

STEBEN COUNTY AGRICULTURE, INDUSTRY AND PLANNING COMMITTEE

Wednesday, May 6, 2020

9:30 a.m.

Via Teleconference

****MINUTES****

COMMITTEE:	Robin K. Lattimer, Chair Aaron I. Mullen	K. Michael Hanna, Vice Chair Paul E. Van Caesele	Hilda T. Lando
STAFF:	Jack K. Wheeler Jennifer Prossick	Christopher Brewer Eric Rose	Brenda Mori Amy Dlugos
LEGISLATORS:	Scott J. Van Etten John V. Malter Frederick G. Potter Jeffrey P. Horton	Carol A. Ferratella Steven P. Maio Thomas J. Ryan	Kelly H. Fitzpatrick Robert V. Nichols Gary D. Swackhamer
OTHERS:	James Johnson, Executive Director, Steuben County Industrial Development Agency Tess McKinley, Executive Director, Cornell Cooperative Extension Mary Perham Media		

I. CALL TO ORDER

Ms. Lattimer called the meeting to order at 9:38 a.m.

II. APPROVAL OF MINUTES

MOTION: APPROVING THE MINUTES OF THE APRIL 1, 2020, MEETING MADE BY MRS. LANDO. SECONDED BY MR. MULLEN. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

III. DEPARTMENTAL REQUESTS

A. Planning

1. **Appointing a Certifying Officer for CDBG Project and Declaring Project a Type II Action –**

Secretary's Note: As Mrs. Dlugos was experiencing some audio difficulties, Ms. Lattimer started the presentation of this agenda item.

Ms. Lattimer stated Mrs. Dlugos is looking for the designation of the Certifying Officer for the CDBG well and septic system project and declaring the project a Type II action. She stated Mrs. Dlugos will be the certifying officer and this is a pretty routine resolution.

MOTION: APPOINTING THE PLANNING DIRECTOR AS THE CERTIFYING OFFICER FOR THE CDBG PROJECT AND DECLARING THE PROJECT A TYPE II ACTION MADE BY MR. MULLEN. SECONDED BY MR. HANNA. ALL BEING IN FAVOR. MOTION CARRIES 5-0. Resolution Required.

2. **Approving a Sub-Recipient Agreement with Arbor for CDBG Project –**

MOTION: APPROVING A SUB-RECIPIENT AGREEMENT WITH ARBOR FOR THE CDBG PROJECT MADE BY MRS. LANDO. SECONDED BY MR. HANNA FOR DISCUSSION

Ms. Lando asked what is the sub-recipient agreement, just a pass through? Ms. Lattimer replied I believe so because Arbor is performing the project work. Mr. Wheeler stated it is a pass through.

Secretary's Note: Mrs. Dlugos was able to connect with the teleconference.

Mrs. Dlugos explained this is for the new project that we have that was approved at last month's board meeting and we have to do a new sub-recipient agreement for each new project. Mr. Mullen asked what exactly does this mean? Mrs. Dlugos stated Arbor is our project management team. We administer the project and they do most of the implementation. Arbor does the on-the-ground project for us. We oversee and make sure they are following all of the federal regulations and we handle the finances. We have the primary responsibility to the Office of Community Renewal.

Mr. Potter asked when is the official start date? Mrs. Dlugos replied this is funding we have been awarded. Once we get through the normal review process, then we can proceed. We expect the funds to be released by the end of June at the latest.

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

3. **CDBG Funds and Covid Response** – Mrs. Dlugos stated there is CDBG funding in the CARES Act and we have been communicating with the Industrial Development Agency on how we can access and use those funds for economic development. These funds are coming from the Office of Community Renewal and we are communicating with them. We are still waiting to hear the when, how and what to do to access these funds.

