. 20 as (*cross talk*)..

Legislator Muldowney: I'm in favor of it but I was just surprised to see that.

Chairman Odell: Good point. It shows to all the other committees including Sheriff Quattrone that we read the laws. So thank you.

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

Mr. Giese: We had two vacancies and these two are very qualified. I think Bonnie Rae Strickland is like the assessor of Westfield and Taylor Scott is a realtor. We're very excited to have them on board to fill the two vacant position.

Chairman Odell: If I recall correctly, there has been a couple of vacancies for quite a while.

Mr. Geise: And they are women, which is a good thing as well to have a more balanced board and that's very good as well.

Chairman Odell: Any comments, questions, or concerns?

Legislator Muldowney: Bonnie is also a building inspector I think in Westfield so it adds a little (*inaudible*) there.

Mr. Geise: Yeah, I think I got that wrong.

Legislator Muldowney: Yeah, she is the assessor and building inspector.

Chairman Odell: They'll fit in for the board appointments, very good, that's what we want. Thank you for that Mark. If no other questions of comments, all in favor?

*Unanimously Carried*

Proposed Resolution – Designate Chautauqua County Legislature as the Lead Agency Responsible for Environmental Quality Review (SEQR) of Proposed Agricultural District Modifications

Mr. Geise: I'm going to kick this over to Rebecca but I just want to say that I think this committee knows that the Planning Department and the Clerk and the County in general is required to do these agricultural district reviews I think on an 8 year rolling basis and we had like 13 of them. I think Brendon Cullen talked to this group about the fact that we were trying to reduce the total number so we didn't have to do these reviews over and over again. We were behind on those reviews so this effort that we're doing right here is going to catch us up and it's very well thought through. Brendon, before he left, did a great job working with Kathy and others to lay it all out and schedule and then Rebecca picked it right up where he left off and is really doing it by the book. So with that Rebecca, I'll kick it over to you because you know a lot more about it than I do.

Ms. Wurster: I just had a quick presentation, it won't take up much time so I'll be speaking to this resolution and the next resolution that is on the agenda as well that relates to the ag district also. So if you don't mind, I'll just quickly share my screen. Can everyone see that?

Mr. Geise: I apologize Rebecca, I didn't know that you were going to do a presentation. I hope I didn't steal your thunder.

Ms. Wurster: (*Cross talk*).. I think everyone is well educated on this but just so that we update where we are at in the process, I'll move through the presentation quickly. Again, I just want to go over the ag district review background, the review process. It's about consolidation process and kind of those recommendations in that step. For a background, obviously like Mark

said, our department is required to help provide support to our Legislature on facilitating that State mandated 8 year review of the County's agricultural districts. We do have 9 districts and we're requesting that we consolidate those to four districts. Part of the review in consolidation process includes the County accepting proposals for modifications to the district, preparing a report the status of agriculture within the district, notifying every landowner within the districts of these modifications, (*inaudible*) public hearing and passing a resolution accepting the modification through the County Legislature. Because we're proposing the consolidation, we do have to go through a SEQRA process and we also have to hold a public hearing for any of the modifications that we receive.

Why are districts important? Based on Section 305a of the Agricultural District law they protect farmers against local laws which are unreasonably restrictive on farm operations located within our agricultural district. It's really to protect farmers against nuisance laws where there are farm operations and restrictive local regulations.

