

Minutes
Public Facilities Committee
December 12, 2022, 4:00 p.m., Legislative Chambers
Livestreamed on YouTube
Gerace Office Building, Mayville, NY

Members Present: Hemmer, Scudder, Parker, Gould, Davis

Others: Lee, Chagnon, Dennison, Abdella, Thomas, Card, A. Gustafson, Zafuto, Rogers, M. Westphal, Shelly (?), Engstrom, Slagle, Barnhart, Bates

Complete video of meeting can be viewed on YouTube

Chairman Hemmer called the meeting to order at 4:01 p.m.

Approval of Minutes (11/07/22)

MOVED by Legislator Parker, SECONDED by Legislator Gould to approve the minutes.

Unanimously Carried

Privilege of the Floor

Karen Engstrom, I am from the Village of Chautauqua and the Town of Mayville and I'd like to once again talk about solar in Chautauqua County we're experiencing as the Post Journal has alerted us the presence of PFAS (*inaudible*) substance, a forever chemical the BPA has described as causing reproductive issues, deficiencies, hormonal disruptors and cancer in the liver, kidneys and prostate. The Town of Mayville has recognized this because it contaminates with PFAS and ever to prevent it from happening again by putting a special use permit item on their solar permit and that new item requires proof that there is no PFAS in solar components. Solar components are often coated with PFAS and it's vital to protect our community from PFAS. It is already reported in the Chadakoin River. It's been found in milk. It's reported in the New York Times. The FDA has alerted the entire Country to the dangers of PFAS. It's very simple to solve, just require proof that there is no PFAS in any solar components. Cattaraugus County has IDA has extended the solar moratorium on solar an additional 6 months. They have determined there will be no PILOT because solar already get federal tax breaks. It already gets state tax breaks, it gets mortgage tax exemptions, sales tax exemptions and the real estate is out of the roles for taxation forever. If the project is not completed or is left, it will become as is noted by the EPA, a toxic waste dump. All solar panels are rated as toxic. Any commitment of farmland to solar is noted by the department of markets and agricultural state agency as permanently industrial. Ripley solar, you may have noticed in the Post Journal, 523 acres will be clear cut. This is an additional to the many hundreds and hundreds of acres that have already been clear cut because this developer we documented for 2 years has told (*inaudible*) to clear their land or they will clear it, grind it up, waste the lumber and get the money. (*Inaudible*) have logged hundreds and hundreds of acres already. It defines common sense to take down forests to put up solar when forests are the main source as Mr. Hemmer just noted of carbon sink and

production and of oxygen for our breathing. PFAS is a real danger in Ripley. PFAS should be considered danger for the Town of North East, Pennsylvania and for Lake Erie and for all of us (*inaudible*) if it is allowed to put into our communities without the notification of whether or not there is PFAS present. If they come from China, they have PFAS in them. Our developers will not tell us where they are coming from. Same is true in Cattaraugus County. Cattaraugus County already stated they will only be in brown fields no matter what is aloud, it will be considered only for a brown field. That's why you seen them near St. Bonaventure along the highway, those are brownfields. There is a lawsuit, I will bring your attention to page 2. The lawsuit against the state by 5 towns and 6 entities that seeks to invalidate the new regulation under the newly named office of renewable energy sighting which use to be something called something else and now they have built into their regulations of things that are considered by the complaints as violations of the regulations under (*inaudible*) and 94c. Those statutes included protection of the environment. The lawsuit seeks to prove that they were improvidently and illegally passed. The suit will show that the regulations were written by the wind and solar developers and has particularly the attorney and (*inaudible*) who we documented for 5 years, James Moscoto II Esquire, who is present for every wind public hearing, every solar public hearing in Cattaraugus and Chautauqua County. This is a conflict. Why should the developer write the rules for the state to protect our communities? The wording benefits the developers while violating the environmental protections of our New York communities. So we have a couple more proposals. I'll bring them to you. One, propose that the County Legislature require that no PFAS be allowed in solar components. That it be proven that there is no PFAS in solar components proposed for our County. Propose as Cattaraugus County did, a moratorium on industrial solar to determine the PFAS danger and the negative economic impact on the County as you will note and I quote "The IDA of Cattaraugus County where they have determined from their experience there is no economic return and the destruction of agricultural forests is unsatisfactory." We propose a motion for a resolution supporting (*inaudible*). I've included in your emails the film of the hearing that happened in Ripley on Wednesday night. That gives you a very good feeling for the 523 acres of the attempt to call out a forest preservation easement proposal that the people of Ripley spoke to in that hearing and the attorney explains it all very well. Forest preservation easement means someone commits their land to forever conservation but that land can never be sold or utilized by those – the owner no longer has any control and probably can't sell it so it still remains that 523 acres of mature forest will be cleared no matter whether there is a forest preservation easement or not in addition to hundreds of other acres so this lawsuit if you read it, it's attached to the email that I sent to you this afternoon and it's very clear and it's very well worded and it does point out that the revision under the latest manifestation of our energy siting for the State of New York the revisions are hasting and adequate and benefit to developers but they do not protect the environment or the communities. So please consider doing some (*inaudible*). Any questions? It's all in your email.

Proposed Resolution – Amend 2022 Adopted Budget – SCCLSD – *Presented by Kathleen Dennison, Budget Director*

Unanimously Carried

Proposed Resolution – Amend 2022 Adopted Budget – Environment-Landfill – *Presented by Aaron Gustafson, Manager of the Chautauqua County Landfill*

Unanimously Carried

Proposed Resolution – Authorizing Lease of Office Space in the City of Dunkirk – *Presented by Drew Rogers, Engineer with DPF*

Unanimously Carried

Proposed Resolution – Acceptance of the Federal Transit Administration COVID Relief Funds for Operating Assistance – *Presented by Michelle Westphal, Senior Project Coordinator at CARTS*

Unanimously Carried

Proposed Resolution – CARTS – Section 5311 Consolidation Operating and Capital Grant Application Request – *Presented by Michelle Westphal, Senior Project Coordinator at CARTS*

Unanimously Carried

Proposed Resolution – Amend 2022 Capital Project Account (DPF Large Equipment) – *Presented by Drew Rogers, Engineer with DPF and Sam Zafuto, DPF Accounting Supervisor*

Unanimously Carried

Proposed Resolution – Amend 2022 Budget for Public Facilities Engineering Division – *Presented by Drew Rogers, Engineer with DPF and Sam Zafuto, DPF Accounting Supervisor*

Unanimously Carried

Other –

Late Proposed Resolution – Amend 2022 Adopted Budget – Department of Public Facilities Airports – *Presented by Shannon Barnhart, Manager of Airports and Brian Bates, Assistant Manager of Airports*

Unanimously Carried

Discussion - GRAF Building Lease – *Presented by Steve Abdella, County Attorney*

MOVED by Legislator Gould, SECONDED by Legislator Davis to adjourn.

Unanimously Carried (4:56 p.m.)

Respectfully submitted and transcribed,
Olivia Lee, Clerk of the Legislature/Kristi R. Zink, Deputy Clerk