

PLANNING COMMITTEE MEETING

Date: Wednesday, January 23, 2019 @ 1:00 PM

Planning Committee Members Present: **Leuer, Davis**, Granger, Hastings, Brunner, Brick, King, Ryan

Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
Committee Chair's Agenda			
<p>1. Reappointments: GLOW Regional SW Mgmt Committee <i>One (1) year term effective January 1, 2019 through December 31, 2019:</i> <u>Supervisor members</u></p> <ul style="list-style-type: none"> • Jerry Davis, T/Covington, , 7414 Court Rd, Pavilion, NY 14525 • Sandra King, T/Pike, 4643 Safford Rd, Gainesville, NY 14066 <p><u>Alternate Supervisor member</u></p> <ul style="list-style-type: none"> • Dan Leuer, T/Middlebury, 712 Transit Rd, Wyoming, NY 14591 		<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>
<p>2. Re-Appointment: GLOW SW Advisory Committee <i>One (1) year term effective January 1, 2019 through December 31, 2019</i> <u>Supervisor member</u></p> <ul style="list-style-type: none"> • Sandra King, T/Pike, 4643 Safford Rd, Gainesville, NY 14066 		<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>
<p>3. Reappointment: Genesee/Finger Lakes Regional Planning Council <i>One (1) year term effective January 1, 2019 through December 31, 2019</i> Chairman Member</p> <ul style="list-style-type: none"> • A.D. Berwanger, (T/Arcade), 6608 E Arcade Road, Arcade, NY 14009 <p>Chairman Member / Alternate</p> <ul style="list-style-type: none"> • Daniel Leuer (T/Middlebury), 712 Transit Road, Wyoming, NY 14591 (replacing Gerald Stout) <p>Supervisor Member</p> <ul style="list-style-type: none"> • Jerry Davis (T/Covington), 7414 Court Road, PO Box 445, Pavilion, NY 14525 <p>Executive Committee Member</p> <ul style="list-style-type: none"> • Jerry Davis, (T/Covington), 7414 Court Road, PO Box 445, Pavilion, NY 14525 			
1:00 PM – Planning & Development Department w/ W. Daly			
<p>1. Resolution: Authorizing payment to Genesee Finger Lakes Regional Planning Council, 50 West Main St., Suite 8107, Rochester, NY 14614 for Wyoming County's share of the Public Employees Fidelity (Blanket) Bond in the amount of \$500,000.00 for the year 2019 in the amount of \$6,647.00.</p>	<p><i>See attached... (Model resolution included)</i></p>	<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>

Committee Chair Initials: _____

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2. <i>Wyoming County Comprehensive Plan discussion (Supervisor Ryan)</i>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
3. <i>Referred from 12-18-18 Human Resources for further action~ Amend Salary Schedule D: Planning and Development</i> To reflect a reduction in hours for one (1) position of Director of Planning and Development (position code 004.092); to a part time capacity (0.6 FTE); \$44.2171/hr. (Annual Salary Equivalent of \$45,000.00 annually); effective January 1, 2019.	<i>Maximum number of hours annually will be 1,017. Housekeeping, this was already approved all but the Salary Schedule amendment. There was no action taken on this item during the 12/19/18 Planning Committee to move the item to the 01/03/19 Finance Committee...</i>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to: FINANCE
Countywide Zoning w/D. Roberts			
1. <i>Monthly Report : December</i>	Attached	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
2. <i>FYI ~ Referred to 02-05-19 Finance Committee from 01-22-19 Human Resources Position Create/Fill: Zoning</i> One (1) position of Zoning Enforcement Officer (1.00 FTE) and place on Schedule S at \$17.5824/hr. (Annual Salary Equivalent of \$32,000) with a \$2,000 increase upon the completion of the second year and satisfactory performance and meeting pre-established goals ; position available: February 13, 2019.		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
3. Discussion moving the current ZEO position to salary, due to increase in hours worked.	Current position @36,000 w/\$2,000 increase on 9/11/19.	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