Mrs. Dlugos stated the second piece of this is there is a waiver through HUD that will let us use existing CDBG grants for other Covid relief purposes. We are currently working on the CDBG grant for septic systems and we could use some of those funds for rental assistance for people who have been impacted by Covid. We are having discussions with Arbor to see if there is a need. Apparently there are 697 households waiting for rental assistance. Arbor would have some funding through the HOME program that can cover people who are at 60 percent of the AMI (Area Median Income), but there is a gap for individuals that are 60 – 80 percent of the AMI and they don't have funding to help them. She stated she is looking for approval to use the septic system funds to help people who are in the 60 – 80 percent of the AMI who have been affected by Covid and who are on the waiting list for rental assistance. Through this program, individuals would get three months of rental assistance. Arbor would re-qualify the individuals every month to ensure they have not gone back to employment. Individuals cannot be evicted right now and would still be responsible for the three months of rent while they were unemployed. They would also have had to been impacted by Covid. Landlords would be paid directly and households would be re-qualified each month. This funding would cover rent and some security deposits. It would not cover utilities unless utilities are part of the rent. If approved, we could amend our contract with Arbor to allow use of a portion of the septic system funds for rental assistance.

Ms. Lattimer asked what is the pool of money? Ms. Dlugos replied in that grant we have uncommitted funds in the amount of \$193,000. We were thinking \$40,000 which would roughly be the equivalent of two septic systems.

Mr. Swackhamer asked with all of the different funds being given out and unemployment, can you explain to me where they fell through the cracks? Mrs. Dlugos replied this is specific to individuals who are not able to pay rent and have been laid off. They are also falling within the 60 – 80 percent AMI. For example, for a family of four, the AMI is \$40,000 and for a single, it is \$28,260. With the local rental rate, if they are unemployed they are falling in that range and are probably having difficulty paying rent. I assume they have applied for unemployment. That is what Arbor would be doing for us, the screening for this. There are 670 households that have not been vetted to be sure they qualify.

Mr. Swackhamer asked didn't they receive the \$1,200 - \$1,500 that was sent to all taxpayers? Mrs. Dlugos replied I would assume, but I don't know their individual situations. Mr. Swackhamer stated I just wonder how

they fell through the cracks. Mrs. Dlugos stated with the \$1,500, looking at current rental rates especially for a family of four, it would be a little more than one months' rent. They may have two months' rent; they may have applied for unemployment, but there have been delays.

Ms. Fitzpatrick stated we should point out that the unemployment system has been bombarded with claims and many people are eligible, but still are not receiving anything. The unemployment system was not designed to handle this. The stimulus check that was sent out was \$1,200 plus \$500 for each child under the age of 17. There are multiple issues with that; if they don't have a bank account the checks are delayed or are being mailed. There are funds out there but they are not easily accessible at this point.

Ms. Lattimer stated there is a cap in the CARES Act that is only extended through July. Rent will be due beyond July and there may not be any other assistance available.

Mr. Van Caesele stated one other thing to think about; unemployment is being delayed, but so are rental payments. If I understand him correctly, Mr. Swackhamer is concerned that for those that are unemployed, their unemployment will come through and they will get this benefit and other people will have to pay rent and these people are getting an extra bonus when they may not have needed it.

Mrs. Lando asked if there is \$193,000 uncommitted, how much are you saying we will use for this purpose? Mrs. Dlugos stated we were thinking \$40,000 at most. To some of the points being made, individuals will have to re-qualify on a monthly basis. That might alleviate some of those concerns. We are looking at an amount of up to \$40,000. I don't know if you want to put a ceiling on it or not.

Mrs. Lando stated if there are 697 families, \$40,000 will not go very far. Mrs. Dlugos stated Arbor thinks they will be able to help a lot of the households with HOME funding. This is only for those households that are at the 60 – 80 percent of AMI. There also may be some people on that waiting list that are not Covid impacted.

Mrs. Ferratella stated Arbor also supports Chemung County. Is it guaranteed that this funding will only go to Steuben County residents? Mrs. Dlugos replied yes, this will only go to Steuben County residents. The home funds will cover individuals up to 60 percent of AMI and that is not a program that we are involved in and Arbor does that on a three-county basis. Our CDBG funds are only for Steuben County.

Ms. Lattimer asked are the payments made to the landlords? Mrs. Dlugos replied yes, Arbor will be paying them and we will be reimbursing Arbor.

