

Minutes

Planning & Economic Development Committee

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

Gerace Office Building, Mayville, NY

Members Present: Odell, Chagnon, O'Connell, Starks, Himelein

Others: Tampio, Ames, Borrello, McCord, McCoy, Dennison, Barnes, Reynolds, Nixon, Jablonski, Lamp, Brickley

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

Approval of Minutes (12/12/19)

Chairman Odell: I found one error and I think this is because Ms. Ames wants to make sure we're reading them closely. On page two Legislator Muldowney should be replaced with Legislator O'Connell.

MOVED by Legislator Starks, SECONDED by Legislator Chagnon

Unanimously Carried

Privilege of the Floor

I'm Ellen Barnes. I'm a trustee with the Village of Lakewood and my understanding is that this committee is going to be making a decision on some monies to possibly come to the Village of Lakewood for two grants that were recently awarded to us and I have some thoughts on that project that I would like to present before you make your decision.

Obviously I work for the residents in the Village of Lakewood and what's in the best interest. I oppose both the Lowe Park and the Chautauqua Avenue grants for several reasons. First, both these grants are expensive beautification projects that have been sold to the village as an ecological project designed to improve the lake conditions and have a positive impact on the health of the lake.

I will break this down a little bit. The design is- and these are the reasons I oppose it. That approximately two blocks, or 550 feet of Chautauqua Avenue will be paved with permeable pavers. These pavers allow the rain water to go in-between the bricks. There are underground catch basins. These basins primarily collect sediment and some nutrients from the rain water. The catch basins must be vacuumed out with a special vacuum truck several times a year. The Village of Lakewood does not own a vacuum truck, so we would have to borrow, buy or rent one.

The permeable pavers can clog and therefore become ineffective in their purpose. The rain water will not seep into the ground and go to these and the sediment will not go to the catch basins. To help mitigate the clogging of the permeable paver pavement, it must be swept with a

special sweeper truck. The Village does not own one of these trucks and we would either have to borrow, rent or buy one of these trucks to keep the permeable pavers in functioning condition. The pavers also need to be power washed from time to time to maintain their effectiveness and keeping them from clogging. In addition, from the research I have done, these permeable pavers can become permanently clogged rendering them useless for the purpose for which they were installed.

The Village will have to buy a rubber plow and dedicate one truck with that plow on it in order to plow 550 feet of roadway. This also disrupts the blowing routes for the DPW, which is a minor thing. The pavers are expensive to replace. Permeable paver roads do not hold up well under heavy traffic and heavy trucks. In addition to the grant money and in an attempt to keep costs down, figured into the grant cost is the in-kind service of Lakewood's DPW. Up to this point, the DPW does not know the extent of the in-kind service or the specifics of the work. It has been suggested that they will be in charge of tearing up the existing street. According to DPW Supervisor Pilling, this will take several months and we do not own the equipment, therefore we would have to rent the proper equipment to tear up the roadway. The other village DPW work would not get taken care of during this time. There is also the concern of the businesses on Chautauqua Avenue that will be inconvenienced by this as the road will be closed much of the time. So, beyond the life of the grant we will also have the high permanent cost to maintain the street.

In order to cut the potential cost of buying a vacuum truck and sweeper truck it was suggested- they are about \$250,000 each. It has been suggested that the Village DPW exchange in-kind services in order to use another municipality's vacuum and sweeper trucks. The village- it's not practical as during the same time the village would need these trucks, so would the municipalities that owned them and we couldn't keep doing this in perpetuity so eventually we're going to have to buy these trucks to maintain this stretch of roadway. Eventually the village will have to buy these trucks and the manpower costs to maintain the road and the future park area will probably require the DPW hire 1-3 more people.

The end result of all this time, money and manpower hours is that the pavers will prevent the equivalent of 1-2 wheelbarrows full of silt from getting to the lake annually. How many years will it be before we will notice a positive impact on the lake from that small amount? If more streets with permeable pavers is recommended to improve the health of the lake, the cost would be prohibitive. If putting down 550 feet of permeable pavers costs approximately \$695,000, by putting down one mile of pavers by those calculations would cost over \$6 million. Five miles of permeable pavers- over \$33 million. For a mile of permeable pavers it would be 9-10 wheelbarrows full of silt annually. Five miles- 45-90.