Committee Chair Initials: _____

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Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
Wyo. Co. Water Resource Agency w/S. Perkins			
<p>1. Reappointments: Wyoming County Water Resource Agency Board of Directors <i>One (1) year term effective January 1, 2019 through December 31, 2019</i></p> <ul style="list-style-type: none"> • James Brick, 7618 Rt. 20A, Perry, NY 14530 • Daniel Leuer, 712 Transit Rd., Wyoming, NY 14591 • Cheryl Ketchum, 7409 Centerville Rd., Bliss, NY 14024 • Sandra King, 4643 Safford Road, Gainesville NY 14066 <p><i>Three (3) year term effective January 1, 2019 through December 31, 2021</i></p> <ul style="list-style-type: none"> • Terry Murphy, 21 Liberty St, Perry, NY 14530 • Vacancy (formerly held by Gilbert Stearns, Sup. Public Works/Village of Warsaw) – <i>S. Perkins made a few suggestions to the Board of Directors as to a replacement. A suggested replacement will be made after the April 17th quarterly meeting...</i> 		<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>
<p>2. Operational Update (As Needed):</p> <ul style="list-style-type: none"> • WCWRA Project Opportunity Listing & Project Updates 		<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>
Industrial Development Agency w/J. Pierce			
<p>1. Reappointments: Industrial Development Agency Board of Directors <i>One (1) year term effective January 1, 2019 through December 31, 2019</i></p> <ul style="list-style-type: none"> • Rebecca Ryan, Town of Warsaw Supervisor, 172 West Buffalo St., Warsaw, NY 14569 • A. D. Berwanger, Chairman of the Wyoming County Board of Supervisors, 6608 East Arcade Rd., Arcade, NY 14009. <p><i>Three (3) years term effective February 7, 2019 through February 6, 2022:</i></p> <ul style="list-style-type: none"> • Sandy Pirdy, (Creekside Fabrics & Quilts), 237 Main St, Arcade, NY 14009 		<p>Motion: Ayes: Noes: Absent:</p>	<p>Carried: Defeated: Referred to:</p>

Committee Chair Initials: _____

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Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
<p>2. Professional Service Contract \$5,001 or greater: Authorize Chairman to sign Sublease agreement with Wyo. Co. Industrial Development Agency, 36 Center Street, Warsaw NY 14569 for lease of 5,121 sq. ft. at the Wyo. Co. Ag. & Business Center, 36 Center Street Warsaw NY 14569 (base rent - \$11.44/sq. ft. / base utilities - \$2.80/sq. ft.); effective February 19, 2019 through February 18, 2020.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>3. Review 12/20/18 letter to Chairman Berwanger regarding proposal by the Wyo. Co. IDA to deviate from its uniform tax exemption policy with regard to the Texas Brine NY, LLC application for real property tax abatement.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Wyo. Co. Business Center (LDC) w/J. Pierce			
<p>1. Presentation of 2018 Annual Report</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>2. REMINDER from 12/19/18 Planning Committee: Discussion of Wyoming County Business Center FastTrac Program:</p> <ul style="list-style-type: none"> • Presentation at the February 12, 2019 BOS meeting. <ul style="list-style-type: none"> ○ Next 10 week session starts in March 2019 	<p>Links: https://youtu.be/RwHBZ3oS9CM https://youtu.be/gAVkiYwTuyc (this video appears to be unavailable) https://youtu.be/loZr-8sOCdl (this video appears to be unavailable)</p>	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Arts Council w/J. Hoyt			
<p>1. Appointment: Arts Council Board of Directors Supervisor Member One (1) year term effective January 1, 2019 through December 31, 2019</p> <ul style="list-style-type: none"> • Rebecca Ryan (T/Warsaw) 172 West Buffalo Street, Warsaw NY 14569 		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
<p>2. Exec. Director J. Hoyt will be providing an annual review at the 02/27/19 Planning Committee Meeting.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

Committee Chair Initials: _____

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Absent:

Also Present:

Department Agenda Item	Discussion	Decision	Action
Business Education Council w/L. Leblond			
<p>1. <i>Appointments/Reappointments:</i> Business Education Council <i>One (1) year term effective January 1, 2019 through December 31, 2019</i></p> <p style="text-align: center;">Supervisor Member</p> <ul style="list-style-type: none"> • Keith Granger, T/Castile, 31 E. Mill St., Castile, NY 14427 (replacing Vanessa McCormick) <p style="text-align: center;">Supervisor Member / Alternate</p> <ul style="list-style-type: none"> • Brett Hastings, T/Eagle, 6032 Horton Rd., Bliss, NY 14024 		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Wyo. Co. Chamber of Commerce w/S. Gardner			
<p>1. <i>Reappointment of Supervisor Ryan (T/Warsaw)</i> to the Wyoming County Chamber of Commerce as the Board of Supervisors member through December 31, 2019.</p>		Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Ag and Business Center of Excellence			
	~ Nothing to Report ~	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Solid Waste w/			
	~ Nothing to Report ~	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:
Space Allocation w/			
	~ Nothing to Report ~	Motion: Ayes: Noes: Absent:	Carried: Defeated: Referred to:

Signature of Committee Chairman: p/D. Leuer (minutes prepared by _____).

