

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

**SUMMARY OF MEETING MINUTES
February 12, 2013
Board of Supervisors Chambers**

Board Members Present

Paul Thomsen
George Seneck, Sup.
Dan Palmer
Ted Guinn
Bruce Beadle
Jennifer Tavares

Bob Davis
Perry Owen
Paul Romahn

Staff Present

Dopna Jones
Planning Director
Shane H. Butler
Planner
Rena M. Doing
Planner

Guest(s) Present

Board Member(s) Absent

David Law, Sup
Sally Chirlin

Mr. Guinn made the motion to appoint Ms. Jones as Temporary Chairperson, to proceed with the annual organization of the County Planning Board; second by Mr. Thomsen; vote all ayes, motion carried.

Ms Jones called the organizational meeting to order at 8:05 a.m.

Election of 2013 Planning Board Officers:

Ms. Jones opened the floor for nominations of the 2013 County Planning Board Officers.

Mr. Owen nominated Mr. Thomsen for Chairman, second by Mr. Guinn; vote all ayes, motion carried.

Mr. Owen nominated Mr. Palmer for Vice Chairman, second by Mr. Guinn; vote all ayes, motion carried.

Mr. Beadle nominated Mr. Owen for Secretary, second by Mr. Romahn; vote all ayes, motion carried.

Mr. Thomsen nominated Mr. Guinn for 239 Committee Chairman, second by Mr. Owen, motion carried.

Ms. Jones adjourned the organizational meeting at 8:15 a.m.

Chairman Thomsen called County Planning Board meeting to order at 8:15 a.m.

Old Business:

Planning Board Minutes:

Mr. Beadle made the motion to accept the December 11, 2012 minutes, second by Mr. Davis vote all ayes, motion approved.

Mr. Guinn made the motion to accept the December 11, 2012, January 8, 2013 and February 7, 2013 239 Review Committee minutes, second by Ms. Owen; vote all ayes, motion approved.

New Business:

FOIL Request on "13-02 Village of Oxford Zoning Amendments"

Ms. Jones presented a copy of a draft letter to the Village of Oxford, clarifying the County Planning 239 Review Committee's position relating to the zoning amendments denial. The letter prepared by Mr. Butler was based on notes from the February 7, 2013 special 239 Review Committee meeting in response to a FOIL request from the Village of Oxford. The 239 Review Committee was comprised of the same members that participated in the initial Village of Oxford Zoning amendment review.

The Village of Oxford moved to adopt the proposed zoning amendments at a special Village Board meeting February 5, 2013 without the clarification response from the County Planning Board.

After review and discussion by the County Planning Board members Mr. Guinn made the motion to send the FOIL request clarification letter to the Village of Oxford as written, second by Mr. Seneck; Mr. Romahn abstained from voting, all ayes from remaining members; motion approved.

Discussion continued concerning the Master Plan shared and prepared by the Town/Village of Oxford. Mr. Romahn stated the Master Plan had been recently updated by a joint town/village community committee. However the revised plan has not been submitted to the County Planning Board for a 239 Review. Mr. Romahn stated the Town of Oxford Planning Board has been working on a Noise Ordinance patterned after the Town of Windsor (Broome Co) Noise Ordinance. The recommendation was made to Mr. Romahn to submit the completed Noise Ordinance to the County Planning Board for a 239 Review prior to adoption.

Discussion continued as to any possibility the Village of Oxford could be excluded from any potential income generated from natural gas exploration, considering the Village decision to zone out natural gas activities. The general consensus among the members is this would not be a possibility as natural gas production is taxed based on Real Property tax law. The tax money is distributed to the school district, fire district, county and the community where the well is located.

Department of State Training:

Ms. Jones advised the Board members of the Planning Board training will be offered by the NYS Department of State, March 19, 2013, from 4 p.m. -8:30 p.m. in the County Board of Supervisors Chambers. Notification will be sent out next week to the Town Supervisors, Mayors, Planning Boards, in addition to posting on the County website. This is an opportunity for all Planning Board members to meet the 4 hour annual training requirement.

NYS Department of Transportation Letters:

The County Planning Department received notification from NYSDOT regarding a "Multi-culvert replacement and Repair Project" in the towns of Afton and Otselic. The Town of Otselic culvert is located on NYS Rte. 26 south of the Will Warner Road. The Town of Afton culvert is located on NYS Rte 235 south of the Harris Rd. A copy of the announcement will be forwarded to the County Traffic Safety Coordinator.

Economic Development Strategic Plan:

Ms. Tavares provided a report on the progress of updating the Economic Development Strategic Plan. The project is still a work in progress and hopefully a draft will be available in March. A meeting will be scheduled to discuss the proposed Goals and Action items to ensure the updated plan will be a useable document. Ms. Tavares stated a Business Survey was sent to approximately 250 businesses in the County with a 25% response. A Municipal survey was also sent out requesting feedback on a perspective for Economic Development and what support services a community deems necessary. There have been considerable opportunities for feedback but surprisingly the one issue that did not come up was Child Care. Child Care had been a concern voiced by area businesses in the past. County employers are encouraged to submit letters requesting Child Care service to be addressed in the Economic Development Strategic Plan.

NYS&W Railroad project:

Ms. Tavares stated there will be a public hearing, Tuesday, February 25, 2013, in the County Board room to discuss renewal of the NYS&W railroad project. The NYSDOT generally requires 15 year contracts relating to title and ownership issues. NYSDOT has stated they will consider a 10 year contract between Chenango County IDA and NYS&W.

