

Agenda

Planning & Economic Development Committee

May 19, 2021, 6:00 p.m., Virtual Meeting via Zoom

Livestreamed on the County's Facebook Page

Gerace Office Building, Mayville, NY

- A. Call to Order
- B. Approval of Minutes (4/21/21)
- C. Privilege of the Floor
1. Proposed Local Law Intro 2-21 – A Local Law Adopting a Pilot Youth Deer Hunting Program
2. Proposed Resolution - Confirm Appointments - Chautauqua County Land Bank Board of Directors
3. Proposed Resolution – Designate Chautauqua County Legislature as the Lead Agency Responsible for Environmental Quality Review (SEQR) of Proposed Agricultural District Modifications
4. Proposed Resolution – Authorizing Public Hearing Regarding Proposed Modifications to Chautauqua County Agricultural Districts
5. Proposed Resolution – Endorsement of 2021 Chautauqua Lake Memorandum of Understanding
6. Other

LOCAL LAW
INTRODUCTORY NO. 2-21
CHAUTAUQUA COUNTY

A LOCAL LAW ADOPTING A PILOT YOUTH DEER HUNTING PROGRAM

BE IT ENACTED, by the Chautauqua County Legislature of the County of Chautauqua, New York, as follows:

Section 1. Purpose.

Consistent with the provisions of Environmental Conservation Law § 11-0935, this Local Law is adopted to authorize the expansion of youth hunting and allow licensed hunters ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian, or mentor.

Section 2. Definitions.

- a. "Eligible area" means any county within the State of New York that has enacted a local law authorizing participation in a youth hunting pilot program, and has notified the New York State Department of Environmental Conservation of such participation.
- b. "Hunting license holder" means a person who has successfully completed a hunter education/safety course, and currently holds a valid hunting license issued by the New York State Department of Environmental Conservation.
- c. "Legal guardian" means a person legally responsible for a minor participating in the Pilot Youth Deer Hunting Program who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation and has at least three years of prior experience hunting deer as a hunting license holder.
- d. "Mentor" means a person who (a) currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, (b) is twenty-one years of age or older, (c) has at least three years of prior experience hunting deer as a hunting license holder, and (d) has been designated in writing by a minor's parent or legal guardian on a form prescribed by the New York State Department of Environmental Conservation to serve as a mentor to said minor for purposes of the Pilot Youth Deer Hunting Program.
- e. "Minor" means a youth twelve or thirteen years of age who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation to hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within an eligible area.

- f. “Parent” means a person who currently holds a valid hunting license issued by the New York State Department of Environmental Conservation, has at least three years of prior experience hunting deer as a hunting license holder, and is the parent of the minor participating in the Pilot Youth Deer Hunting Program.
- g. “Physical control” means that the physical proximity of a minor to a parent, legal guardian or mentor is such that the parent, legal guardian or mentor is (a) reasonably able to issue verbal directions and instructions, (b) maintain constant visual contact, and (c) otherwise able to provide guidance and supervision to the minor.

Section 3. Opt-In Authorization

The youth hunting opportunities authorized by Environmental Conservation Law section 11-0935 shall be applicable within the boundaries of the County of Chautauqua upon (a) the adoption of this Local Law; and (b) notice provided to the New York State Department of Environmental Conservation of the adoption of this Local Law.

The County of Chautauqua hereby elects to participate in a Pilot Youth Deer Hunting Program to allow minors ages 12 or 13 to hunt deer with a crossbow, rifle, shotgun or muzzle-loading firearm when accompanied by a parent, legal guardian or mentor.