So the review process, yes, our Department has been working with Kathy and others on this review process like Mark said. Brendon Cullen did a really great job setting this up and we were required to post notices of the review in the Post Journal, Dunkirk Observer, Cornell Cooperative Extension newsletter, we also post them on the County's website and we posted the review in at least 5 public locations within in each district. We ended up posting in 48 total locations. We also provided a notice of review by mail and email to all of our municipalities (*inaudible*).. district. So once the notices of the review are out they included a link to our department's website that kind of displayed the process which municipalities are in these districts, the total acreage and maps for the districts. The notice of the review and (*inaudible*) municipalities and landowners to complete the ag district review worksheet which was a link that we provided in order to propose any modification to the district. During the 8 year review process, you can either request to be added to the district or removed from the district. So, these submitted worksheets were then used to identify the land that was to be added or removed as well as gather additional information regarding the (*inaudible*) for agricultural. So we sent those notices out March 1<sup>st</sup> and it had to be a 30 day period that we posted so March 1<sup>st</sup> to April 1<sup>st</sup> was the date of posting, the 30 days. We did receive five request, three parcels were added, was requested to be added to District 2 and two parcels were requested to be removed from District 1. The three addition total 7.15 acres and the removals were 74 acres. The 74 acres isn't really much of a concern. It's just land that is not being farmed as the property owner didn't want to have it within the agricultural district any longer.

Legislator Muldowney: The one that was added, is that a farm or new farm land?

Ms. Wurster: Yes. She actually owns farmland right around her property and it connects right to the farm so it just makes sense for her to add those three parcels that she additional had to the (*inaudible*) land. So there is a lot of farmlands.

Then the consolidation process. As (*inaudible*) stated there are currently 9 districts so we are proposing for administrative purposes that we reduce District 1 & 2 to District 1, District 6 & 7 to District 7, Districts 8, 11, & 12 to District 8 and District 10 & 13 to District 10.

Mr. Geise: If I could just jump in Rebecca. It's confusing because the fact that there is only 9 but why is there 13 districts, right? Because we had 13 in fact that got consolidated down

to 9 and now we're going from 9 to 4 but the original district titles, District 13, they are not changed. That's why it's confusing.

Ms. Wurster: (*Cross talk*), but ultimately that's just the way we have to go about it. So final recommendations, like I said, we presented this information to the Ag Farmland and Protection Board and they accepted those changes with their recommendation for the Legislature. And we also prepared the draft plan. Those are the changes that I stated, the adding and removing the five parcels to the district and away from the district and then the consolidation of districts. So, that's currently we're at taking the board's recommendations to the Legislature, which I'm presenting now. Also we have to notify all parcels within the districts of the proposed modifications and district consolidation. So, we'll be working on putting out notices to every single parcel within the district and that we'll be holding the public hearing regarding the proposed modifications and district consolidation but there (*inaudible*) for the public or no additions or removals then we will be requesting to pass the resolution to accept the SEQRA, the modifications, and the district consolidation which would happen directly after the public hearing as long as we didn't get any changes during that public hearing. Lastly, we send the materials to New York State and submit that for our 8 year review process and consolidation. Any questions?

Legislator Rankin: If somebody were to come to me and say, why is this necessary and what are the benefits of the consolidation, what would I say to them?

Ms. Wurster: It's really all administrative so like I said before, we had to post 49 posts throughout the 9 district that are within the County and it will make our lives a little easier as far as notifying people when it's down to four. There is also the 8 year review so it lets them instead of reviewing the 9 districts, it's now down to four for the review.

Mr. Geise: And it's required by New York State law. I mean, it's required by general municipal law, we have to do this.

Legislator Rankin: Why is that?

Mr. Geise: The review?

Legislator Rankin: You have to consolidate.

Mr. Geise: Oh, I thought you meant in terms of why we are doing it. Why are we doing it, why are we consolidating? It's really because otherwise if we have all of those districts, we have to go through this for 9 different districts every 8 years. This way we go through 4 different districts every 8 years.

Legislator Rankin: Will the people of these districts feel difference in how things are managed?

Mr. Geise: No. They all get the same notification, it's really no different. We're just doing it all at the same time instead of a bunch of different times.

Legislator ?: You're streamlining, right?

*(Unknown Speaker):* Yes.

Mr. Geise: Way more efficient.

Chairman Odell: Less forms, less paperwork Mark, right?

Mr. Geise: Yes.

Chairman Odell: Rebecca, will all four of these districts line up at the same time for review or are some staggered?