The IDA is still working on a lease back agreement that the EDA will approve while ensuring EDA is protected. In addition the EDA is requesting NYS&W contribute to insurance, operation/maintenance to indicate this is a joint effort. A fee may be charged for usage of the Chenango County section of the rail line possibly based on per rail car.

There are several agreement models under review for fair funding in the development of the frame work and structure that will work for all parties participating in a 10 year agreement. The EDA has set February 27 or 28 as the final date to acquire designated EDA funding. EDA's primary concern is the ownership/title issue. EDA requires more IDA control. Chenango County IDA would consider a percentage of the lease fee. NYS&W has considered no fees to local municipalities for crossings, etc.

Ms. Tavares stated there are still some outside operators interested in leasing the line.

Mr. Beadle questioned if the \$5 million funding will be adequate to repair/update the railroad? Ms. Tavares stated there is actually closer to \$6 million in the budget. Some of the worst washout areas from the 2006 flood have been addressed, however the bridge repair and rail tie replacement are the primary cost and concern. There is also \$ 770,422.00 available from NYSDOT that will still need to be addressed.

Privilege of the Floor

- Mr. Thomsen questioned if Ms Jones had received a response from the County Clerk regarding filing of subdivision deeds without a sign-off from a Town/Village Boards that have adopted subdivision regulations. The Town of New Berlin is aware of four (4) subdivisions filed without Town approval or sign off. There has been approved filing by the Clerk's office when only deeds are submitted with no surveyor's map.

Mr. Romahn added the Town of Oxford has had two (2) subdivisions filed without final approval or sign off. Ms. Jones will send a memo to County Clerk Mary Weidman requesting a member of their staff attend a meeting of the County Planning Board to review and discuss the filing process.

A motion was made by Mr. Beadle to send a written request to the County Clerk for a staff member to attend a County Planning Board meeting, second by Mr. Romahn, all ayes; motion carried.

With no further comments or business, the meeting was adjourned at 9:00 a.m.

NEXT MEETING: Tuesday, March 12, 2013 at 8:00 a.m.

Minutes recorded and prepared by Rena M. Doing, Planner

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

SUMMARY OF MEETING MINUTES April 9, 2013 Board of Supervisors Chambers

<u>Board Members Present</u>		<u>Staff Present</u>	<u>Guest(s) Present</u>	<u>Board Member(s) Absent</u>
Paul Thomsen George Seneck, Sup. Dan Palmer Ted Guinn	Sally Chirlin Paul Romahn Bruce Beadle Jennifer Tavares	Donna Jones Planning Director Shane H. Butler, Planner	Mary Weidman, County Clerk Lana Deule, William Pryor	David Law, Sup Bob Davis Perry Owen

Chairman Thomsen called the meeting to order at 8:10 a.m.

Old Business:

Planning Board Minutes:

Sup. Seneck made the motion to accept the February 12, 2013 minutes, second by Mr. Guinn vote all ayes, motion approved.

Mr. Guinn made the motion to accept the February 12, 2013 239 Review Committee minutes, second by Mr. Owen; vote all ayes, motion approved.

New Business:

NYS&W Railroad project:

Ms. Tavares stated they are in the final stages of review and have submitted the last bits of information. The EDA feels the project will go forward into the Legal Department. The application was stuck in Legal last time. They are dealing with budget issues at the moment.

Mr. Beadle asked what part of the line the funding is for. Ms. Tavares stated it is for the entire line. We will only be paying for the Chenango County portion. There are some new washouts although they are minor. The line will be used for freight only.

Ms. Chirlin asked how much damage the 2006 flood did to the line. Ms. Tavares stated it was basically the knock-out blow. Some estimated the damage was \$750,000 although accuracy of the number is debatable. The \$6 million budget is inflated due to the prevailing wage requirement. It is hoped to be a Class 2 railroad at speeds of approximately 25 mph.

Chenango County Clerk's Office:

Chairman Thomsen stated the biggest concern is subdivisions and how they are being filed without the OK of the Town Board. Mr. Romahn used the example of an issue in the Town of Oxford where a parcel was subdivided and subsequently landlocked without approval by the Town of Oxford Board.

Ms. Weidman stated they are only a records office and do not do legal work. Unless the person filing indicates it as a subdivision, or there is a map included, they have no idea whether or not it is a subdivision. Towns are supposed to notify the County Clerk every year which laws they have adopted. Ms. Weidman passed out a document showing which towns have filed subdivision regulations. The State is working on a new policy whereas the first step would be through Real Property Tax. They would be able to tell if the property is subdivided and should alleviate this issue. They would then send it to the County Clerk to be filed.

Mr. Guinn stated the Town of Norwich subdivision regulation is not on the list. Ms. Weidman stated it must not have been filed. Ms. Weidman recommended updating the spreadsheet which indicates which towns have subdivisions and how many lots are considered a subdivision in each town.

Chairman Thomsen stated there have been four subdivisions filed in the Town of New Berlin and they included a map without the Town's knowledge. Ms. Weidman stated a tax certification must be filled out on each parcel.

Ms. Jones asked if it would be beneficial to send a letter to all of the attorneys. Ms. Weidman didn't think it would help since they are avoiding the process already. All subdivisions are required to have a certified map. Ms. Deule stated they can get around it by using the word "survey" instead of "map" in the filing.

Mr. Romahn asked if there was a way for the County Clerk to not file the deeds unless the Towns were notified. Ms. Weidman stated it was possible but the Town would have to adopt a law. Towns are able to review what is filed but it is after the fact.

Chairman Thomsen stated the Town of New Berlin's law has a fine for those who do not file properly. Mr. Romahn asked who the fine would be levied against; the landowner or the attorney filing it? Ms. Weidman suggested whoever filed the document. Chairman Thomsen asked if the Clerks could ask the person filing it if it is a subdivision or not. Ms. Weidman stated many already debate the term subdivision.