Lowe Park- now I'll change direction. There is a huge water runoff problem in that area. It comes down on the creek that goes behind Brook Street. This will not be affected or improved by this Lowe Park project. The rain garden will impose a long term financial burden on the village taxpayers. After it's installation it will need to be maintained. We were told that the local garden clubs will maintain it. It's a nice idea, but the village has no commitment from anyone to maintain the rain garden. This means the responsibility of maintenance of the rain garden will revert back to the village, which translates to our DPW doing the work.

The village also has concerns about future repairs and maintenance of the rain garden and its vortex system which will be set in place. When these grants were first announced I enquired as to the reason that they weren't granted for other projects higher up in the watershed in areas along the creek between Walmart and the mall that creates flooding in that area and problems all

the way down to the lake and out by the Rod and Gun. I was told that this grant would be too expensive.

The beautification of Chautauqua Avenue and Lowe Park will result in very little as a whole. We could have better results with getting a permit from the DEC and actually dredging out the areas where the creeks in Lakewood empty out into the lake. Also, better ideas would be like the Crescent Creek Project- highly beneficial. If this project was to replace permeable pavers on the sidewalk area up on the curb where we're going to be replacing trees so they could water the trees- also a great idea and I would be all in favor of that. There is no doubt that the proposed green retro fit Chautauqua Avenue project and the Lowe Park project will be beautiful. However, it is not practical. The cost to benefit ratio is not there. All of this will be a huge cost to the tax payers. First, we have to take out approximately a \$1 million five year bond. That is a serious commitment and expensive, even though the State eventually reimburses the village for these grant costs. We are told the turnaround time will be three months. However, other municipalities have reported to us that the turnaround time is well over a year. Obviously this is a very large impact on our budget and taxes. Next, the taxpayers will have to pay for extra equipment for years to come, new hires and manpower hours for just the maintenance of the street and the park.

In conclusion, Chautauqua Lake and Lowe Park are beautification projects for one wheelbarrow full of silt per year that will not end up in the lake does not have a cost to benefit ratio that adds up for the taxpayers. Long after the grant monies are used up there will be long term costs in the form of taxes. This could go on for years and the village will have to pay for this. The village is struggling right now. We've had significant tax increases over the past few years. We are losing revenue and we are losing population. The future of Chautauqua Mall is uncertain at this point. Even with the proposed grant money from the County, the financial obligations to our taxpayers would be a burden going well into the future.

I want to thank the Alliance and everyone involved. I know everybody's heart is in the wellbeing and they believe in these projects. I know you have all worked very hard on these grants. I also want to thank the county officials for your time and effort. In the end, these projects will cost more to the village over long periods of time into the future. I work for the village and its residents and although some residents want this project, many do not. I cannot in good conscience raise village taxes for projects with a cost versus benefit ration that just does not add up.

Chairman Odell: OK, thank you Ms. Barnes. Anyone else to speak to the privilege of the floor?

Mr. Jablonski: John Jablonski, 213 Spruce Street. I believe that her – I would just clarify that I don't believe her estimates on sediment removal are accurate. I believe it was 16 tons for the Lowe park project and if you're one of the land owners on the lake near that, it might be significant to you not to have 16 tons of sediment coming down the stream every- coming out Lowe Park storm drain and landing on your lakeshore where you are boating every year. So, I just wanted to make that comments.

Chairman Odell: Thank you John. Anyone for privilege of the floor?

Proposed Resolution- Confirm Re-Appointments - Chautauqua County Sports Fishery
Advisory Board

Chairman Odell: I'll speak to this one. I did talk with Zen Olow and just went over the list that we see here before us. They are all re-appointments-

Legislator Himelein: They are all re-appointments?

Chairman Odell: Yes. Does anyone have any questions?