Next Planning Committee Meeting scheduled for **Wednesday, February 27, 2019 @ 1:00 PM.**

Committee Chair Initials: _____



Genesee/Finger Lakes Regional Planning Council

ROBERT BAUSCH, Chair • BRENDA DONOHUE, Vice Chair • STEVEN M. LEROY, Treasurer • DAVID S. ZORN, Executive Director

January 4, 2019

Hon. Douglas Berwanger, Chair
Wyoming County Board of Supervisors
143 North Main Street
Warsaw, New York 14569

Re: Public Employees Performance Bond for GFLRPC

Dear Mr. Berwanger:

The New York State General Municipal Law (Section 119-00) requires counties participating in regional planning agencies to annually approve an “official undertaking” which can consist of a Public Employees Fidelity (Blanket) Bond for that officer of the agency designated to receive monies appropriated by member counties. This bond is to provide faithful performance blanket bond coverage for the designated officer(s) in the amount of funds being managed.

In 2019, the total amount of funds being managed by the Regional Planning Council at any point during the calendar year will be approximately \$500,000.

I am requesting your assistance in having your County Legislative Body approve a performance bond for the above noted amount. A model resolution is enclosed for reference. Also enclosed is documentation of coverage.

Should you have questions or require additional information, please contact me at your convenience.

Thank you for your time and cooperation.

Sincerely,

David S. Zorn
Executive Director

DSZ

Encls.

cc William Daly, Director, Wyoming County Planning & Development

MODEL RESOLUTION

**RESOLUTION APPROVING THE OFFICIAL UNDERTAKING OF
PUBLIC EMPLOYEES FIDELITY (BLANKET) BOND FOR
GENESEE/FINGER LAKES REGIONAL PLANNING COUNCIL**

WHEREAS, the County of Wyoming has appropriated the sum of \$6,647.00 as its share of the Year 2019 operating funds of the Genesee/Finger Lakes Regional Planning Council; and

WHEREAS, pursuant to Section 119-00 of the General Municipal Law of the State of New York, the County is authorized to provide for the payment of such appropriations to an officer of the agency designated by the agency to receive such monies provided that such officer shall have executed an official undertaking approved by the governing body of the County; and

WHEREAS, the Genesee/Finger Lakes Regional Planning Council has designated David S. Zorn, Director of the Council, as the officer to receive payments of such monies; and

WHEREAS, the Genesee/Finger Lakes Regional Planning Council has secured a Public Employees Fidelity (Blanket) Bond, issued by National Grange Mutual Insurance Company, providing faithful performance blanket bond coverage for officers and employees of the Council in the amount of \$500,000; now, therefore, be it

RESOLVED, that the Wyoming County Board of Supervisors hereby approves such bond as the official undertaking required pursuant to Section 119-00 of the General Municipal Law.

ida

WYOMING COUNTY

Innovative Solutions for Business Growth

December 20, 2018

Hon. A.D. Berwanger, Chairman
Wyoming County Board of Supervisors
143 North Main Street
Warsaw, New York 14569



Dear Hon. Chairman Berwanger:

The Wyoming County Industrial Development Agency (WCIDA) has proposed a deviation from its uniform tax exemption policy with regard to the Texas Brine New York, LLC (the Company) application for real property tax abatement.

Texas Brine New York LLC (the "Company") has requested that the WCIDA provide tax incentives to assist in the proposed drilling of new brine wells and construction and installation of infrastructure serving the wells. IDA incentives will include real property tax abatement pursuant to a non-standard IDA PILOT agreement. The project is located at 1346 Saltvale Road, Wyoming, New York and includes additional parcels located in the Town of Middlebury that are owned by the Company.

Article 18-A of the New York General Municipal Law requires that the WCIDA contact each "Affected Taxing Jurisdiction" whenever a deviation from its uniform exemption policy is proposed. In this particular instance, the WCIDA and the Project Owner propose to enter into an Agreement for Payment in Lieu of Real Estate Taxes ("PILOT Agreement") as described in the attached "Notice of Deviation" which will provide for payment by the Project Owner of an annual Payment in Lieu of Real Estate Taxes ("PILOT") in an amount equal to the product of (a) a fixed base value, set forth on Schedule B, multiplied by (b) the affected taxing jurisdictions' annual property tax rates for the applicable tax fiscal year.

Texas Brine New York LLC hopes to begin the project in the spring of 2019. The WCIDA encourages your input on this project. Should you have any questions or wish to comment on this project, please contact the WCIDA directly by telephone at 585-786-3764.

