

STEBEN COUNTY AGRICULTURE, INDUSTRY AND PLANNING COMMITTEE

Wednesday, February 1, 2023

10:00 a.m.

*Legislative Chambers, 3rd Floor, Annex Building
Bath, New York*

****MINUTES****

COMMITTEE: Aaron I. Mullen, Chair Hilda T. Lando, Vice Chair Carol A. Ferratella
James Kuhl Paul E. Van Caesele

STAFF: Jack K. Wheeler Christopher Brewer Jennifer Prossick
Eric Rose Jennifer Galvan Marie Myers Shearing
Jon Haight

LEGISLATORS: Scott J. Van Etten Kelly H. Fitzpatrick Jeffrey P. Horton
Wendy Lozo John V. Malter Nicholas D. Pelham
Frederick G. Potter

OTHERS: Tess McKinley, Executive Director, Cornell Cooperative Extension

I. CALL TO ORDER

Mr. Mullen called the meeting to order at 10:00 a.m.

II. APPROVAL OF MINUTES

Mr. Mullen stated that he would like to clarify that in last month’s discussion regarding the Airbnb contract, he did not like that there would be a contract for one person/entity to follow and that everyone else would fall under the requirements of the proposed local law.

MOTION: APPROVING THE MINUTES OF THE JANUARY 4, 2023, MEETING MADE BY MR. VAN CAESELEE. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Buildings and Grounds

1. **Boiler Replacement at Bath ProAction Location** – Mr. Rose requested authorization to utilize the Gordian contract for the replacement of two boilers at the Bath ProAction building. The boilers that are being replaced have been there since 1962. We have budgeted funds in a capital project for this and he requested authorization to spend up to \$300,000 out of the ESTEUB117 capital project. The cost is estimated at \$264,415.67. There is asbestos in the location on the pipes and pipe coverings and the price also includes the remediation of this.

MOTION: AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO PURCHASE TWO REPLACEMENT BOILERS FOR THE BATH PROACTION BUILDING UTILIZING THE GORDIAN CONTRACT AND AUTHORIZING THE EXPENDITURE OF UP TO \$300,000 OUT OF THE ESTEUB117 CAPITAL PROJECT FOR THIS PURPOSE MADE BY MR. VAN CAESELEE. SECONDED BY MRS. LANDO.

Mrs. Ferratella asked we don’t need to have a quote? Mr. Rose replied these rates and prices did go through the bid process. Mr. Wheeler explained the Town of Greece issued a bid and allowed other municipalities to piggyback off of it. Ms. Prossick stated this was a construction bid for electrical, mechanical and HVAC. This was a large bid for this section of New York State and all municipalities can piggyback off of it. Mr. Wheeler

stated we have used this bid a couple of times. Staff have reviewed the rates and found them to be very competitive. Utilizing this contract saves us money as the company is responsible for the engineering, design and stamping.

Mrs. Ferratella asked will replacing the boilers take care of the heating and cooling problems in that building? Mr. Rose replied it is a very large building, however, this will definitely help the Buildings & Grounds side with the maintenance. It would cost between \$500,000 - \$750,000 to section it off to better manage the temperature. Down the road, we could look at doing that. This is a three-story building and the third floor gets very hot in the summer. We could look at doing a hybrid approach. If we did that, it would be big money and we would have to do it a little at a time.

VOTE ON PREVIOUS MOTION: ALL BEING IN FAVOR. MOTION CARRIES 5-0.

2. **Award Bid for Air Conditioning Service and Maintenance for Steuben County Facilities** – Mr. Rose requested authorization to award the bid for air conditioning service and maintenance for Steuben County facilities. He noted they received one bid from Danforth for a one-year contract with four one-year renewals. The total amount for the initial year is \$85,480. The costs have increased substantially, but the number of buildings has also increased.