Ms. Jones stated the Planning Department holds a training every year and one was a subdivision training a couple of years ago. Ms. Weidman recommended a training on filing documents in the clerks office. Her staff could teach.

Ms. Weidman stated it used to take 6 weeks to file a document. With new technology it takes only a day or two.

FOIL Policy and Procedures

Ms. Jones has worked with the County Attorney on a FOIL Policy and Procedure. This was started due to the number of requests. There is a fee of 25 cents per copy and if it takes longer than two hours there is a charge per hour plus fringe benefits for the lowest paid employee. This is all allowable through Public Officers Law.

Annual Report

Ms. Jones handed out the annual report for the Planning Department. It details the projects worked on through the year as well as day-to-day work. There is also a detailed list of the 239-Reviews for the year.

Ms. Jones stated the Chenango County Sheriff's annual report is also available for those interested. Ms. Tavares stated she could send out the annual report for IDA if anyone was interested as well.

SNAP Benefits

Ms. Jones handed out a document on the number of persons utilizing Supplemental Nutrition Assistance Program (SNAP) benefits per county. Usually when dealing with data you take out the metropolitan area. Doing such makes Chenango County the 3rd highest behind only Montgomery and Chautauqua Counties. This data will be used for the Comprehensive Plan. Mr. Guinn stated it was interesting how it dropped off so much from 16%.

Comprehensive Plan

Ms. Jones stated the Strategic Plan is still in the works. The Cornell Applied Demographics program released new estimates and the comprehensive plan will need to be updated with the new numbers. Public hearings still need to be held as well. Ms. Tavares stated the strategic plan should be ready to go after the goals and first draft are finalized. The last time Cornell had new estimates they were dismal predicting a decline of 7,000 people in Chenango County by 2020. We are not even close to being on pace to reach those expectations.

With no further comments or business, the meeting was adjourned at 9:18 a.m.

NEXT MEETING: Tuesday, May 14, 2013 at 8:00 a.m.

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

SUMMARY OF MEETING MINUTES May 14, 2013 Board of Supervisors Chambers

<u>Board Members Present</u>	<u>Staff Present</u>	<u>Guest(s) Present</u>	<u>Board Member(s) Absent</u>
Paul Thomsen George Seneck, Sup. Ted Guinn Bob Davis Perry Owen	Sally Chirlin Paul Romahn Bruce Beadle Jennifer Tavares Joseph Woerter	Donna Jones Planning Director Shane H. Butler, Planner Rena M. Doing, Planner	Stephen Palmatier David Law, Supervisor Dan Palmer

Chairman Thomsen called the meeting to order at 8:10 a.m.

Old Business:

Planning Board Minutes:

Sup. Seneck made the motion to accept the April 9, 2013 minutes, second by Mr. Romahn vote all ayes, motion approved.

Mr. Beadle made the motion to accept the April 9 & 22, 2013 239 Review Committee minutes, second by Mr. Guinn; vote all ayes, motion approved.

Discussion continued regarding the 239 review of the Town of McDonough proposed natural gas moratorium. The 239 Review decision letter was read to the County Planning Board members not present at the special 239 Review meeting April 22, 2013.

Mr. Davis asked questions relating to the Subdivision filing presentation by the County Clerk at the March County Planning Board meeting. This initiated a conversation relating to Town Planning Board problems and possible suggestions on how to resolve these issues. Mr. Romahn stated the T. Oxford Planning Board is preparing a signature form, in addition to requiring a survey for any real estate subdivision transaction, to be filed with the County Clerk. They will also include a \$1000 fine and up to 1 year in prison against anyone in violation of the revised subdivision filing requirements.

Discussion continued. Mr. Davis suggested it would be beneficial for towns with subdivision regulations to have a uniform form. Consider one form relating to survey of the property for filing. It was suggested the County Planning Department work with the County Clerk to develop a checklist of what should be included in the filing packet.

New Business:

Strategic Plan: Goals/Strategies/Action:

Ms. Tavares provided a copy of the "Visions and Goals" proposed to enhance the County in the updated Economic Development Strategic Plan. Various Agencies and Municipalities in the County will benefit from the guidance proposed in the plan. Ms. Tavares provided additional information on the following goals:

Goal #2: Prioritize and Address Education and Workforce Development Needs: The biggest issue is to facilitate forward movement

- Strategy 6: SUNY Morrisville has a new advisory board to promote students and housing issues.
- Strategy 7: Seek funding for a feasibility study for a "Manufacturing Training Center in Partnership with Local Manufacturers"

Goal #3: Foster Downtown Revitalization by encouraging action in smaller communities through "Village Center Districts"

Goal #4: Support Housing Development to Meet Community Needs

- Consider revolving loan fund dedicated to upgrading and selling houses

- Work with employers to pay portion of closing costs, etc.

Ms Jones questioned if adequate supply of housing stock. Mr. Beadle commented MLS (multiple listings) continue to increase. Mr. Davis commented on “Habitat for Humanity”, no interest mortgage projects. Their current goal is to build in the Sherburne area.

Goal #5: Build Tourism, Agri-Tourism, the Arts, Historic and Cultural Opportunities. One action is to encourage expanded use of trail systems, fishing, boating, etc. In 2007 the County Planning Department worked with Cornell University developing a “Healthy Start Partnership” map which addressed this concept.

Goal #6: Grow Agriculture and Forestry Industries: One issue has been the location of agriculture product processing facilities that are readily accessible.