Mr. Mullen commented he thinks we are being premature on this. The landlords cannot evict for three months from when Covid started and if there is a hardship situation, there is a deferral on mortgage payments for three months. I think there is a chance the State or Federal governments may address some of these issues and I think it would be better to wait and see if that happens. No one will lose their housing in the meantime. We could wait a month to get more information.

Mr. Wheeler asked is there a timeframe for when funds need to be accepted? Mrs. Dlugos replied once we make that decision the Office of Community Renewal can quickly turn things around for us. There is no timeline for when the offer is no longer open. Mr. Wheeler stated he would suggest that Mrs. Dlugos check with the Office of Community Renewal on this and if there is a timeframe, we could always schedule a special meeting before the Legislative Meeting. Mrs. Dlugos stated she will follow up today and see what she can find out.

Mrs. Lando asked the \$40,000 that would have been used to go to this, what septic systems would not get done? Mrs. Dlugos stated people are on a waiting list for the septic system program. We have roughly estimated this \$40,000 would cover two systems and those two systems would roll over into the next grant.

Mr. Maio asked for the people receiving these funds, do they have to show that they were actually impacted by Covid? Mrs. Dlugos replied yes. Mr. Maio commented a lot of landlords do not have a mortgage and so the fact that there is mortgage relief is not really helping them right now.

Mr. Van Caesele stated he agrees with Mr. Maio on that point. I would be more likely to accept funds when people who have applied for unemployment have not received it. When that money comes through they will have the unemployment and other people don't have that option.

Ms. Lattimer stated we have had good debate and we need to take a pause to consider this further and if necessary, we will have a special meeting before the Legislative meeting.

MOTION: TABLING ACTION ON ACCEPTING CDBG CARES ACT FUNDING PENDING FURTHER INFORMATION FROM THE PLANNING DIRECTOR RELATIVE TO A TIMELINE FOR GRANT ACCEPTANCE FROM THE OFFICE OF COMMUNITY RENEWAL MADE BY MRS. LANDO. SECONDED BY MR. VAN CAESELE. ALL BEING IN FAVOR. MOTION CARRIES 5-0.

4. **Transportation Funding for Mobility Management Services Provided by IHS** – Mrs. Dlugos stated NYS Department of Transportation has CARES Act funding for transportation. We have had discussions with them and they are working on getting their contract with the Federal government in place and once that is done, then we will have more information. Mrs. Dlugos explained the Mobility Management Program is funded through 5311 Federal funding and State funding. We applied for additional funding at the end of February and have not received the award yet. We anticipate an early summer announcement and then the contract. She stated DOT often lags in getting awards and contracts. We anticipate getting the award and funds and we are not in any danger. In the meantime, the Institute for Human Services (IHS) is still operating; it is an important operation as they arrange transportation for medial and essential things. They used up the grant funding in November and are operating under the expectation of reimbursement when the new grant comes through. At this time they have requested the County consider an advance on those Mobility Management funds. Mrs. Dlugos stated usually IHS can support the cash flow, but with the current situation, they are not able to do that. They are asking the County for an appropriation in advance of the grant award in the amount of \$170,788.13. That would cover them through the end of June. Again, I fully anticipate that we will get the award, but it is hard to say when we will get them.

Ms. Lattimer asked where would this money come from? Mrs. Dlugos stated we have a capital project; however, there is no money in it. It would have to come from the County reserves until we are reimbursed by the State when we get the grant award.

Mr. Wheeler stated this is definitely a tough one. With Mobility Management, especially in times like this, there are requirements that we have to meet. We do have a stake in it. It sounds like this funding is probably assured. This is a policy issue for you. Having IHS cash flow negative is a problem as they do help us with arranging transportation, specifically for Medicaid.

Mrs. Dlugos stated she did discuss this with the head of DOT and he said that the funding is Federal funding from the previous year. They have it and it is there. They cannot guarantee we will get 100 percent of what we asked for. They feel we will get enough to cover this and to continue the program moving forward.