Legislator Himelein: I have no problem with this. They are doing a fine job.

Chairman Odell: The best part of the year is going out and passing out fishing poles and the outstanding work they do. Any questions? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Commitment of Community Development Block Grant Program
Income and Funds

Mr. McCord: First I would like to introduce Josiah Lamp, who is with Chautauqua Opportunities. Chautauqua Opportunities has been our partner in this particular program since the year 2000. So, we've had a very long relationship collaborating on a number of microenterprise loan programs that have benefited business across the County. Some who are in business today and I think many of you may either enjoy or utilize. The program originally- the CDBG program- the Community Development Block Grant program is a HUD program. It's a federal program. When I started with the County it still was a federal program administered by HUD. Then, in 2000 New York State took over the program and New York State was the last state in the union to actually take over the program. The state has been running the program since then. We've had a variety of grants that have come through this particular program. One was for a women and minority microenterprise loan fund formation and the other was a \$200,000 recapitalization of the original HUD grant which had contained the formation money to form a microenterprise loan fund here in Chautauqua County in 1998, which was eventually formed in 2000. We've been moving along, following the rules, recirculating the money out to new businesses as the loans are paid. We utilize a portion of the money to cover the cost of administration, which is 18%. The rest goes back out to the actual businesses and into new businesses, so things were pretty good. Then, last spring we received a notification from New York State who had undergone a federal audit and program income being generated, they were found not in compliance. So, they changed the program guideline rules and said you need to go back to when we took over the program and look at all the program income generated and come up with a number for the program income you have on hand at the moment and come up with a plan for that before March 31, 2019. This caught a lot of municipalities across the state off guard. We didn't really know this was in the works or coming and it really took a while for some back and forth amongst many municipalities. We were on a conference call with over fifty municipalities from across the state trying to work with the state agency to figure out what exactly are the guidelines and rules that you would like us to follow. It took them a while to work

that out. So, we now have a better idea of exactly what the rulebook looks like and what we need to do. This resolution that is before you this evening will allow us to take one option, which is to liquidate the loan funds that exist and we would do that in the manner of potentially liquidating those to Chautauqua Opportunities. Once we have done that- as long as we have dedicated the funds and committed them to a CDBG eligible program before March 31st, we can retain them in the County and they can benefit Chautauqua County residents. The current proposal is to put those to rental property acquisition to benefit low to moderate income individuals. So, that would be an acquisition and rehab cost is what these funds would- from the liquidation would cover.

Chairman Odell: Thank you Don. Questions from the Committee?

Legislator Chagnon: Don, when you indicate that you're plan would be to liquidate the loan fund, aren't there existing loans outstanding?

Mr. McCord: Yes.

Legislator Chagnon: So, what would become of those loans that are currently outstanding?

Mr. McCord: We would sell the loan fund. That's how we would liquidate it and those loans that are outstanding would become the property of the new owner of the loan fund, so they would go through the collection process.

Legislator Chagnon: We would sell the loan fund?

Mr. McCord: That's how we would liquidate it.

Legislator Starks: So, it's not dispersing the money?

Mr. McCord: Right.

Mr. Lamp: There are two steps to it. The first is to- well, first of all we have some cash on hand that is designated for that fund. Some are outstanding loans that we would have to liquidate and then that cash would be put together and repurposed for an amended agreement between us for housing. So, there's two steps to the process.

Mr. McCord: We submit an evaluation based upon the risk factors and a variety of items and then it would be sold off. That would be one of the steps to liquidate those loans.

Legislator Chagnon: So, who would likely purchase the loans?

Mr. McCord: At the moment, while one financial institution was approached and they declined, Chautauqua Opportunities has a (*inaudible*) which is Chautauqua Opportunity Development Incorporated who has been managing the loan fund for many years. Our thought at the moment that we are currently in conversation with the state over, is to actually sell those to Chautauqua Opportunities.

Legislator Chagnon: So, the process would be that we would sell the outstanding loans to potentially Chautauqua Opportunities, generate cash as proceeds, combine that cash with the outstanding cash balance-

Mr. McCord: Yes.