Ms. Wurster: I believe at the same time but I'm not sure.

Mr. Geise: I think they are staggered actually Rebecca. I think I asked that question. I think they are staggered. I don't think that we can do them all, every 8 years do all four of them. Do you know Kathy for sure? I'm pretty sure that's the case.

Clerk Tampio: I'm not certain either. I was under the impression that you had to do review every 8 years so if these are all reviewed at the same time – maybe you could work with New York State Ag and Markets too.

Ms. Wurster: I will reach out to them.

Legislator Ward: Just sort of a plan of reference. Is this Rebecca, going to have any sort of efficiency result? I mean, is this going to be more efficient to do it this way?

Ms. Wurster: Yes, I think so.

Mr. Geise: Yes, way more. Again, Bill, instead of doing this 9 different times, we're doing it either once or four times instead of 9 times.

Legislator Ward: Yeah, I caught that part. I guess I'm following up on Elisabeth's question with regards to landowners and users. They are going to realize some efficiencies in this as well, right?

Mr. Geise: Yes.

Legislator Ward: O.k., thank you.

Chairman Odell: *(Inaudible)* workforce to make more efficient which is always a goal so I get it. But at the end of the day really, the change is really just three adjoining parcels that will be going into that existing farm. Right Rebecca, as I understand it?

Ms. Wurster: Yes, that is correct.

Chairman Odell: Well done with the presentation. You actually headed off a lot of the questions by doing the presentation like that so nicely done. Realistically it's a – I see Chairman Chagnon is on the call today too and sometimes it's the Pierre in me and I know that Mr. Geise will know whenever I see SEQRA and we're responsible it gets my spider senses tingling. It is in the resolution that we, the Legislature, all 19 of us will be attesting and (*inaudible*) to this and we were expecting a negative declaration but just I always put that little disclaimer out there just so everyone understands the importance of the resolution. That being said, I don't have any other questions. Any other questions? All in favor?

*Unanimously Carried*

Proposed Resolution – Authorizing Public Hearing Regarding Proposed Modifications to Chautauqua County Agricultural Districts

Chairman Odell: Do you have a tentative date in mind assuming this all goes through the Legislature next week?

Mr. Geise: Wouldn't it be prior to the Legislature meeting, right?

Clerk Tampio: It's at the beginning of the June 23<sup>rd</sup> Legislature meeting. It's also listed in the resolution.

Chairman Odell: O.k., any questions?

*Unanimously Carried*

Proposed Resolution – Endorsement of 2021 Chautauqua Lake Memorandum of Understanding

Mr. Geise: So I think that everyone knows what this is all about. In April of 2018, the then current County Executive George Borrello worked with the stakeholders to create the memorandum of agreement that I think 12 or 13 stakeholders around the lake, the key stakeholder (*inaudible*) and basically had, I think 23 tenants in it. There were tenants that (*inaudible*) working together, how we would act towards our neighbors, that kind of thing and so that expired at the end of April of this year, a two year term, so we've been working now for about 8 months, I would say, in creating a replacement for the MOA. Something that was similar but certainly – you know, we've learned some things in the last couple of years and we hired WSB which used to be the Ecology & Environment, the same team that interviewed the folks for the original MOA and they interviewed all the stakeholders and (*inaudible*), I guess I would call it kind of a report of sorts and our team, which was the County, Dave McCoy and myself and by the way, this taskforce was led by County Executive Wendel who is really pushing hard to get this thing in place. He's very passionate about it, Pierre has been involved, Vince Horrigan has been at the table and so we really looked at those notes in that report that E&E, WSB did and we looked at the MOA. We really decided that it made more sense to do a memorandum of understanding which is less binding. We decided that it didn't make sense, I guess, to have all these tenants. We really pared it back so basically it's an MOU that has a 2 year term and really

it's all about the stakeholders working together. It's about sharing information, working together on a work plan, not suing each other and so really that's the basis. You can all read, I can read this resolution certainly but that's really what this is all about. It's about all of us kind of saying, all the stakeholders around the lake saying yes, we want to work together, we all care about this lake and we need to work together. By the way, it's nonbinding as I said so if there was an instance where somebody did something very egregious to somebody else, it wouldn't take away their ability to sue, I'll put it that way. But, frivolous stuff, we're saying, let's keep that out of this, let's try and work together for the betterment of the lake. So we're seeking your endorsement of this to be on board and to sign on to the new MOU for the lake. I don't know if anybody has any questions or Pierre or anybody wants to add anything but that's it in a nutshell.

