

Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, October 23, 2024 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on October 23, 2024. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present.

Legislator Harmon delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (09/25/2024)

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**1<sup>st</sup> Privilege of the Floor**

Chairman Chagnon: That brings us to our first privilege of the floor. Members of the public may comment on any subject relating to any local law, resolution or motion appearing on the agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes.

Hello, my name is Mike Newell. My wife and I have owned lake front property on Burtis Bay in Celoron for over 35 years. I am here to say thank you for putting Resolution 290-24 on the agenda and provide just one of many examples of why you should vote in favor of it. NY DEC wetlands regulations as written are much too broad and general in nature and as such, were never intended to be applied to highly developed lakes such as Chautauqua and others like it in this county and across New York State. For example, Regulation 663.4 provides a table of activities which property owners may desire to perform and provides guidance on whether the activity is exempt from needing a wetlands permit in the wetland or in the 100 foot adjacent area surrounding the wetland. It also provides compatibility ratings which gives guidance on the likelihood that a permit would or would not be approved. Time does not permit looking at all the activities listed in the table but I would encourage you to do so. Focusing on only one Activity #38 which reads in part, "introducing or storing ANY substance, including chemical, petrochemical, solid waste, pollutants, nuclear waste, toxic material, sewage effluent." The table indicates any of these require a permit in both the wetlands and adjacent areas and indicates with an X that a permit is highly unlikely to be issued. Focusing on just the introducing and storing of petrochemicals raises a multiple questions that need to be answered. As written, we don't know specifics about DEC's intentions if a property owner's home, garage, shed or business is within an adjacent area. For example, will a permit be required per use in storage of petrochemical pollutants such as gasoline, oil, windshield wiper fluid, propane storage tanks for grills and home

heating, grease and lubricants such as WD40, storage tanks for fuel oil for home heating, Asphalt and cement sealers, solvents, oil based paints, various glues and caulking, roofers cement, and yes, even flares to light on the lake for Fourth of July. The list simply goes on and on. This and a multitude of other questions need to be answered and documented. Not only should you vote in favor of the resolution but we urge you to go further and oppose implementing these wetland regulations on developed lakes in New York. Thank you.

Hi, I am Jackie DeMore. And I am going to speak on behalf of the Chautauqua Lake Partnership today. And I also want to thank you for your time and encourage you to vote in favor of Resolution 290-24. The one that was just spoken about. I am going to speak a little bit more broadly than Mike did. First of all the regulation of the actual waters of the lake is what we are talking about. And this is the first time that this has ever been done in a broad sense in New York State. And it's going to result in a multitude of negative consequences with little or no environmental benefit. Wetlands regulation was never intended to apply to lakes – as evidenced by the fact that New York State has had plenty of opportunity since 1975 to do so – and it has not done so. Wetlands regulations are designed to protect the lands upstream from the receiving water body and do not even make sense when applied to the water body itself. For example, prohibiting the control of submerged, aquatic vegetation promotes the eutrophication of a lake and would actually increase rather than decrease the likelihood of flooding over time because the waterbody itself would shrink. Additionally, the classification level might be class one since it would be contiguous to itself as a Class A waterbody, which is part of these new definitions. There are many more examples like that throughout the regulations where the points become quite illogical when it's applied to a lake. Additionally, wetland permitting for in-lake management and for shoreline activity is largely redundant with existing or overlapping DEC permanent requirements, local zoning codes and local existing permitting requirements. Per the new interpretation, applying this to lakes- all the areas of lakes with submerged aquatic vegetation will now be regulated as wetlands per the DEC. By this definition, all areas of lakes where any types of measures that have been taken to manage aquatic weeds would therefore now be regulated wetlands. For example, even the shoreline of Chautauqua Institution receives regular mechanical harvesting services to manage weeds. Therefore, using the same standard, all of that shoreline would also be designated as wetlands and be regulated including the 100 foot check zone on the adjacent shoreline. So think about this statewide – all weed management activity in a lake in New York State – would now be – that area- would now qualify as being regulated as a wetland. Assuming the standard is applied equitably across the state as the DEC has promised. With over 7,000 inland lakes, the total acreage of water in New York State is 5 million acres of the state's 31 million acres total. Regulating even a small fraction of this equates to an enormous area of newly regulated wetlands. Which will contribute little to no traditionally accepted wetland benefits such as flood protection, prevention of nutrients from runoff or protecting wetland animals like salamanders. They don't live in lakes. We have heard nothing credible as an explanation regarding what the benefit of applying this regulation to a lake will be. This action is also inconsistent with the stated goal of protecting smaller wetlands. So as anyone interested from an environmental or conservation standpoint should take note of this because it achieves in fact a quick win against the goal of protecting an additional one million acres without actually doing the hard work of protecting actual smaller wetlands. So in conclusion, one – the