Legislator Chagnon: Uncommitted cash and then that would then be donated to Chautauqua Opportunities for this purpose?

Mr. McCord: Yes.

Legislator Chagnon: The transaction for the County would be that we would be out of that grant entirely?

Mr. McCord: Yes. Currently, that is the option that the state has is return all program income you have on hand as of March 31, 2019 to us and then all your outstanding loans, as the payments come in every month return that to us every month until the life span of the loan- which with no administrative funds- so, that wasn't an attractive option.

(Cross-talk)

Legislator Himelein: Don? About how much money are we talking here?

Mr. McCord: At the moment, the cash on hand that we reported last year in May, the original request was a little over \$15,000 and the first initial evaluation, which we're going to have verified by a third party is around \$12,500 because it has to be discounted. So, it's around \$28,000, approximately.

Legislator Himelein: So, it's not significant.

Mr. McCord: Not at this point. The loan fund has- over the lifespan of it, has benefited businesses a great deal, but being it hasn't recapitalized since 2002 and microenterprise loans are highly risky (*inaudible.*) The thought that it's expected 16 years is a good lifespan.

Legislator Chagnon: And with the administrative cost-

(Cross-talk)

Legislator O'Connell: Have you had preliminary discussions on which geographic area you're targeting?

Mr. McCord: I would have to refer that to Josiah because they have ideas in mind.

Mr. Lamp: We have some projects in mind that would be in Dunkirk, which is where we have some of our other housing.

Chairman Odell: What is the timeline for this to be done in order to meet the March 31st deadline?

Mr. McCord: We are- our challenge is to simply have the agreement in place by March 31st so that we have the funds committed to a CDBG activity. So, I think we can have that done.

Chairman Odell: At the end of the day the resolution spells it right out that the County Executive can do what he needs to do to make sure that the income is effectively managed and kept here in Chautauqua County. Thank you for that. Any other questions from the committee? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Implementing Resolution 172-18 - Commitment of Matching Funds for Grant Application to the NYSDEC Water Quality Improvement Program for Chautauqua Lake Mechanized Floating Vegetation Collection Project

Ms. Brickley: So, this resolution has to do when I came before you in July of 2018 we had six CFA grants that we were going after with multiple member partners, this being one of them. This grant was successfully awarded for \$375,000. The total project is \$500,000. At the time in July when we committed match funds, we committed \$105,000 in in-kind services from already expended county assistance to the CLA for their maintenance, storage and operation of their equipment fleet and then \$20,000 in cash from the Alliance. So, this is really looking to confirm that July 172-18 resolution.

Chairman Odell: OK.

Mr. McCoy: I've got to say I like this resolution on a number of levels. First of all, the harder we use Chautauqua Lake the more we tear it up and while there is some weed fragments that are generated through weed harvesting, I believe that amount of fragments is minimal compared to the wear and tear that the hundreds of powerboats put on Chautauqua Lake. Those weeds when they are able to float around will actually sink to the bottom and contribute to the internal loading of phosphorous and other nutrients into the lake. This resolution is well aligned with the DEC's and the Governors initiatives, but also, and I think this is very important that due to the creativity of the Alliance with using 2% agency allocation funding as a match on a project to a project of this magnitude is very creative.

Ms. Brickley: It's already money that we're spending, so we might as well leverage it.

Chairman Odell: Great. Don, do you have anything to add?

Mr. McCord: No, I'm just here in support of Dave and Erin.

(Cross-talk)

Chairman Odell: Well done. Thank you.

Legislator Chagnon: Erin, you indicated that the \$105,000 commitment was money that had already been previously provided to CLA?

Ms. Brickley: Historically provided.

Legislator Chagnon: And what we're saying now is that it's going to be coming from their future allocations of support?

