

**EDUCATION AND ECONOMIC DEVELOPMENT COMMITTEE
MINUTES**

**FRIDAY, FEBRUARY 16, 2018
4:00 P.M.**

PRESENT: Paul Ruskiewicz, Chairman
Barry J. Cheney, Thomas Faggione, Kevindaryan Lujan,
Joseph Minuta, James D. O'Donnell, Laurie R. Tautel

ALSO

PRESENT: L. Stephen Brescia, Chairman
Katie Bonelli, Majority Leader
Antoinette Reed, Legislative Counsel
Robert Schreibeis, Assistant to the County Executive
Richard Mayfield, Director, Community Development
Michael Ventre, Budget Analyst
Laurie Villasuso, Chief Operating Officer and Executive Vice President,
Industrial Development Agency
Vinnie Cozzolino, Managing Director, Industrial Development Agency
Lucy T. Joyce, Executive Dir., Cornell Cooperative Extension
Maire Ullrich, Agriculture Program Leader, Cornell Cooperative Extension
Kevin Sumner, District Manager, Soil and Water Conservation District

Chairman Ruskiewicz opened the committee at 4:00 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present except for Legislators Benton and Sassi who were absent.

Mrs. Joyce provided an overview the Agricultural Districts. She introduced Maire Ullrich who is the Agricultural Program Leader. Mrs. Joyce explained that Agricultural District Laws are in the New York Constitution as policy of state to serve and protect agricultural land for food production and economic development. Over the last few years New York has taken note of agriculture and Orange County has always been great but the state is now on the upswing. In 1996 Orange County was the first to have an Agriculture and Farmland Protection Plan approved and the first one available to protect the farm in Warwick.

Ms. Ullrich provided a handout which was a summary of Agriculture and Markets to the committee (see original minutes). She wanted to specifically address 305-a which is the Right to Farm. This acknowledges home rule but protects farm operations. There are 182 agricultural districts in New York State. There are two agricultural districts that property can be put into or be taken out of. The landowner applies through the Planning Department a section, block and lot number. The petitions are reviewed and there is a visit made to the property. They seek input from the local municipality which can have a big impact. The Agricultural and Farmland Protection Board makes a recommendation to the Legislature, the Legislature holds a public hearing and creates, modifies or terminates the addition to the agricultural district. Every eight years there is a big review and the next one is in 2020. She explained to be in the agricultural district provides protection under 305-a, The Right to Farm, which protects farmers against local laws which unreasonably restricts farm operations located within an agricultural district. Whether it be a complaint from a neighbor or the municipality but sometimes it is the neighbor complaint which triggers the municipality to do something.

There are home buyer notifications so if someone was purchasing property in an agricultural district they will be notified that there could be smells and sounds, etc. The whole idea is to reduce neighbor conflict and she believed it did help but there is still neighbor conflict from time to time.

Mrs. Joyce noted that this component of the law is important because sometimes people want to have the agricultural district just include agricultural land but over the years the individuals on the board have enjoyed that piece which is incumbent upon realtors to make sure people move in so that those in the district get notified. You do not want to have the district be just agricultural land.

Ms. Ullrich stated that all farmers must comply with local laws. If she had a half acre of vegetable farm that grows two tons of vegetables per year but she also uses that same property to buy, sell, peddle, hold, truck tons and tons of other neighbor's tractor trailer loads of product and the neighbors complain about all the truck traffic or noise, only her stuff is protected. It would be only her farm's product, her tractor trailer use which would be protected by this, not all the neighbors because they do draw a line. This could prompt a review and then they would draw up an opinion. If the farm is not in an agricultural district they are not protected by Right to Farm and that is why most farmers want to get in. In some towns in the United States it has been found that composting or compost piles are not safe due to what the Department of Health has decided. There was a case in California where a farm was maintaining a compost pile to feed their crops and that is the type of things that the Agriculture and Markets would get involved in but if it is health and safety regulations that the town requires, it would be handled by the Department of Health. There are other laws that pertain to soil, water and air and that would be addressed by Department of Environmental Conservation. She mentioned that solar farming where there were just a few panels and the animals can still graze around them and electric goes directly to your farm, that is farming. If it was a huge field and you were leasing power to a third party, that is commerce, if the land can be used around the animals easily, it is still farming.

Ms. Tautel asked if there was an acreage assessment that defines the difference between farming and commerce and Ms. Ullrich replied not really.

Ms. Ullrich mentioned that there are breweries, wineries and distilleries that are popping up all over the place. When does Agriculture and Markets protect these types of businesses. It must be a farm first and 51% of what goes into that alcohol must come from the farm operation. The farm must produce some or all the major ingredients to make the agricultural beverage and marketing can include public events and only 30% of the gross includes incidental charges such as rental fees. So, when are they a public venue for a wedding and when are they a vineyard. Tasting rooms and public sales are protected. If you are a neighbor and you do not like all traffic going in and out, they can be protected but they better have met all the other requirements.

Mrs. Reed asked if they can address the agricultural exemptions and how agricultural districts relate or affect agricultural exemptions for real property.

Mrs. Joyce stated that many people get confused and think if the land is in the agricultural district then they automatically get an exemption but that is not true. There are rules. It has nothing to do with districts and it is not about the landowner getting a tax break.

Mr. Ruskiewicz added that you do not need to be in an agricultural district to get an exemption.