Section 4. Eligibility and Requirements.

a. A minor aged 12 or 13 may hunt deer with a crossbow, rifle, shotgun, or muzzle-loading firearm within the County of Chautauqua when accompanied by, and is under the physical control of, a parent, legal guardian or mentor as those terms are defined by Section 4 of this Local Law.

b. A minor participating in the Pilot Youth Deer Hunting Program in an eligible area must be in possession of a valid New York State hunting license and valid tags, as appropriate, while afield at all times. The accompanying parent, legal guardian or mentor must also be in possession of a valid New York State hunting license at all times when supervising a minor participating in the Pilot Youth Deer Hunting Program.

c. A minor and the accompanying parent, legal guardian or mentor must display either a minimum total of two hundred fifty square inches of solid fluorescent orange or pink or patterned fluorescent orange or pink consisting of no less than fifty percent fluorescent orange or pink material worn above the waist and visible from all directions, or a hat or cap with no less than fifty percent of the exterior consisting of solid fluorescent orange or pink material and visible from all directions.

d. A minor aged 12 or 13 participating in the Pilot Youth Deer Hunting Program must remain at ground level at all times when hunting deer with a crossbow, rifle, shotgun, or muzzle-loading firearm.

e. A minor participating in the Pilot Youth Deer Hunting Program must remain within the physical proximity of a parent, legal guardian or mentor which means they must be

capable of receiving verbal directions and instructions, and be in constant visual contact with the supervising parent, legal guardian or mentor at all times.

f. A minor participating in the Pilot Youth Deer Hunting Program must abide by all other federal, state and local laws, rules and regulations applicable to hunting including, but not limited to, manner of take, bag limits, hunting hours, geographical or general implement restrictions, hunting seasons, tagging, transporting and reporting requirements.

Section 5. Severability.

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.

Section 6. Effective Date and Filing.

This local law shall become effective upon filing with the Secretary of State. In accordance with Environmental Conservation Law § 11-0935, a copy of this Local Law shall be filed with the New York State Department of Environmental Conservation.

Sponsors: Legislators Bankoski, Whitford, Pavlock

PMW 5/13/2021

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Confirm Appointments - Chautauqua County Land Bank Board of Directors

BY: Planning & Economic Development Committee:

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

WHEREAS, County Executive Paul M. Wendel, Jr., has submitted the following appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointments to the Chautauqua County Land Bank Board of Directors.

New Appointments

Bonnie Rae Strickland
8267 Sixth St. (Barcelona)
Westfield, NY 14787
Term Expires: 3/31/22

Taylor Scott
45 E. Summit St.
Lakewood, NY 14750
Term Expires: 3/31/22

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

MRG 4-29-21
KMD 05/03/21
ABC 05/03/21
SMA 05/03/21
KLC 05/06/21
PMW 5/11/21

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

BY: Planning & Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for Chautauqua County Agricultural Districts No. 1, 2, 6, 7, 8, 10, 11, 12, and 13; and

WHEREAS, Article 25-AA of the Agriculture and Markets Law authorizes the continuance and modification of agricultural districts within the County of Chautauqua in accordance with the procedures set forth therein; and

WHEREAS, the Clerk of the Legislature received notifications from the New York State Department of Agriculture and Markets to start an eight-year review for each of Chautauqua County's agricultural districts; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, a comprehensive eight-year review of Chautauqua County's agricultural districts is being conducted in 2021, and a Notice of Review to accept proposals for modifications to the districts was posted and distributed in accordance with the procedures set forth therein for the period of March 1, 2021 through April 1, 2021; and

WHEREAS, the Chautauqua County Agriculture and Farmland Protection Board reviewed submitted proposals on April 28, 2021, and unanimously voted to accept all proposed modifications; and

WHEREAS, the State Environmental Quality Review Act (SEQR) requires modifications to an agricultural district to have an environmental assessment; and

WHEREAS, it is the responsibility of an agency which undertakes an action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for proposed updates or additions to Chautauqua County Agricultural District program in Chautauqua County for the 2021 eight-year review.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

CHAUTAUQUA COUNTY
RESOLUTION NO. _____

MRG 4-29-21
KMD 05/03/21
ABC 05/03/21
SMA 05/03/21
KLC 05/06/21
PMW 5/11/21

TITLE: Authorizing Public Hearing Regarding Proposed Modifications to Chautauqua County Agricultural Districts

BY: Planning & Economic Development Committee:

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

WHEREAS, the Chautauqua County Legislature is responsible for Chautauqua County Agricultural Districts No. 1, 2, 6, 7, 8, 10, 11, 12, and 13; and