Ms. Brickley: Right. So, the July resolution identified funding to the CLA for their services from 2018, 2019 and 2020. At that time, there was no knowledge that it would change. So, when you get these grants, the State Assistance Contract backdates to the opening of the CFA cycle. So, the start of that state grant with the county will be May 1, 2018. There was direct payments to CLA for their agency allocations in 2018, so that second payment came through after that start date of the contract. We'll be able to use \$35,000 of that payment already made in 2018 toward the in-kind. For 2019 budget, the agency allocation that had historically gone to the CLA is being funneled through the alliance for decision and distribution and we would anticipate that being the same for 2020. So, that's the slight change. It will be still sourced from the 2% money though.

Legislator Chagnon: The wording in here that was confusing was that- it's in the fourth whereas clause that, "Chautauqua County removed its annual support for the CLA's Mechanized Harvesting program from its 2019 and 2020 budgets." The 2020 budget doesn't exist.

Ms. Brickley: We could add "anticipated" 2020 budget.

Legislator Chagnon: That would be an improvement. So, we'll just add a typographical addition there of one word.

Chairman Odell: Everyone comfortable with that?

(Cross-talk)

Legislator Starks: Kathleen, are you good with that? It looks like you're thinking.

Mrs. Dennison: It's very hard to hear from back here. I did review the resolution prior to this evening and there are funds in the 2019 budget for the alliance that would allow the alliance to spend \$35,000 on this endeavor.

Chairman Odell: What do we think about the second resolved?

Legislator Chagnon: That doesn't refer to the budget; it refers to future anticipated actions. So, that's OK.

Chairman Odell: Any other questions? All in favor? Opposed?

Unanimously Carried

Proposed Resolution- Funding to Assist the Village of Lakewood for Stormwater Project Implementation & Confirm Prior Match Commitments

Ms. Brickley: Part of this resolution is much like the previous one we just talked about, which was back in July I came before you and asked for County commitment of match funds and we're simply confirming that commitment as part of this resolution.

As far as the loan request- just to give you some background and some context- in 2016 the Alliance partnered with the Village of Lakewood and the Town of Busti and the County to go after funding to do a storm water engineering management study within those municipal boundaries. We were successful in creating \$100,000 grant and then we proceeded to implement that study via project team. So, once that award came through the Alliance assisted the village in creating a project team that had participants from all of those partner organizations. We held project team meetings and public meetings where we asked for input and basically the storm water study looked at the full watershed- from the top of the watershed, all the way down to Chautauqua Lake. They did hydraulics and hydrology modeling to take a look at where are some impactful areas that we do storm water management projects. They came up with about 30 overall projects that were possibilities and then working through those team inputs, public meetings and committee inputs, six projects were brought forward out of those thirty.

So, the study was completed in May of 2018. Here's the study. So, we very aggressively- once we got this report in May, tried to go after implementation funding which is exactly what we promised the village and our partners that we would do. We were very successful. We actually put in for three projects out of the six and all three hit. The two that we are talking about tonight are ones under the Village of Lakewood.

As you heard from trustee Barnes, one of the big concerns is we have success. These projects are worth \$1.1 million and the grants are almost \$950,000 plus. So, that does- these are reimbursable grants. So, to offset one of these key concerns what we're looking to do is continue that support from the County and allow them basically cash funds, so that they don't have to take out a bond and put extra burden on their taxpayers in the village. One thing I will point out as far as acceptance of these, this is simply an opportunity resolution for the Lakewood Village so that their big concern is covered and they can look to accept these grants, but the full board will decide this on the 28th at their meeting and that's why we'd like to have this in hand as one of the opportunities to help them understand the importance of these projects and move forward.

I did want to talk to a couple of the points that trustee Barnes brought up. The design is pre-designed. It's 20%. So, if they accept these grants the first thing that we'll do is help them contract with another entity for final design. We'll again create a project team, we'll again have public meetings and project team meetings and there will be inputs from the community about what they want that design to look like. The scope of work needs to stay pretty much the same, but the elements of those designs can change. The other opportunity here (*inaudible*) they're under no obligation to take this assistance. It just simply needs to be available so it can help to make their decision.

Legislator Starks: Can I ask a question? Ms. Barnes mentioned the cost benefit analysis to this particular- what did the study say about that?