Mr. Mullen asked what would we do if the money doesn't come in? Would we still be doing this anyhow? Mrs. Dlugos replied it would limit their ability to continue to coordinate rides and transportation at this time. Mr. Mullen asked if we did not receive the money, would we pay this money anyhow? Is it critical to us? Mr. Wheeler replied we do have responsibility for implementing a large portion of this, specifically for mobility management. If we were no longer able to secure this under contract, we would have to find another entity and pay to do that. Mrs. Dlugos stated IHS meets the match for the grant by the services they provide to the Department of Social Services for transportation coordination. Mr. Wheeler stated we would have to find a way to make it work if IHS did not provide it. The County has a responsibility for the Medicaid travel. One way or the other, we would have to do something.

Mr. Van Caesele asked does it make sense and would it be an option to pay a smaller portion of it for the present time and see how the future looks? Ms. Lattimer asked does this funding cover them until the end of June? Mrs. Dlugos replied yes. Ms. Lattimer commented that is not very far off.

Mr. Wheeler stated he would suggest that the appropriation be made from the Contingent Fund as that is the easiest way right now.

MOTION: APPROPRIATING \$170,788.13 FROM THE CONTINGENT FUND TO THE MOBILITY MANAGEMENT CAPITAL PROJECT AND DISBURSING THE SAME TO THE INSTITUTE FOR HUMAN SERVICES FOR THE MOBILITY MANAGEMENT PROGRAM MADE BY MR. MULLEN. SECONDED BY MR. HANNA FOR DISCUSSION.

Mr. Mullen asked are you confident this will be reimbursed when we receive the grant? Mr. Wheeler replied yes.

Mrs. Lando asked what was the total for the grant? Mrs. Dlugos replied this is a two-year grant and we applied for approximately \$800,000. This is a significant amount of money.

Mr. Swackhamer asked is this for expense and revenue? Mr. Wheeler replied if you wanted to put in that the money is reimbursed to the Contingent Fund you can, but there is no revenue included in the resolution. Mrs. Dlugos stated when she does the resolution to accept the grant, she will make sure it includes that the funds get allocated back to the Contingent Fund.

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

B. County Manager

1. **Modifying Existing REDEC Contract** – Mr. Brewer requested authorization to increase the contract with REDEC to assist them with operating expenses. We would be providing funding to help them cover costs for their day-to-day operations. This additional funding of \$150,000 would come from the Economic Development Fund.

MOTION: AUTHORIZING THE COUNTY MANAGER TO AMEND THE EXISTING CONTRACT WITH REDEC TO INCLUDE AN ADDITIONAL \$150,000 TO BE PAID FROM THE ECONOMIC DEVELOPMENT FUND, TO HELP WITH DAY-TO-DAY OPERATIONAL COSTS MADE BY MR. MULLEN. SECONDED BY MR. HANNA FOR DISCUSSION.

Mr. Mullen stated he wants to confirm that during this time REDEC is working hard to lend and help our small businesses through this pandemic. Mr. Brewer stated traditional lending sources have higher interest rates and applications to those sources have slowed to a trickle. The emergency loan fund that was established is seeing a demand. There is no fee for that for the business owner and interest is at 1 percent. The revenue side for REDEC is quite limited. They have expenses every day and staff are operating from their homes; they have had to require additional software and their needs have changed considerably in two months.

Mr. Johnson explained the emergency loan fund is being funded by the Industrial Development Agency and Corning Enterprises and REDEC approves the loans for that program. This is really starting to make an impact in the community.

Mr. Potter asked this money that is being loaned to REDEC, will that be repaid? Mr. Brewer replied no. This additional funding is coming out of the Economic Development Fund and there is no expectation of repayment.

Mrs. Lando asked how much? Mr. Brewer replied \$150,000.

Mr. Malter asked this does not decrease the amount of money which this fund was going to be, \$500,000? Mr. Brewer replied correct. They are trying to procure other participants to keep at the \$500,000 revolving loan fund.

This fund will go on in perpetuity. Mr. Malter stated I believe we should get an annual report on the revolving fund and what has been paid, etc. Mr. Brewer stated absolutely and to put it on the record, I am also the Chair of REDEC.

Ms. Lattimer commented REDEC is an organization that has been involved in economic development in the Southern Tier for 25 years.

Ms. Fitzpatrick asked is this \$150,000 going toward the loans for business or for expenses for REDEC? Mr. Brewer replied municipalities cannot give a loan to REDEC directly or indirectly. Our funds are for operating expenses. Mr. Wheeler stated this will free up funds that can be distributed for loans.