MOTION: AWARDING THE BID FOR AIR CONDITIONING SERVICE AND MAINTENANCE FOR STEUBEN COUNTY FACILITIES TO THE SOLE BIDDER, DANFORTH, FOR A ONE-YEAR CONTRACT WITH FOUR, ONE-YEAR RENEWALS FOR A TOTAL COST OF \$85,480 FOR THE INITIAL YEAR MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN CAESELE. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

B. Planning

1. **Introduction** – Mr. Mullen introduced and welcomed the new Planning Director, Marie Myers Shearing.

2. **Public Hearing** – Ms. Myers Shearing requested authorization to hold the second of two required public hearings relative to the CDBG Well and Septic Program.

MOTION: AUTHORIZING A PUBLIC HEARING RELATIVE TO THE CDBG WELL AND SEPTIC PROGRAM MADE BY MRS. FERRATELLA. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

3. **30-Day Inclusion Period** – Ms. Myers Shearing requested authorization to hold the 30-day annual inclusion period for agricultural districts from February 15th – March 15th.

MOTION: SETTING THE DATE FOR THE 30-DAY ANNUAL INCLUSION PERIOD FOR AGRICULTURAL DISTRICTS FROM FEBRUARY 15TH – MARCH 15TH MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN CAESELE. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Steuben County Comprehensive Plan** – Mr. Kuhl asked how did the public hearings for the Comprehensive Plan go? Mrs. Lando replied I was at the one in Corning and 47 people attended. Ms. Myers Shearing stated she attended the public hearings in Wayland and Bath and they had a much smaller turnout. There were many good comments and it will be interesting to see what comes of that. Everyone that attended seemed to enjoy the process and good conversations were held.

Mr. Kuhl asked what is the timeline? Mr. Mullen replied we have a meeting coming up soon. Mrs. Lando stated we will need to decide on the Mission and Vision Statements and then start drilling down. Mr. Mullen stated after we get a draft, we should bring that to the Legislature for discussion.

C. County Manager

1. **C-PACE** – Mr. Wheeler stated a draft local law was sent out for review. This was discussed last month at the Finance Committee. C-PACE is a financial mechanism for large scale companies to do energy retrofit improvement projects. He noted 20 counties throughout the State have adopted this. Tompkins County has had one project go through the program in the two to three years that it has been up and running. The chances of this being utilized are relatively low. We feel the risk is very low.

Mr. Mullen asked can you provide an overview of how this works? Mr. Wheeler replied a company has been designated by NYSEDA to be the official financial partner on these projects. The foreclosing entity in the County is the one that has to adopt the local law. He noted the City of Corning was first approached about this, however, since we do the tax foreclosures we needed to adopt the local law. If you adopt this local law, then any commercial business in the County would be eligible to participate. The company would then work through the NYSEDA partner to work on a financing deal. Once they have the financing in place, that amount will be added onto the tax bill, but will be paid directly to mortgage. This does remain on the lien on the property and follows the property.

MOTION: PRESENTING LOCAL LAW TENTATIVELY NO. TWO FOR THE YEAR 2023, ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM IN STEUBEN COUNTY MADE BY MRS. FERRATELLA. SECONDED BY MR. KUHL.

Mr. Mullen stated I have been thinking about this and I do not like the idea of the program. I don't like the idea of encumbering a property with a lien that we cannot cut off in a tax sale. How do the assessors take into account the values? Mr. Wheeler stated that is a good point. In looking through it and talking with people, we are talking about having a very large corporation that this may be beneficial for. The chance of foreclosing on that property is very low.

Mr. Mullen asked what is the definition of a qualified project? Would wind turbines, etc. qualify? Ms. Prossick replied it has to be with regard to a commercial building project. Solar, wind, HVAC that are more efficient, anaerobic digesters; anything that can be utilized in a commercial building providing a commercial service.

Mrs. Lando commented this will help and it is all part of helping with economic development. Ms. Prossick commented this is for economic development and is also a push for green energy. Mr. Kuhl stated this will make our area more attractive for projects in the future. Mr. Wheeler stated this would just be another option.