Ms. Tavares estimated the timeline for adopting the updated Economic Development Strategic Plan. There will be a presentation at the County Planning Committee on May 14, 2013, with the possibility of a vote by the Board of Supervisors at the June 10, 2013 meeting.

Ms. Jones commented that after adoption of the Economic Development Strategic Plan an Executive summary of the plan along with the adopted Chenango County Agriculture and Farmland Protection Plan will be included in the revised Chenango County Comprehensive Plan.

Mr. Palmatier commented on the need to address long-term planning, “Forestry Stress Management” to insure the health and quality of forest wood stock.

Mr. Davis commented the Town of Guilford has discussed establishing a Town Economic Development committee. This would support Goal #1 Action 1.5 in the Economic Development Strategic Plan, *“enhancing county-wide communication and marketing of available resources, funding sources, and educational opportunities for entrepreneurs and business owners”*.

Discussion continued relating to availability and lack of hotel rooms, banquet facilities, and rental housing that are necessary components for the success of the Strategic Plan. Development in these areas would have to be subsidized to move forward. “The Sherwood” in Greene has been renovated through Historic Preservation.

Natural Gas Report:

Mr. Palmatier has been visiting Pennsylvania natural gas well sites to schedule tours for County Supervisors and interested parties in the process of natural gas development.

Mr. Owen commented on the recent Manhattan Institute for Policy Research reports released this month comparing “The Economic Effects of Hydrofracturing on Local Economies: A Comparison of New York and Pennsylvania”

AG Tour for Legislators:

Mr. Butler advised the Board members the Agriculture and Farmland Protection Board has scheduled the “Ag Tour” for July 16, 2013. An invitation to participate in the tour has been extended to the County Board of Supervisors, NYS Legislators and Agriculture related organizations to visit: The Ives Farm, Town of Guilford; Baker’s Maple , Bainbridge; and McDowell/Walker facility, Afton.

Privilege of the Floor:

Ms. Jones commented a special meeting will be scheduled for the 239 review of the Oxford Vision Plan to insure adequate time for a comprehensive review.

Ms. Jones also advised the Board members the Town of Columbus will be submitting a “Site Plan” for a 239 review, possibly for the June meeting.

With no further comments or business, the meeting was adjourned at 9:35 a.m.

NEXT MEETING: Tuesday, June 11, 2013 at 8:00 a.m.

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

SUMMARY OF MEETING MINUTES June 11, 2013 Board of Supervisors Chambers

<u>Board Members Present</u>	<u>Staff Present</u>	<u>Guest(s) Present</u>	<u>Board Member(s) Absent</u>	
Paul Thomsen George Seneck, Sup. Ted Guinn Bob Davis Perry Owen	Sally Chirlin Paul Romahn Jennifer Tavares Dan Palmer	Donna Jones Planning Director Shane H. Butler, Planner Rena M. Doing, Planner	Stephen Palmatier Tom Grace, Sup. 11 Columbus Residents	David Law, Sup. Bruce Beadle Joseph Woerter

Chairman Thomsen called the meeting to order at 8:05 a.m.

Old Business:

Planning Board Minutes:

Mr. Romahn made the motion to accept the May 14, 2013 minutes, second by Ms. Chirlin. Members voted all ayes, motion approved.

Mr. Romahn indicated he was not at the May 22nd meeting and therefore made no comments at the meeting. Mr. Guinn made the motion to accept the May 14 & 22, 2013 239 Review Committee minutes as corrected, second by Mr. Romahn; vote all ayes, motion approved.

New Business:

Consolidated Funding Application (CFA) Process:

Ms. Tavares forwarded a press release from Empire State Development about a workshop relating to the CFA process. Funding is available to Not-For-Profits and Municipalities for eligible projects. Commerce Chenango can provide technical assistance as well as letters of support. The Small Business Administration can provide assistance as well but mainly deals with NYSERDA funding. If anyone has a project idea they should contact Commerce Chenango. Steve Craig is the Chenango County contact for the CFA process. The workshop will be held on June 25 at the Morrisville Campus from 6:00-8:30 pm. People will be divided into subgroups based on application topic. To RSVP for the event you must call Empire State Development. Mr. Palmatier added the guidance papers have to be in by July 9th and the application has to be submitted by August 12.

Ms. Jones stated Opportunities for Chenango (OFC) and Barry Cummings both have project ideas. Mr. Cummings has spoken to Charlie Phillion about rehabilitating their residential structures throughout the county.

Ms. Jones stated the Appalachian Regional Commission is offering grants as well. Southern Tier East Regional Planning Board is helping and would like applications submitted in July. The applications will be prioritized by the STE Board of Directors.

Mr. Palmatier asked if it would be the place to talk about a Manufacturers Training Center. Ms. Jones recommended talking to Erik Miller. There is usually an in-kind match for the grants which can be provided by the Planning Department and STE. Ms. Tavares suggested adding a Department of Labor grant. It usually looks better when you can combine money from different agencies. The training center was discussed at the Workforce Development Meeting and Broome Community College may have a program ready. Mr. Davis recalled previous funding to the Cortland County BOCES for a similar project.

Ms. Jones stated a food hub for Finger Lakes Fresh lettuce was provided last year. This was discussed at the STE Board meeting. The Federal Government decides who is a member community. Tioga is part of our group but hasn't paid the dues in 10 years yet they receive a lot of the funding from ARC. The STE Board has been considering

bonus points for member communities. Ms. Tavares stated the hub received CFA money but she was unsure whether or not it would help our county. Ms. Jones stated the regional applications don't always benefit our county and she does not submit a support letter unless it does. It takes approximately 18 months for the funds to come in.