Legislator Starks: I just wanted to add, I remember when all of this collaboration was coming together and the amount of effort that went into it. I'm so pleased to see that it's continuing, it's being modified to be more like real life and what's going to work for that group. Thank you and congratulations on a lot of hard work.

Mr. Geise: Thank you Christine. It's been a great team effort.

Legislator Ward: Thank Mark for that thumbnail and I do appreciate all of your hard work and everybody's work that goes into health of the lake. I spoke with Pierre a little bit earlier about some of the blowback that I'm hearing. Not blowback, but you know, the lawsuit stuff is what I'm hearing with regard to folks that are reluctant to sign. We're having trouble in Mayville getting them to sign. It's going to be messaging and like you said, I think a lot of your points are the ones that will help me present this and my conversation with Pierre earlier, helps me to understand that we can present this as a sort of a memorandum of hope and where we'd like to be headed. It certainly doesn't mean we can't ever have legal action on each other but we're aspiring as Pierre says, to not do those things first. So, these conversations helped me a lot and I guess my question is, is there a deadline for the stakeholders to sign? I know in the Mayville meeting they said no the other day so are they going to have another chance?

Mr. Geise: Well, yeah. A public unveiling, if you will, was Wednesday last week and then you said, we put in the contract two weeks, right, but somebody asked that question at the meeting and said, well, what if we don't have it signed by two weeks, did we miss our chance? And we said no. Certainly you can take longer than 2 weeks but we didn't want it to drag out forever. I mean, at what point do you say well, three months? So we just put 2 weeks in there but if it takes 3, 4, or 5 weeks, you know, but, at some point –

Legislator Ward: Again, this is nothing that I would broadcast, this is just for my knowledge with regard to trying to get the stakeholders to sign up so that I know what kind of latitude that we have. Thanks.

Legislator Lawton: Can I make a quick comment? Just congratulations and thank you to Mark and the team that worked on this. I've had a little time to reflect, I was on vacation last week on a lake in Tennessee every day for about 6 days and it was a beautiful lake and I came home and was fortunate enough to see this beautiful weather here that we have this week and was out on the lake and it is just beautiful out there. I just felt so good being on that water, it was smooth, the sunsets have been awesome and we all know how awesome that lake is. A lot of



times we focus on what is wrong with it because we're working on fixing it and it's almost like an Iceland story. You know how Iceland named themselves Iceland so people didn't come and visit you know. It gives an impression that maybe the lake isn't that great and we all know that it and we know in August we have some trouble with HABs and there are things that, you know, I think we had trouble working together because we all care so much. I just had a little time to reflect on the trend and (*inaudible*) we certainly have a really good trend on this lake and the things that the alliances has accomplished, and the funding and (*inaudible*) things right we are going in the right direction. I think a lot of folks are going to support that memorandum and I think that maybe those that don't, I understand they might want a little time just to settle in with it but I think if we all really look at the trend of what is happening and how we're doing, our generation, if you will, taking care of this lake in trying to leave it better for the future, I think we're doing really good work and I think memorandum is an example of it. Hopefully this is the messaging I'm sharing and have been sharing. We keep working at it. Sometimes at this time of the year, I'm scratching my head saying, oh my gosh, we're fighting again and we all say, I've heard Mark say it, and P.J. say it, and Pierre say it, we just keep working at it and we nudge the ball a little further. Somebody blows off a little steam and then we move forward a little more and I think if you are able to chart somehow the success and the working together, it would be a very promising positive chart of what's happened with the lake.