Mr. Horton stated that he is open either way. What happens if a facility is built and it goes belly up and then remains vacant because nobody wants to buy it because of that mortgage? Mr. Wheeler replied that will not trump any liens. The County would be made whole for the taxes. We are much more likely to get the back taxes back. How that affects sales is a good question. Ms. Prossick stated if the County foreclosed we would ship it to the IDA. Mr. Mullen stated it would have to affect the purchase price somewhere. There is some risk that we would not get back taxes in a foreclosure sale. There is less likeliness of something being foreclosed. Mr. Wheeler commented most smaller commercial entities will find a better financing mechanism. The large commercial entities that may opt for this would be less of a risk.

VOTE ON PREVIOUS MOTION: MOTION CARRIES 4-1. (MR. MULLEN OPPOSED) Resolution Required.

IV. OUTSIDE AGENCIES

A. Steuben County Soil and Water Conservation District

1. **District Law Changes Proposed by NYS Watershed Health Coalition** – Mr. Parker stated our Board of Directors and those across the State are looking for support in opposing a movement by the NYS Watershed Health Coalition. The NYS Watershed Health Coalition is proposing major changes to NYS Soil & Water District Law, Agriculture and Markets Law and possibly County law and NYS DEC Law.

He noted that the changes currently are not in a draft form in the Assembly or Senate and that is a good thing at this point in time. It is a good idea to get some local support from our County to show the Coalition that we do have concerns over what they are proposing to change. They are looking at changes in the makeup of the State Soil and Water Committee, but also changes in the District Board membership at the County level. Right now our boards are made up of 5 members and the Coalition is proposing a 7-member board. We currently have a Board of 5 members made up of 2 Legislators, 1 Grange member, 1 Farm Bureau member, and 1 at-large member who represents the urban and suburban population. The Coalition is proposing to make membership on the Board a more competitive process. They want to have a list of individuals from every organization and private landowners to be available to sit on the Board at any given point in time. In the future there may be a public election process and he stated that he is not sure how that would work.

Mr. Parker stated that some of the recommendations written in the Coalition's draft law are scary. They basically want to change the way we operate, how we would receive funding and the mission of the original Soil & Water District, which is to serve the needs of local individuals that live in this County. We protect the natural resources for all individuals in the County. Agriculture is one of our primary land uses in most of New York State and everyone is looking to change the way that agriculture produces their commodities. In New York State, agricultural only creates 6 percent of greenhouse gas emissions. The Coalition wants funds to be funneled through them in the future rather than going to the Soil and Water Districts.

Mr. Mullen commented it would be good to have more information on the substantive drawbacks to be able to document those in a resolution. Mr. Kuhl asked for clarification about whether Cornell Cooperative Extension was attached to this; particularly Tompkins County CCE putting this forth? Mr. Wheeler replied Ms. McKinley gave us a heads up. An individual key in this push sits on the Tompkins County CCE Advisory Board and their director has said that CCE is not part of this.

Mrs. Lando asked do we need to submit comments about this? Mr. Parker stated he had submitted to the Legislature a number of resolutions that have been passed opposing this. The Yates County resolution hits most of the points correctly. The actual intent is to change NYS Law without the efforts of our State Association even being able to make comments or changes and that is what is concerning. Mrs. Lando commented this was discussed at the NYSAC meeting that was held in September and she is guessing this will also come up at Inter-County.

Mrs. Ferratella asked if we follow the Yates County resolution would that be appropriate? Mr. Parker replied it would be in his opinion. Mr. Wheeler stated it is good that there are not any bill numbers. The State Legislature generally runs bills through in March. Our recommendation would be to adopt a resolution this month.

MOTION: OPPOSING PROPOSED CHANGES TO THE NEW YORK STATE SOIL AND WATER CONSERVATION DISTRICT LAW MADE BY MR. VAN CAESELE. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

Mr. Mullen asked that Mr. Parker email the committee additional information. Mr. Parker commented the Farm Bureau passed a resolution at their annual meeting as did our State Association in opposition to the proposed changes.