Mrs. Reed commented that the formation of agricultural districts in the county is a Legislative prerogative and each year they decide which properties should go into the district. There are two districts in Orange County, one south of Route 17 and one north of Route 17, known as Agricultural District Nos. 1 and 2. Applications come in each year on an annual basis from the Commissioner of Planning and he reviews them to make sure it is all in order. She added that they have a great team in Orange County between the Agricultural and Farmland Protection Board, Soil and Water Conservation works with Cornell Cooperative Extension and Real Property and all these experts work with them on farming and agricultural issues and the districts. They rely on what the soils are in the land to determine whether the land is right for farming. If there are issues or controversy they work with Cornell Cooperative Extension because not every parcel is approved. They work through the application with the applicant because not everyone is right for the agriculture district. It is important that Legislators know that they make the decisions and when they receive the applications they send them to the local supervisors and let them know about that piece of property and inform them that this individual is interested in putting their land into the agricultural district.

Mrs. Joyce added that they can help with any constituents that may have complaints about someone who is in the agricultural district and they do what they can.

Mr. Cheney moved the request directing the Clerk of the Legislature to publish a Notice of Review of Orange County Agricultural District Nos. 1 and 2, seconded by Mr. Lujan.

Motion carried. All in favor.

Ms. Tautel moved the request to set the public hearing for the Flood Control Maintenance Program for Quaker Creek, seconded by Mr. Faggione.

Mr. Sumner explained that they were working on a lot of flood control initiatives in the black dirt area and over the past few years some of the growers near that area expressed concerns about flooding during storms that are not that extreme. He added that about twelve years ago there was some flooding and they discovered there were many trees that fell into the channel and when trees block the channel it has impact upstream. With financial help from the county they could go in and hire a contractor and take all the trees out of the channel but over the years many of the trees fell in again. If they can

come up with some money like they did twelve years ago that would be a big benefit to the farmers.

Ms. Tautel asked if this required D.E.C. permits and Mr. Sumner responded last time it did not. He added that some of the work is borderline but since it is agricultural they basically signed off on it as an agriculturally exempt project. They have a permit inquiry in with the state again just in case.

Mr. O'Donnell stated that the last time they did this he thought that they needed to check the height of the trees before they can take anything down.

Mr. Sumner explained that they take trees out of the Wallkill River every year but that is different than this because that is a Federal Flood Control Project and when the Federal Government came in and did the work in 1980s, the local sponsors had to accept the perpetual maintenance of that project. Every year they inspect the river and if trees are down they take them out and if they are leaning usually the state lets them take them because they are easier to get before they fall in the river. The maintenance program does not extend to the tributaries.

Mr. O'Donnell asked if the program was only for dead trees and Mr. Sumner responded that the way they have it phrased is dead now and at-risk trees.

Mr. O'Donnell further asked how much money were they looking for and Mr. Sumner replied that the low bid was just over \$90,000 and then there are other auxiliary expenses.

Mr. Minuta asked if the trees that were being taken out were being used for other uses and Mr. Sumner replied that most of the trees are swamp maples or willows which do not have a lot of value. The location is very inaccessible so if they wanted people to come in and take them, it was difficult to get to the area. He added that this would be included in the bidding process because if the contractor has someone who would want to buy firewood or use it for something else, they could offer a lower bid. Sometimes the best thing to do is to chip the wood on site. They may leave the larger trees but put them far enough back from the channel so they do not need to worry about it.

Mr. Minuta asked when they chip the wood do they find any increased number of insects or mold growth since it is rotten wood which creates the habitat to invite insects and Mr. Sumner replied he was not aware that chipping wood would increase the likelihood of that.

Mrs. Reed mentioned that a public hearing is set for April 16 and they will notify all landowners and all the individuals who are impacted and appropriate the money in May.

Motion carried. All in favor.

Mr. Lujan moved the request to authorize the County Executive to enter into an Urban County Consortium Agreement Amendment with 38 Municipalities, seconded by Ms. Tautel.

Mr. Mayfield stated that the county unexpectedly received an Emergency Solutions Grant and they need to go to the municipalities who these funds are for and let them know not to apply for these funds because the county already received the funds. This is asking permission to authorize the County Executive to amend an existing agreement.

Mr. Mayfield introduced a new member of his staff, Sheri Fogelman.

Motion carried. All in favor.

Mr. Cozzolino and Ms. Villasuso gave an update on the IDA. Mr. Cozzolino handed out a report covering January, February and March. He shared that they downsized their facilities and went from 10,000 square feet to just over 4,000 square feet. They do not need the space for their office and operations. They have been on a program to help reduce expenses where possible and noted they even reduced their electric usage. They will no longer have their IDA meetings at that location, the meeting will now be across the street in the Empire State Development Building or in the County Building. The meeting notices go out ten days before the meeting so everyone is aware. They had a reorganization at their January meeting. All positions, all the officers are still the same. They gave a presentation last month to the new Legislators and existing Legislators and it went very well.

Chairman Brescia noted that it was excellent and he added that Mrs. Bonelli commented how well it went.

Mr. Cozzolino encouraged any Legislator to reach out to them if they ever have any questions or requests, they will be happy to follow up with them. There will be a grand opening in March of the Middletown Accelerator which is at the old Horton Hospital. There will be 13 companies announced at that time and they will be rent free for 18 months to the IDA. The IDA entered into a five-year lease with that facility which is 10,000 square feet that will house the companies. He described some of the companies that would be at that location and mentioned that there is a lot of room on the campus. They filmed a social media commercial and when it comes out they will do a blast to put their faces out there more as Orange County IDA. They have partnered with Tourism and when you see the commercial you will see a lot of the tourism background

Mr. Minuta asked if the building they are currently renting a county owned building and Ms. Villasuso responded no it was not, it is owned by First Columbia.

Mr. O'Donnell asked if there was an outline of the 13 companies with information such as how much money in free rent are they getting and Ms. Villasuso and Mr. Cozzolino both stated they will get that information.

Mr. Ruskiewicz mentioned to the committee that the IDA meetings are open to all Legislators and the public.

On the motion of Ms. Tautel, seconded by Mr. Minuta, the meeting adjourned at 4:50 p.m.