Railroad:

Ms. Tavares stated the Railroad Grant was accepted on May 22nd. They are currently reviewing the acceptance documents which are 80-90 pages long. The documents include the Federal Construction Standards and guidelines for how the grant money is to be spent. The Chenango County IDA has 30 days to respond with acceptance of the grant, 60 days to implement a plan, two years to start construction, and four years to complete the project. The project is hoped to be done sooner than four years. Administration funds were cut in half for the grant.

Mr. Owen asked if the IDA has any control on who does the work. Ms. Tavares stated they do and are working cooperatively with the railroad. The railroad cannot do the work and it is tricky dealing with the labor unions on what the workers are allowed to do. The work will be put to bid and the phone has already been ringing.

Mr. Guinn asked if it will be one or more contracts. Ms. Tavares stated they would prefer only one. The railroad would assume liability based on the agreement with the IDA.

Ms. Jones asked if similar projects have been funded. Ms. Tavares stated she was not aware of anything comparable in size being revitalized. Rebecca Sands is coordinating the press conference and would like Senator Schumer to be there since he, among others, pressed so hard for this to happen.

Ms. Doing asked if the tracks would be at higher speeds. Ms. Tavares stated the minimum speed is 10 mph based on the contract but if they can make it run faster they will because of the economics. Ideally the railroad will be up to 25 mph. Mr. Guinn asked if the speed was at 25 mph before the last upgrade. Ms. Tavares stated she was not sure. There are a lot of crossings in the county which makes the speed a little lower.

Ms. Jones asked if flood mitigation is part of the grant. Ms. Tavares stated it is. They are in communication with NYSDEC and they are willing to do a permit for the entire line. The County Soil and Water Conservation District received a \$100,000 grant for five small dredging projects in and around Greene. At least one will relate to the railroad.

Natural Gas Report:

Mr. Palmatier and Ms. Jones went to Susquehanna County PA to look around. Of local concern would be the location of staging areas. There has been a transition where more local contractors are growing bigger and buying more equipment. One staging area was about 5 acres in size near a Tractor Supply. Another was near residences. Locally he would like to see the staging areas with a State Road access point to limit traffic on Town roads and in Villages.

Mr. Palmatier saw an above ground freshwater impoundment at one site. They are taking water during high flows and storing in the impoundments. At the impoundment there are flow meters and structures which look like large gas pumps to put the water in the trucks. These are local operators who decided not to use their trucks between 9:00 pm and 6:00 am. The Elk Mountain School District has a large campus. There is a well site about 300 yards from the playground. Mr. Palmatier would like to see more trees planted to block the visual impacts. Landscaping and grading has become more sensitive compared to what it was.

Mr. Palmatier is holding a meeting tomorrow relating to pipelines and distribution to local entities. A variety of speakers from different backgrounds including NYSEG and Corning Natural Gas will be there. One topic will be about how Greek Peak was used as an anchor site to supply nearby residences. He would like to see Earl B. Clark Business Park get natural gas access but the NYSEG line is over subscribed already. Emkey is continuing to survey their line and the Constitution line is moving forward.

Mr. Davis asked what percentage of the water is being recycled. Mr. Palmatier stated based on industry reports they are recycling 80-90%. Larsen Design Group looked at the former Borden Plant in Bainbridge. The DEC will be requiring more recycling by permit. TARM has a wastewater plant which stores each companies water in different tanks to treat the water based on company needs for reuse. TARM dehydrated the water leaving a solid cake.

Mr. Palmatier stated there is a site on Route 29 where a stockade fence was built approximately 25 foot high in order to mitigate light, noise and dust. A concrete enclosure stores the diesel. The entire site is very compact.

Sup. Seneck asked what local controls municipalities had for water withdrawals. Mr. Palmatier stated the municipality can negotiate the agreement but the company must go to SRBC and DEC for the permits. The DEC is not clear yet on their agreement. Sup. Seneck stated there are concerns about the possibility of a company putting a hose in Guilford Lake and taking water.

Mr. Davis asked how many locals are being employed. Mr. Palmatier stated he attended a meeting with the Commissioner of Bradford County and he said everybody is working. Municipal officials are offering tours to other municipal officials. Sup. Seneck asked if Mr. Palmatier was still doing tours and stated he would like to have the Guilford Town Board and Planning Board attend.

Ms. Jones spoke to a local man who left to get a degree in engineering and has come back to work using his degree locally. There is a big employment impact to diners and minimarts.

Privilege of the Floor:

Mr. Davis stated the Town of Guilford is revising their subdivision regulations, more specifically the frequency of when people can subdivide and how they are defined. Mr. Guinn stated the Town of Norwich does not have a timeframe and has worked for them. Ms. Jones stated the timeframe came because of two developers subdividing large parcels rapidly because towns didn't have subdivision regulations.

With no further comments or business, the meeting was adjourned at 8:50 a.m.

NEXT MEETING: Tuesday, July 9, 2013 at 8:00 a.m.

Minutes recorded and prepared by Shane H. Butler, Planner

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

SUMMARY OF MEETING MINUTES July 9, 2013 Board of Supervisors Chambers

<u>Board Members Present</u>	<u>Staff Present</u>	<u>Guest(s) Present</u>	<u>Board Member(s) Absent</u>
Paul Thomsen George Seneck, Sup. Ted Guinn Bob Davis Perry Owen Joseph Woerter	Sally Chirlin Paul Romahn Jennifer Tavares Dan Palmer Bruce Beadle	Donna Jones Planning Director Shane H. Butler, Planner Rena M. Doing, Planner	Stephen Palmatier David Law, Sup.