2. **Activity Update** – Mr. Mullen asked how are you doing on the backlog of work? Mr. Parker replied we are making progress. We were involved in and completed 45 projects last summer and we have 45 more projects to go. He noted that FEMA has been very challenging. The FEMA representatives were doing everything online, which has been challenging for everyone involved. We do not have a representative coming out to the field. Additionally FEMA has changed the program somewhat as far as what is and is not funded now. Some of the funding that we used to be able to get we no longer can get because of the changes. They changed it so it would have had to be previously approved and then received damage; we only had three that fell into that category. We have not received any funding as of yet. It has taken us well over a year to get to the end of the process. FEMA has indicated they will not fund anything on private property unless it had been pre-approved.

Mr. Mullen stated one of the Committee's goals was to help you with your backlog. Do you feel that you have made progress? Mr. Parker replied yes. Over half of the additional money you appropriated has been expended.

V. OTHER BUSINESS

A. *Appointment of Farm Bureau Representative to Soil and Water Conservation District Board of Directors* – Mr. Parker requested the Legislature consider reappointing the Farm Bureau Representative, Ernest Swift, to the Soil and Water Conservation District Board of Directors.

MOTION: RECOMMENDING THE REAPPOINTMENT OF FARM BUREAU REPRESENTATIVE, ERNEST SWIFT TO THE SOIL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS MADE BY MR. KUHL. SECONDED BY MRS. LANDO. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

B. *Room Tax* – Mrs. Lando asked about the allocation of Room Tax dollars to the Chambers of Commerce? Mr. Wheeler explained we allocated in the 2023 budget I believe \$40,000 to the Corning Chamber of Commerce as a placeholder should they come to us with an eligible use. My understanding is they have not applied. Mrs. Lando asked what about the \$15,000 that has been allocated to the Hammondsport Chamber of Commerce when the Bath and Hornell Chambers only received \$5,000? Mr. Wheeler replied the Hammondsport Chamber of Commerce was very active. We have requested annual reports from them.

C. *Charters of Freedom Project* – Mrs. Ferratella asked what is the status of this project? Mr. Wheeler replied they did sign a letter of intent. The Village of Bath has the property and we are just helping with site work. We periodically placed calls to them last summer and fall. They reached out to us about two weeks ago and the main site designer had been having some health issues. The Bath Village Mayor has signed the letter of intent and we are the first project slated for the spring.

D. *Coffee Cart* – Mr. Mullen asked what is the status of the coffee cart? Mr. Wheeler replied we have a current contract with Big D's who is the owner of the equipment and our understanding was they were opening back up. We need to contact him again to see if that will happen or if we need to look at other options.

E. *OTB Membership* – Mr. Van Etten asked have we heard anything about the proposed changes to the members of the OTB Board of Directors? Mr. Wheeler replied that did not go anywhere in Legislation to his knowledge.

F. *Climate Leadership and Community Protection Act (CLCPA)* – Mr. Van Etten stated I think we need to do a memorializing resolution on this. He asked Mr. Wheeler if he could talk about the tax that would be calculated if this is enacted? Mr. Wheeler stated it is very theoretical and it might border on Executive Session as it deals with a potential contract with NYSERDA and this company to spec something out. Mr. Van Etten stated we talked about it at the IDA Board meeting last week and it is really becoming a serious thing. Mr. Johnson said the EDC Director met with the DEC Director and they are headstrong and moving forward with writing new laws to support this CLCPA. They are going to go so far as to rewrite building codes; get in bed with the insurance companies so that you cannot get homeowners insurance if your house is not in compliance. For vehicles, if you are not driving an electric vehicle by a certain year then you will pay an additional tax in your registration to cover that. The huge fear is that there may be a huge flush of people that may leave the State. I think we should be headstrong fighting this as vocally as we could. I would even go so far as to say that a number of counties should get together and provide funds to help publicize this to residents. The people don't know what the State is trying to do. Mr. Mullen stated they have already passed the law and it is just a matter of putting all the regulations in place now.