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

2. **Finger Lakes SPCA Allocation** – Mr. Wheeler stated he sent an email to the Legislators related to a current case and the seizure of large animals that the SPCA are boarding and taking care of. They have done a fantastic job with the \$10,000 we budget for them and they have not had to come back for additional expenses. They are doing a great accounting. Mr. Wheeler stated with this case they have expended all of the carryover funds they had. The contract does contemplate this. As background, we had changed to using an animal cruelty investigator within the Sheriff's Department and using the SPCA for assistance. These fees are in line with that. We have \$39,000 in the line item and there is sufficient funding to be able to do this.

Mrs. Lando asked will we get money back from the State on this case? Mr. Wheeler replied if there is restitution we would get money back; I cannot guarantee to you how much. That has happened in smaller cases.

Mr. Nichols stated they are bovines. After they get them in shape, why are they keeping them? They can send them to Empire Livestock. Mr. Wheeler stated I don't think the SPCA does that and this is an ongoing case. Ms. Prossick stated they would have to send to Farm Sanctuary to take care of them.

Mr. Malter asked are we pursuing the owner to turn the animals over? Mr. Wheeler replied I don't know.

Ms. Lattimer stated until the disposition of the cruelty case, the animals would be status quo. I don't disagree with Mr. Nichols; in normal farming practices the bovines would be dispositioned.

MOTION: AUTHORIZING THE APPROPRIATION OF \$22,000 FROM THE ANIMAL SAFETY COST CENTER TO THE FINGER LAKES SPCA TO PAY FOR EXPENSES RELATED TO A LARGE ANIMAL SEIZURE MADE BY MR. HANNA. SECONDED BY MRS. LANDO FOR DISCUSSION.

Mrs. Lando asked we really don't have a choice, but what could happen if we don't do this? Mr. Wheeler replied the SPCA really has expenses and no recourse. Up until now they have been able to do it economically. This is just an extraordinary case.

Mr. Van Etten stated for the last three years we have not had to use any of that money and now is the time.

Mr. Malter stated I have no problem with appropriating the additional funding. I still think we need to pursue the situation and pursue the owner so we can dispose of the animals. Mr. Maio stated this is an ongoing current case and this is something the District Attorney has to do.

Mr. Mullen stated I think we should consider a Local Law, if possibly in the future, to be able to sell the animals so that we don't incur these kinds of costs for farm animals that could easily be sold. I am comfortable paying the shortfall. We should see if the District Attorney is willing to make an offer to purchase the animals so we can sell and cap the damages on this. With regard to the carryover of the shortfall from last year's budget, why are we paying for last year's carryover and what is the balance over the course of the contract? Do they always rollover a balance? Mr. Wheeler replied they rollover any unexpended funds and they are not usually significant. He stated

he is a little surprised about the shortfall from last year, but the contract does speak to extraordinary cases. This will make them whole and anticipates getting them through the end of the year. Any funds not expended would then be carried over.

Mr. Hanna stated I think I should not have made the motion because periodically they ask me to help them with real estate and I will abstain from the vote.

Ms. Lattimer asked if there was a new motion.

MOTION: AUTHORIZING THE APPROPRIATION OF \$22,000 FROM THE ANIMAL SAFETY COST CENTER TO THE FINGER LAKES SPCA FOR EXPENSES RELATED TO A LARGE ANIMAL SEIZURE MADE BY MRS. LANDO. SECONDED BY MR. MULLEN. MOTION CARRIES 4-0-1. (MR. HANNA ABSTAINED)

IV. OUTSIDE AGENCIES

A Steuben County Industrial Development Agency

1. **PILOT Consent for Canisteo Wind Energy** – Mr. Johnson stated as in the past, I am presenting a resolution to all of the taxing entities for a renewable energy project to lock in the distribution rates based on this year's tax rate. This provides significant assurance to the municipalities as it protects them from changing tax rates. He stated with Baron Wind we were able to negotiate and get an appropriate consent resolution from all taxing entities to freeze the rates based on today's rate and it became a fixed payment formula.