Chairman Thomsen called the meeting to order at 8:05 a.m.

Old Business:

Planning Board Minutes:

Ms. Tavares commented the wording relating to the “food hub” program implied the county did not benefit which is not the case. Ms. Tavares requested a change in the wording to reflect Chenango County’s support. Supervisor Seneck made the motion to accept the June 11th minutes with correction to the food hub statement; second by Mr. Palmer. Members voted all ayes, motion approved.

Mr. Guinn made the motion to accept the June 11, 2013 239 Review Committee minutes; second by Supervisor Seneck; vote all ayes, motion approved.

New Business:

Court Case: Frigault v. Town of Richfield

Ms. Jones provided a copy of a June 27, 2013 decision by the NYS Appellate Court to the Planning Board members for discussion. The case relates to Monticello Hills Wind, LLC request for special use permit in connection with a project involving the proposed construction of six wind turbines in the Town of Richfield and the lack of communication by the Town of Richfield Planning Board to the Otsego County Planning Board. The Town of Richfield neglected to provide Otsego County Planning Board “with the written notice of the public hearing, nor have respondents demonstrated that the County Planning Department received all of the materials on which the Board relied in reaching its negative declaration as required by General Municipal Law 239-m 2,3 iii.” relating to the proposed wind turbine project.

Ms. Jones referenced this case as an example to similar situations that have occurred in Chenango County where the County 239 Committee has denied requests which could have ultimately resulted in a lawsuit for a municipality.

Ms. Jones asked the County Planning Board for their opinion on how they felt this information should be provided to the municipalities. It is the municipality’s responsibility to follow General Municipal Law.

Discussion continued:

- Mr. Guinn suggested advising the municipalities to establish a policy as to who submits requests for 239 Review, the Town/Village Planning Board or the Town/Village Board?
- Supervisor Seneck suggested preparing a brief summary of this case, to be provided to all Supervisors, and Town/Village Planning Boards, with a notation recommending municipalities establish a clear 239 Review policy.
- Mr. Woerter stated the Chairman of a Planning Board generally submits a request to the County Planning Board for a 239 Review.
- Mr. Guinn suggested in the case of a law the Town Board should have the responsibility of submitting the law for 239 Review as they enforce the law. Posting Notice of Public Hearings is generally the responsibility of the Town/Village Clerk.

- Ms. Tavares suggested preparing a summary of the 239 Review process for discussion at a monthly Board of Supervisors meeting. Mr. Guinn added the Supervisors should then pass the information on to their Planning Board.
- Ms. Jones stated she prepares an annual report for the Planning Committee but the information is often not conveyed to the entire Board of Supervisors.
- Ms. Chirlin commented it is important to encourage Planning Board members from all towns/villages to participate at the County level.

After discussion, Supervisor Seneck made the motion to prepare a summary outlining General Municipal 239 m Law and request the Clerk of the Board place it on the agenda as a presentation at the Board of Supervisors monthly meeting; second by Ms Tavares; all ayes motion approved.

Natural Gas Report:

Mr. Palmatier provided a report on the status of natural gas development.

- At this time Governor Cuomo has not made a decision on allowing high volume hydraulic fracturing in the shale formations.
- At a recent IOGA meeting the drillers expressed optimism natural gas exploration will move forward and with the assistance of Attorney West, they are considering developing a site plan document for State review.
- EmKey Resources, LLC is moving forward with their survey of property along the “wilderness trail”, for their proposed pipeline, extending from the Edgar Blood property, T. Preston, south. They plan to work with Chenango County Planning Department on preparation of the pipeline route map, adding overlays of the various districts in the County, prior to submitting the route map and application to NYSPSC in August.
- IBERDROLA, USA (NYSE&G) is proposing to extend natural gas lines to the Earl Clark Industrial Park and potentially the hamlet of North Norwich.
- AET Energy Solutions is discussing potential LNG (Liquid Natural Gas) and CNG (Condensed Natural Gas) opportunities in Chenango County as a state model for consideration of a NYSERDA grant. Mr. Guinn questioned if the proposal for a CNG operation is to bring CNG tanks to a business? Mr. Palmatier stated the NYSPSC has expressed concern about who would own the tank? At this time propane gas tanks are owned by the distributors, why would this operation be any different?
- Mr. Palmatier suggested preparing a booklet outlining franchise agreements and how utilities build/expand systems. This could be a beneficial tool for various agencies.

Ms. Jones added Southern Tier East is submitting a grant application to offer a program patterned after Chenango County’s Natural Gas tracking and notification program. This would be administered by Chenango County Planning Department and Mr. Palmatier, Chenango County Natural Gas Advisor. Interest in this program was the result of the June 12, 2013 educational program hosted by Mr. Palmatier and Chenango County Planning Department. Representatives from Tioga, Otsego, Delaware, and Broome attended the meeting and expressed interest in learning more.

Privilege of the Floor:

- Mr. Romahn questioned Ms. Tavares as to what the procedure is for farmers crossing the railroad tracks that pass through their fields? Some farms, businesses and County/Town roads have taken the liberty to fill in areas where they cross the tracks since the railroad has been dormant for several years. Farmers are concerned about farm equipment when crossing tracks to adjacent fields, when the railroad is active. Ms. Tavares will check on crossing procedures in private areas. This is an issue that will need to be addressed with municipalities where the tracks have been paved. It may be necessary to retrain residents, businesses and farmers that have been encroaching on the rail line since 2006.
- Ms. Tavares commented on recent washouts along the rail line in Chenango County. The estimated cost for repair may be \$250-300,000. Mr. Beckwith, Director, Chenango County Emergency Management is working with FEMA seeking additional funding.