Mr. Wheeler stated once the building codes are changed, that is when you will hear the biggest squawking, especially in New York City. I can reach out and we have been in communication with other counties. There are a number of counties that focused on the gas stove thing and did memorializing resolutions last month on that. He stated that he can talk with neighboring counties about a broader memorializing resolution.

Mr. Horton stated everything is 100 percent true. I have the new code regulations that I have been reading for the Town of Campbell and as of January 1, 2023, you have to get a building permit to change your appliances. All of the building inspectors are leaving. Mr. Wheeler commented and that is a problem in good times. We are providing feedback that there are major problems with this. When you make all of these changes, who is the enforcing entity? New York State Department Health? A lot will come down to the building codes and this is unenforceable.

MOTION: TO ADJOURN REGULAR SESSION AND RECONVENE IN EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS' LAW, ARTICLE 7§ 105.1.F. THE MEDICAL, FINANCIAL, CREDIT OR EMPLOYMENT HISTORY OF A PARTICULAR PERSON OR CORPORATION, OR MATTERS LEADING TO THE APPOINTMENT, EMPLOYMENT, PROMOTION, DEMOTION, DISCIPLINE, SUSPENSION, DISMISSAL OR REMOVAL OF A PARTICULAR PERSON OR CORPORATION MADE BY MRS. FERRATELLA. SECONDED BY MR. VAN CAESELE. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

MOTION: TO ADJOURN EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION MADE BY MRS. LANDO. SECONDED BY MRS. FERRATELLA. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

G. *Broadband RFP* – Mr. Wheeler stated we have \$6,196,527 million left in restricted ARPA funds. There is \$56,888 in unrestricted ARPA funds and \$150,000 in ARPA interest. Is the County willing to work with different municipalities to close that gap with the fund balance by using \$1 million - \$1.75 million. Mr. Mullen asked what is the fund balance? Mr. Wheeler replied the fund balance is \$70 million and \$55 - \$60 million is unrestricted. The other option would be to go back to the proposers and give them the maximum amount of \$6.25 million to work with.

Mr. Mullen stated that he would like to consider a larger project that would provide a lot of coverage. He would like to have a discussion with some of the towns to see if they would be willing to put forth ARPA funds and then see where we are at with the total.

Mr. Wheeler stated some counties have applied for a USDA grant and most of those would have a local match. The recommendation from us would be a local match of \$1 million - \$1.75 million. If you viewed that as a grant, you would have that match to begin with. It seems like a good return on the investment.

Mrs. Ferratella asked are State grants available now? Mr. Wheeler replied the State is going through the numbers process right now and have worked with STC on challenging the FCC data. The State is waiting for that data and then they will release the grant program. STN has worked with the NYS Connect All Office and they are doing a pilot project in the Town of Nichols. STN is the best performing and there is the potential to do that.

Mrs. Lando asked when do we have to have the ARPA funds spent? Mr. Wheeler replied his understanding is the funds have to be obligated by the end of 2024 and spent by the end of 2026.

Mr. Mullen stated he would point out that broadband is not just internet; it is also cell service. Broadband allows for telemedicine and we don't have that service in so much of the County. This affects public safety and quality of life. Mr. Malter stated I agree and think we should go with the \$8 million option, plus add the \$440,000 project and look to see where additional funding can come from; whether in-house or other municipalities. Mr. Van Etten stated I agree. If we could utilize some of the Caton funds and we also have our \$70 million reserve fund. Mr. Horton asked the \$8 million project would service 2,509 addresses? Mr. Wheeler stated correct. He recommended holding a Special AIP Committee prior to the February 27th Legislative Meeting to discuss broadband.

H. *2023 Goals* – Mr. Mullen stated we will discuss our goals at the March meeting.

MOTION: TO ADJOURN MADE BY MR. VAN CAESELEE. SECONDED BY MR. KUHL. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR****

Wednesday, March 1, 2023

9:30 a.m.

Please send agenda items to the Clerk of the Legislature's Office

NO LATER THAN NOON

Wednesday, February 22, 2023