Mr. Johnson requested the Legislature consider moving forward with a similar resolution for the Canisteo Wind Energy project. This would be a duplication of the resolution for Baron Winds, with different municipalities listed, to basically freeze the rate.

Mr. Mullen stated he will be abstaining as he represents the towns in the project. The towns are very much in favor of this.

MOTION: APPROVING A PILOT CONSENT AGREEMENT FOR THE CANISTEO WIND ENERGY PROJECT MADE BY MRS. LANDO. SECONDED BY MR. HANNA. MOTION CARRIES 4-0-1. (MR. MULLEN ABSTAINED)

2. **I-86 Workforce Project** – Mrs. Lando asked with Fred Arcuri moving to Corning Enterprises, do we have a replacement? Mr. Johnson replied Betsey Hale took a job out west and resigned her position as President of Three Rivers Development. A position then opened up at Corning Enterprises and Mr. Arcuri filled that. Part of his current tasks is workforce development and continuing to manage the I-86 initiative through the transition period. Three Rivers has now hired Susan Payne full-time as President. There have been discussions about how to move and transfer I-86 moving forward. That discussion includes what we do about Mr. Arcuri's position. Ms. Payne has some ideas and a recommendation to replace that position. Currently Ms. Payne is living in Florida and is trying to transition and move back up here and hopes to be back by mid-May. The question now is what form does I-86 take now because everything has changed. We need to be proactive with our response plan. The work has not stopped and Mr. Arcuri continues to manage this during this transition.

Mrs. Lando asked once everything is all settled, can we get an update on all of these changes at a Chairman's meeting? Mr. Van Etten replied yes, when we get back to meeting in person.

Mrs. Ferratella stated Mr. Arcuri was going to come back to the AIP Committee to give an updated presentation. Will he still do that before the transition? Mr. Wheeler stated there are a lot of good things that Mr. Arcuri was working on that will carry over. It is up to you if you want a historical presentation or just wait until we find out where we are going.

Mr. Johnson stated Mr. Arcuri is working on an annual State of the Workforce Address and that gives a good historical perspective. Mr. Arcuri was working on the finishing touches and identifying the needs we see going past Covid and once that is done we will be happy to release that. That may be a good opportunity to get Mr. Arcuri and others in front of the AIP Committee.

V. OTHER BUSINESS

A. **Article 10 Siting Law** – Ms. Lattimer stated this was an item that Mr. Mullen had asked to bring back and have a short discussion on. As it came out of the 2020 budget from the State, it is looking different than what we had expected. Previously they were removing all local input from energy projects within the County. Now it looks a little different and she is looking for the committee’s input on whether we go forward with a resolution opposing or are we not so unhappy with the outcome from the budget.

Mr. Mullen stated I have looked at most of the new law and it is pretty good. They are going to be developing rules still on how agencies actually treat all of this, including the development of model siting for all agencies. If there is a resolution, I would like to say to do them in a way that gives great deference to the local law. There is a provision in the law that says they will give deference to the local law unless the local law is deemed to be unreasonably broad in light of the State’s environmental goals. That is where some of the rule making will come into place, how they interpret. This gives the municipalities’ definite reassurance.

Mr. Johnson stated he would concur with that. I have been on NYSERDA webinars along with Jill Staats from my office and there are a lot of questions, but he agrees with Mr. Mullen that it looks as though they are giving deference to local laws. They are partnering with the power authority and the State is seeking to sign purchase and sale agreements on land being targeted for development. The hope is the State is going to secure, or get under contract, significant acreage and put together an offer. Steuben County is one of the first to be reached out to and we have seen a draft purchase and sale agreement. We will see how that process goes.

Ms. Lattimer asked is the committee in agreement to monitor the rules as they develop and not follow through on an opposing resolution? The committee was in agreement.

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

Respectfully Submitted by

Amanda L. Chapman
Deputy Clerk
Steuben County Legislature

****NEXT MEETING SCHEDULED FOR**
Wednesday, June 3, 2020**

**Please send agenda items to the Clerk of the Legislature’s Office
NO LATER THAN NOON
Wednesday, May 27, 2020**