With no further comments or business, the meeting was adjourned at 8:50 a.m.

NEXT MEETING: Tuesday, August 13, 2013 at 8:00 a.m.

Minutes recorded and prepared by Rena M. Doing, Planner

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

SUMMARY OF MEETING MINUTES September 10, 2013 Board of Supervisors Chambers

<u>Board Members Present</u>	<u>Staff Present</u>	<u>Guest(s) Present</u>	<u>Board Member(s) Absent</u>
Paul Thomsen George Seneck, Sup. Ted Guinn Bob Davis	Joseph Woerter Paul Romahn Jennifer Tavares Dan Palmer	Donna Jones Planning Director Shane H. Butler, Planner Rena M. Doing, Planner	Stephen Palmatier David Law, Sup. Sally Chirlin Bruce Beadle Perry Owen

Chairman Thomsen called the meeting to order at 8:05 a.m.

Old Business:

Planning Board Minutes:

Mr. Romahn made the motion to approve the August 13, 2013 minutes; second by Supervisor Seneck, Members voted all ayes, motion approved.

Sup. Seneck made the motion to approve the August 13, 2013, 239 Review Committee minutes; second by Mr. Davis; vote all ayes, motion approved.

Old Business:

Ms. Jones advised committee members the 239 Review presentation has been rescheduled for the October 15, 2013 Board of Supervisors meeting.

New Business:

Natural Gas report:

Mr. Palmatier reported on various natural gas issues:

- Emkey Resources, LLC is in the process of surveying their Right-of-Way for the proposed pipeline through Chenango County. Emkey is also in the process of completing three (3) natural gas wells in the Town of Smyrna. The wells located on the Nelson, Blanchard and Cole properties were initially started by Norse Energy and acquired by Emkey Resources, LLC.
- The NYS Appellate Court has agreed to review the lower court rulings on the Dryden and Middlefield cases.
- The Joint Landowners Coalition has raised approximately \$50-60,000 to initiate a "Takings Claim" lawsuit against NYS, based on the delay by NYS to make a decision on allowing high volume, hydraulic fracturing for natural gas exploration.

Ms. Jones commented it is her understanding the Appellate Court will only take cases when there may be some disagreement relating to the lower courts decisions.

Mr. Palmatier is preparing an overview outlining the Federal and State required regulations for issuing a permit to a natural gas exploration company. There are some exemptions permitted which will be addressed. If no Federal regulation compliance is required, State regulations must be followed. Mr. Palmatier will also include options that local municipalities may consider regulating. The completed paper will be distributed to the Board of Supervisors and interested parties. Ms. Jones added that local municipalities should consider siting regulations to address equipment staging areas for pipe, etc. to complete the various phases of natural gas exploration. The equipment often encompasses a large area in addition to addressing increased traffic to and from a staging site.

Mr. Palmatier invited Board members to attend an informational presentation by Stephen Keyes, Emkey Resources, LLC on September 12, 2013, 8:30 a.m. in the Chenango County Board of Supervisors chambers.

Comprehensive Plan Update:

Ms. Jones stated Shane Butler; County Planner will be coordinating completion of the draft County Comprehensive Plan to be updated by September 30, 2013. Cornell University has compiled Chenango County 2013 demographic data "Program of Applied Demographics" which may be useful in updating the draft Comprehensive plan.

Mr. Butler provided the members a list of the County Comprehensive Plan goals for review and comments. Ms. Jones stated the goals will be in a separate section of the plan. Mr. Butler stated he will be including additional goals and updated information from: Chenango County DPW, Natural Gas Advisor, and Commerce Chenango. Discussion continued relating to goals and how they should be incorporated in the Comprehensive Plan. Ms Jones commented it is important to review local Comprehensive Plans to incorporate their goals into the County plan. The ultimate goal is to work with all local agencies to include their ideas and goals.

At this time there are Ten (10) Key Areas of Plan Strategies to be addressed in the final plan. Members are asked to focus on the review of the goals/strategies of various topics to finalize this section by September 30, 2013. Board members agreed to continue using the same format.

Privilege of the Floor:

- Mr. Romahn asked if there is the potential for a lawsuit if an applicant bypasses the 239-Review and town then files a subdivision at the County Clerks office. Ms. Jones stated a resident can file an Article 78 against the town but not the town against a resident. Mr. Romahn questioned if the Town could file an Article 78 against the County for improperly accepting/filing a subdivision without the Town's approval? Ms. Jones will follow-up but suggested the Town Subdivision law should have a provision in that addresses violation of the law.
- Mr. Davis stated the Town of Guilford is still working on their Comprehensive Plan. As an after thought they realized they should have considered hiring a consultant. They are working on the Visions/Goals Section.
- Supervisor Seneck stated Ms. Nan Stolzenburg has agreed to work with the town on formatting the plan which has been somewhat intimidating.
- Mr. Palmatier reinforced the need to continually update Comprehensive Plans at a minimum every two (2) years.

With no further comments or business, the meeting was adjourned at 9:05 a.m.

NEXT MEETING: Tuesday, October 8, 2013 at 8:00 a.m.

CHENANGO COUNTY PLANNING and DEVELOPMENT BOARD

SUMMARY OF MEETING MINUTES November 13, 2013 Board of Supervisors Chambers

Board Members Present		Staff Present	Guest(s) Present	Board Member(s) Absent	
Paul Thomsen George Seneck, Sup. Ted Guinn Sally Chirlin	Paul Romahn Jennifer Tavares Perry Owen	Donna Jones, Planning Director Shane H. Butler, Planner Rena M. Doing, Planner	Stephen Palmatier	David Law, Sup. Bruce Beadle Bob Davis	Joseph Woerter Dan Palmer

Chairman Thomsen called the meeting to order at 8:12 a.m.