Legislator Ward: And that's the good news Ken. Thank you for that. The good news is that there is forward movement. This MOU not only hope's for it, but it indicates it. So, you are right and I really appreciate those thoughts, the fact that there is good news. We've been hearing whatever we hear, the trend is good and I appreciate you saying that.

Legislator Rankin: Ken, thank you. Thinking about a few different groups come to mind, some have filed lawsuits, they argue about whether we should be doing this or that with the lake but the bottom line is, they all want what is best for the lake and they all want to lake to succeed, be successful, be healthy to try and attract visitors and be good for the people who live on the lake. So there is a common goal so thank you for saying that because they may have different ways of getting there but they all want the same end result.

Mr. Giese: If I could comment real quickly here. If you think about it, how detrimental it is when you have infighting and that's what people are hearing about from outside the region but it even goes further than that. We have a real opportunity in this community to continue to bring in more and more funding to do more and more projects in this lake but the funders if they see all kinds of infighting, it turns them off. Who's kidding who that if we're working together, we stand a much better chance of succeeding and continuing to make this lake heathier than if we're infighting. No question about it and that's what this is about.

Chairman Odell: Exactly, well put Mark and to my committee members, all points, really, really well stated. I'm scanning the room here and I'm really seeing Legislator Starks, you recall three years ago on this committee, when we had the demands in this subject landed in our laps in this committee. Hey, we want \$600,000 to fix it.

Legislator Starks: It's come a long way and it's a lot of work and a lot of collaboration and that collaboration is the key. I think Elisabeth had a very clear point. Everyone wants what's

best, it's just they all have their own thoughts as to how to get there. Everyone's intentions are in the same direction.

Chairman Odell: With the original MOU Mr. Geise, I remember sitting in the room at the BWB when we reviewed it the day before and you had each tenant word for word and we went through it and yeah, it makes sense and it was a good pitch and we had a good buy in and great outcomes after we got that through. The permitting was done to do a trial of less than 100 acres of Chautauqua Lake at that point and thank goodness we did, that Harbor Hotel would have been a disaster. It allowed for a perfect launch, the stars aligned very nicely and we learned from it. And that's what this becomes, a (*inaudible*) revolution, I mean, this is the MOU of this year, it's going to be a fluid document, like you said Mark, it's not a hard date to anyone to sign on, it's a fluid document and those that are holding out, I get it. I had the good fortune Sunday night to speak to the Mayor of Mayville and the Town of Chautauqua District Superintendent for Utilities, just to get their thoughts and their interjections and it pretty much mirrored what you had said. Not to the "t" but you know a lot of it, I think there is always communication, that's just something that we'll keep moving forward. We nudge it and we keep doing it. But look at what we're still learning today everybody. We've got this beautiful Jefferson project going on. We're going to be learning and gathering more data and again, we're emulating those that are doing it right. Lake George project that is where our former County Executive Borrello did a lot of great work and let's look at who's doing stuff right. We went out to Thompkins County to learn about marketing, went to Lake George to learn about the lake issues, how they are dealing with it, West Chester, what are we doing for business, and bring that back here. It was a good start and I think this is a very good continuation everybody. We'll keep observing it and keep helping and I think that's the best we can do. No other comments on this, all those in favor?

*Unanimously Carried*

Mr. Geise: Thank you everybody. We'll keep working at it.

Chairman Odell: (*Inaudible*) keep your chin up and keep moving forward. (*Inaudible*), the right way and no one can complain. Good, now "other", does anyone have anything to come under "other"?

#### Other

Legislator Starks: I have no other "other" Mr. Chairman.

Chairman Odell: Thank you very much for that Legislator Starks so with that being said, we'll entertain a motion to adjourn.

MOVED by Legislator Ward, SECONDED by Legislator Rankin to adjourn

*Unanimously Carried (6:39 p.m.)*

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