Ms. Brickley: I was trying to find the table that had the quantities-

Legislator Starks: That seems to be a deep concern.

Ms. Brickley: I understand. None of these projects are going to fix the lake on their own. What we're talking about is behavior changes at the municipal level when you're dealing with storm water infrastructure. These storm water infrastructures would build (*inaudible*) over decades. As far as impacts, the only number that I have off the top of my head is if all six of those recommended projects are implemented, you're looking at over 500 pounds of phosphorous mitigation per year. That doesn't sound like a lot, but phosphorus is a trace element. So, approximately for every pound of phosphorous that you remove you're mitigating about 1,100 pounds of wet algal mass. So, if you're doing 500 pounds of removal for these six projects over the next few years, you're looking at 550,000 pounds of wet algal mass mitigated every year. I understand that each individual project has smaller impacts, but it's about the overarching study and the long term pipeline of projects that we're attempting to start implementing.

Legislator Starks: And this is for two of the six?

Ms. Brickley: We got three of the six awarded. Two are under the village and one is under the town. The town project is the swale work, which is the steep slope swale work up at the top of the watershed. The town doesn't necessarily have as much of burden because that's a \$200,000 grant and they have a larger budget to do that.

County Executive Borrello: I just wanted to make sure that- so, for tonight's resolution we're talking about having the tool available to the village should they choose to take this loan opportunity, so they don't have to bond. That's what's before the committee. Ultimately it's up to the village and I was just talking to Ellen a little bit. It's up to the village to decide if they wish to move forward with this project, if they wish to accept this grant and if they wish the scope of work to remain what it is- obviously it has to stay within the boundaries of the grant, but tonight's proposal is merely do we want to give Lakewood the option should they decide to move forward with this project to have the ability instead of bonding to borrow from the County. So, that's really what you're deciding tonight. I just wanted to make sure- I know Ellen, you haven't had a chance to speak with Erin and you-

Ms. Brickley: We have a meeting tomorrow.

County Executive Borrello: I just want to make sure you're comfortable with that. The purpose of tonight is just to give the village the option to have this loan from the county, should you choose to move forward.

Ms. Barnes: That was not explained, as I told you.

County Executive Borrello: I just want to comment on what Erin had said. There's no silver bullet for the issues that Chautauqua Lake has. It's going to have to be addressed one project at a time and one municipality at a time. Its projects like this that are going to help a little bit at a time.

Legislator Starks: Thank you for that clarification. That did help to settle my mind with a few things.

Chairman Odell: Anything to add on this?

Mr. McCoy: These projects are a culmination of quite a lot of work beginning way back with the (*inaudible*) program and recommended projects like this. The Chautauqua watershed management plan, the macrophyte management strategy (*inaudible*.) I think we're seeing the impacts of neglect in the watershed of current conversation on weed management, whether its skimmers or herbicides or other things. New York State has a process to fund infrastructure improvements like this. It starts with planning as I mentioned, the next step is preliminary engineering studies, which we probably wouldn't have gotten those awards if it wasn't for the planning work that we've done and then implementation funding from the agencies that helped us with our planning. It's important that we protect and preserve this resource

Chairman Odell: Anything from the Committee? Zero percent potential- \$450,000 for up to five years. Personally, I love green initiatives and I think we've demonstrated that in the past- even permeable pavers and items like that are great. I think more so in walkways than roadways, but I do understand Ms. Barnes point, but I'm also not one to push any legislation downstream where it may or may not be wanted. Not having the full support of the board- I'm personally voting no on this. This will be moved upstream anyways to Audit & Control tomorrow? All in favor? Opposed?

Resolution is Carried with Odell and Himelein Voting No

Other-

Discussion- Occupancy Tax Special Projects- Andrew Nixon

MOVED by Legislator Himelein, SECONDED by Legislator Starks to adjourn.

Unanimously Carried (6:54 p.m.)

Respectfully submitted and transcribed,
Olivia L. Ames, Committee Secretary