Old Business:

Planning Board Minutes:

Sup. Seneck made the motion to approve the September 10, 2013 minutes; second by Mr. Guinn, Members voted all ayes, motion approved.

Sup. Seneck made the motion to approve the September 10, 2013, 239 Review Committee minutes; second by Mr. Romahn; vote all ayes, motion approved.

Ms. Tavares made the motion to approve the September 17, 2013, 239 Review Committee minutes with a correction to the date which should read September 17 instead of September 10; second by Mr. Romahn; vote all ayes, motion approved.

Mr. Guinn made the motion to approve the October 8, 2013, 239 Review Committee minutes; second by Sup. Seneck; vote all ayes, motion approved.

New Business:

Resignation:

Ms. Jones received the resignation of Joe Woerter from the County Planning Board due to health reasons. He has asked to continue receiving the 239-Review applications. If we would like any history or comments on projects he would be more than happy to provide them. Ms. Jones will let Chairman Wilcox know of the resignation and a new appointment will happen in 2014.

Ms. Jones asked if Mr. Palmatier was interested in becoming a voting member. The final decision would be Chairman Wilcox's but the County Planning Board can make recommendations. There are currently two vacant spots. Mr. Palmatier asked if other County Supervisors had been asked about filling a void. Ms. Jones stated the Chairman of the Planning & Economic Development Committee is a designated member but due to health reasons Supervisor Law cannot attend. The Committee will most likely be the same next year other than Supervisor Iannello. Discussion ensued about election results.

Ms. Tavares recommended having the County Attorney research whether or not Mr. Palmatier can be a member since he reports to the County Planning Board about what he is working on. **Mr. Romahn motioned to have the County Attorney research whether or not Mr. Palmatier can be a member of the County Planning Board, seconded by Ms. Chirlin. Members voted all ayes, motion carried.**

Ms. Jones suggested inviting Ken Fogarty from C-CARE to attend. Sup. Seneck stated Mr. Fogarty is still teaching at SUNY Morrisville but would talk to him about it.

Proposed Mushroom Facility:

Ms. Jones stated Mr. Palmatier and Mr. Todd Dreyer, City of Norwich Planner, will be attending the Planning & Economic Development Committee meeting to discuss a project. A company is interested in starting a business growing Shittake mushrooms. The facility would supply mushrooms to Chinese restaurants in NYC.

Mr. Palmatier stated the developer visited a couple of years ago and looked at a number of sites but had lost contact with him. They are again expressing interest. The Chazen Company designed a similar facility near Middletown. They would need a small warehouse and then a number of Hoop Houses similar to those of Norwich Meadows. They are interested in a piece of property in the Town of Plymouth owned by Empire State Development. The property was formerly owned by Norse Energy.

Ms. Tavares stated they are interested in pursuing the EB-5 program. It is a very complex and expensive program. For every VISA, they would need to create 10 jobs and invest \$500,000. Ms. Jones stated Mr. Dreyer is also working with them through the Targeted Employment Area (TEA) program.

December Meeting:

Chairman Thomsen suggested cancelling the December meeting due to the coming holidays and expected lack of attendance. Mr. Guinn recommended still having a 239 Review Committee meeting due to pending applications. Mr. Romahn and Sup. Seneck stated the Towns of Oxford and Guilford will have some applications as well.

Sup. Seneck motioned to cancel the December meeting unless any topics needed to be addressed; seconded by Mr. Romahn. Members voted all ayes, motion carried.

Natural Gas Update:

Ms. Jones stated the JLCNY has finished writing an application to sue NYS based on a takings claim. Mr. Palmatier stated the landowner's asset has been taken away from them. The lawsuit is published on their website but need funding in order to pursue the lawsuit. Hinman Howard & Kattel is submitting a separate lawsuit in Sidney using the Commerce Clause. Since natural gas assets connect with interstate pipelines, a ban could restrict interstate trade which is against federal law. Also, spacing units must be contiguous and may cross town lines by NYS law. If there is a ban in one town but not another, there would be gaps between units.

Ms. Chirlin asked if corporations are filing the takings claims. Mr. Guinn stated they are landowners whose lands have no value otherwise. Mr. Palmatier explained if a person is holding mineral rights on a property, there is no value unless those mineral rights can be accessed. These lawsuits are basically trying to trigger an SGEIS release.

Mr. Palmatier attended the IOGA meeting. There are new guidelines being written for gathering lines which would require odorization. Transmission lines cannot be odorized which can cause a major expense.

Ms. Chirlin asked about the PA politician asking for a moratorium. Mr. Palmatier stated the politician is trying to make a name for himself. Mr. Palmatier agrees some of the jobs numbers in PA due to drilling are inflated.

Ms. Jones read an article about farmers in Iowa taking land out of conservation programs faster than they conserve the land in order to grow corn for ethanol. In the end, ethanol production is hurting the environment.

Privilege of the Floor:

Sup. Seneck stated the Town of Guilford is still working on their Comprehensive Plan. About 45-50 people attended the workshop. They hope to complete the plan by April and are currently updating some of the original data entered.

Ms. Doing took a call from someone in Iowa. They are interested in starting a wind farm in the Columbus area. She advised them our area is not the greatest for wind due to the North-South hills.

With no further comments or business, the meeting was adjourned at 9:05 a.m.

NEXT MEETING: Tuesday, January 14, 2014 at 8:00 a.m.