The WCIDA has scheduled a public hearing on behalf of the project to be held on January 3, 2019 at the Middlebury Town Highway Department at 51 Sherman Avenue Wyoming, New York. A Notice of Public Hearing has been

WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY

36 Center Street Warsaw, New York 14569 · Phone: (585)786-3764 · email: jpierce@wycoida.org

www.wycoida.org



posted. The WCIDA Board will be considering the request for IDA financial assistance for this project at its January 3, 2019 Board meeting.

Thank you for your attention to this matter and we look forward to a successful project that will continue to have many benefits for the people of Wyoming County.

Sincerely,

A handwritten signature in blue ink that reads "Robin L. Marschilok". The signature is written in a cursive style with a large initial "R".

Robin L. Marschilok
Director of Operations

Encl:

**WYOMING COUNTY INDUSTRIAL DEVELOPMENT AGENCY (“WCIDA”)
NOTICE OF DEVIATION
FROM UNIFORM TAX EXEMPTION POLICY
PURSUANT TO GENERAL MUNICIPAL LAW §874(4)(b)**

DESCRIPTION OF PROJECT: The drilling of new brine wells and construction and installation of infrastructure serving the wells.

LOCATION OF PROJECT: 1346 Saltvale Road, Middlebury, New York and the parcels set forth on Schedule A.

PROJECT OWNER/OPERATOR: Texas Brine New York, LLC

DEVIATION FROM UNIFORM TAX EXEMPTION POLICY: The proposed financial assistance for the project constitutes a deviation from WCIDA’s Uniform Tax Exemption Policy (“UTEP”) because the proposed payment in lieu of tax arrangement deviates from WCIDA’s standard schedule. While WCIDA’s standard payment in lieu of tax schedule provides for payments based on the assessed value of the property, with said payments attributable to the value added by new improvements calculated based on percentages of the increase in assessment attributable to such improvements, WCIDA and the Project Owner/Operator propose to enter into an Agreement for Payment in Lieu of Real Estate Taxes (“PILOT Agreement”) which will provide for payment by the Project Owner/Operator of an annual Payment in Lieu of Real Estate Taxes (“PILOT”) in an amount equal to the product of (a) a fixed base value, set forth on Schedule B, multiplied by (b) the affected taxing jurisdictions’ annual property tax rates for the applicable tax fiscal year.

The PILOT Agreement will have a term of ten (10) years. The PILOT payment will be divided among the affected taxing jurisdictions on a pro rata basis, with each taxing jurisdiction’s share for each year determined by dividing that taxing jurisdiction’s tax rate for the then current tax fiscal year by the total of all tax rates for the affected taxing jurisdictions for the then current tax fiscal year.

REASON FOR DEVIATION: WCIDA’s UTEP allows WCIDA to deviate from the UTEP’s standard PILOT schedule or to provide a project with enhanced benefits if the project is expected to have a significant impact in the locality where the project will be located. WCIDA expects that the project will have a significant impact in the Town of Middlebury, New York due to the significant amount of private sector investment

that is expected to be generated by the proposed project. WCIDA's analysis of the Project Owner/Operator's existing operations demonstrates a history of private investment in the municipality by the Project Owner/Operator, which is expected to continue or steadily increase as a result of the Project Owner/Operator's ability to drill new brine wells and continue its operations under this project. The Project Owner/Operator is permitted to draw a limited amount of brine from each well it drills. When that limit is reached, the well is plugged and it is necessary to drill a new well to take its place. Each year the Project Owner/Operator provides new capital investment to construct and install infrastructure for the new wells, including, without limitation, pipelines, electrical cables, communication wires, well enclosures, driveways and other ancillary services. The Project Owner/Operator utilizes local contracting firms, through a competitive bidding process, to construct and install the infrastructure. Although the Project may not result in the creation of substantially more direct employment, it represents a significant capital investment in the municipality and its local businesses, which is expected to have a positive economic impact on the area and its residents.



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Wyoming County Industrial Development Agency (WCIDA) on the 3rd day of January 2019, at 10:00 a.m. local time at the Middlebury Town Highway Department, 51 Sherman Avenue, Wyoming, NY regarding the following matters:

Texas Brine New York LLC (the "Company") has requested that the WCIDA provide tax incentives to assist in the proposed drilling of new brine wells and construction and installation of infrastructure serving the wells. IDA incentives will include real property tax abatement pursuant to a non-standard IDA PILOT agreement. The project is located at 1346 Saltvale Road, Wyoming, New York and includes additional parcels located in the Town of Middlebury that are owned by the Company.

A representative of the WCIDA will be at the above-stated time and place to hear and accept oral and written comments from interested parties who wish to present their views with respect to the project.

Dated: December 20, 2018

Wyoming County
Industrial Development Agency
By: James Pierce
Executive Director