WHEREAS, Article 25-AA of the Agriculture and Markets Law authorizes the continuance and modification of agricultural districts within the County of Chautauqua, in accordance with the procedures set forth therein; and

WHEREAS, the Clerk of the Legislature received notifications from the New York State Department of Agriculture and Markets to perform an eight-year review of each of Chautauqua County’s agricultural districts; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-a, a comprehensive eight-year review of Chautauqua County’s agricultural districts is being conducted in 2021, and a Notice of Review to accept proposals for modifications to the districts was posted and distributed in accordance with the procedures set forth therein, for the period of March 1, 2021 through April 1, 2021; and

WHEREAS, in accordance with New York State Agriculture and Markets Law Section 303-c, consolidation of agricultural districts are considered modifications to the district boundaries; and

WHEREAS, pursuant to Resolution No. 208-15, Chautauqua County accepted a plan to consolidate the agricultural districts into districts No. 1, 7, 8, and 10; and

WHEREAS, the Chautauqua County Agriculture and Farmland Protection Board reviewed submitted proposals on April 28, 2021, and unanimously voted to accept all proposed modifications and consolidations; and

WHEREAS, in accordance with New York State Agriculture & Markets Law Section 303-a, the County must hold a Public Hearing prior to accepting proposed modifications to an agricultural district; therefore be it

RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 23, 2021, at 6:35 p.m., in the Legislative Chambers, Gerace Office Building, Mayville, New York, where all interested parties shall be heard regarding the proposed modifications to Chautauqua County’s Agricultural Districts; and be it further

RESOLVED, That at least eight (8) days’ notice of such hearing shall be given by the Clerk of the Legislature by the due posting thereof in the Gerace Office Building and on the County’s website, and by publishing such notice at least once in the official newspaper of the County.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date

SMA 5/10/21
MRG 5/11/21
PMW 5/11/21

**CHAUTAUQUA COUNTY
RESOLUTION NO. _____**

TITLE: Endorsement of 2021 Chautauqua Lake Memorandum of Understanding

BY: Planning & Economic Development Committee:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr. & Chairman Pierre Chagnon:

WHEREAS, Chautauqua Lake is an invaluable asset for Chautauqua County that enhances the environment and quality of life of its residents, provides recreational and tourism opportunities, and spurs economic development; and

WHEREAS, the health and usability of Chautauqua Lake has been threatened by numerous factors including, but not limited to, proliferation of non-native aquatic plant species, nuisance levels of native vegetation, and Harmful Algal Blooms (“HABs”); and

WHEREAS, pursuant to Resolution 101-19, the County and most all Chautauqua Lake stakeholder municipalities, agencies, and non-profit organizations (“Participants”) entered into an initial two-year 2019 Chautauqua Lake Memorandum of Agreement (“2019 MOA”) that set forth collaborative tenets for weed management practices in Chautauqua Lake through April 2021; and

WHEREAS, a two-year 2021 Chautauqua Lake Memorandum of Understanding (“2021 MOU”) has been developed as the successor to the 2019 MOA, and to confirm a statement of the good faith intent of all Participants to work collaboratively to protect and enhance the health and usability of Chautauqua Lake under the following common principles:

- a. The development of data sets to guide the parties’ collaborations will ultimately improve the health and usability of Chautauqua Lake;
- b. Data and information generated as a result of the implementation of management activities will be shared;
- c. In-lake maintenance activities will be coordinated and integrated;
- d. Opinions will be expressed respectfully regardless of whether in agreement or disagreement with the opinions of others, and it is acknowledged that respectful discussions have a greater potential to achieve improved lake health conditions;
- e. Collaboration will be actively pursued to enhance the parties’ individual efforts; and
- f. Litigation will not be pursued against any other Participant who is a party to the 2021 MOU.

now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby endorses the 2021 Chautauqua Lake Memorandum of Understanding, to be executed by the County Executive on behalf of the County.

APPROVED

VETOES (VETO MESSAGE ATTACHED)

County Executive

Date