benefits of regulating wetlands are highly questionable and two – the processes related to this regulation are not designed to apply to lakes and three – the DEC is not prepared nor is it staffed to deal with the multitude of new issues and the volume of those issues related to applying to this stuff to lakes. As an example, the first working meeting for the promised general permit is not scheduled even until next week. That meeting only applies to Chautauqua Lake so what about Findley Lake, what about Bear Lake, what about other lakes in New York State? So again, thank you and please consider supporting this resolution.

Good evening, I'm Jim Wehrfritz, 4433 Lakeside Drive, Bemus Point, NY and I am President of the Chautauqua Lake Property Owners Association, the CLPOA. The CLPOA is a 501c3 non-profit corporation supporting the interests of property and business owners and lake users in and near to Chautauqua Lake. I am here to speak in support of Resolution No. 290-24 in which the County is "requesting Governor Hochul delay the implementation of the new proposed NYSDEC wetland regulations until all issued can be fully understood and addressed". We understand this Resolution was requested by Legislators Chagnon, Proctor, Heiser, Gustafson, Vanstrom, Penhollow, and Scudder and forwarded by the Planning & Economic Development Committee to be voted on by the full Legislature tonight. It is obvious the new wetlands regulations were not intended to apply to large heavily developed lakes such as Chautauqua Lake. However, the DEC has interpreted the regulations to do just that, identifying large areas of the lake, for the first time since 1975, to be regulated as wetlands. All parts of Chautauqua Lake and its shoreline could be regulated – not just the south basin to which the DEC and others have given most attention. This will have a devastating impact on Chautauqua Lake and hurt residents in all parts of the County. The current January 1, 2025, implementation of the regulations is premature and must be delayed. First, this is a major change for which all impacts, especially social and economic impacts, have yet to be identified and evaluated. This impact evaluation will not be completed until well after the DEC's January 1<sup>st</sup> implementation date. Second, the DEC has begun a process to develop a General Wetlands Permit specific to Chautauqua Lake which may allow certain activities without requiring an additional wetlands permit. This process will not be completed until well into 2025 after the January 1<sup>st</sup> implementation date. Third, New York State Senator George Borrello has introduced legislation exempting large navigable lakes such as Chautauqua Lake from the regulations in late May of 2024. This legislation will not be considered in the Legislature until well into 2025 after the January 1<sup>st</sup> implementation date. Fourth, the DEC has stated its intention to provide "informational maps" identifying new wetlands and "lake-specific wetlands regulations". Such maps will be available for review no sooner than late December 2024 and there is no schedule for development of "lake-specific wetlands regulations" none that has been communicated. These activities will not be completed in time for the January 1<sup>st</sup> implementation. Fifth, thousands have signed petitions opposing the new regulations and thousands of comments opposing the regulations have been submitted in hearings and in writing. Many unanswered questions remain. These petitions, comments and questions must be addressed before the new regulations can be implemented. And sixth, DEC staffing is insufficient to implement the new regulations on January 1<sup>st</sup> effectively and efficiently. Tonight's Legislature's vote will follow public statements of opposition to the regulations by Congressman Langworthy, State Senator Borrello, State Assemblyman Goodell, County Executive Wendell, and resolutions of opposition by boards in the towns of Ellery,

Ellicott, Busti, and North Harmony and the Villages of Lakewood, Bemus Point, Celoron, and Mayville. We look forward to tonight's vote for Resolution 290-24 requesting that the Governor delay the implementation of the new regulations from the current January 1<sup>st</sup> until all issues are understood and addressed by the DEC. Thank you for your consideration.

Hi, Tammy Schack from Breeze Lane, Dewittville. I am also a board member of Chautauqua Lake Property Owners, the CLPOA. I come here today with three minutes and three requests regarding the 290-24. Request number one is to please just take a moment right now and imagine our beautiful frail lake as a wetland. We are a breath away from this being a reality and of this January. Imagine how it would affect our industry our property values our tourism our personal resources as well as our natural resource – the lake itself. These are all in dire need of your help – they are in jeopardy as we speak. We are only months away. Request number two – I believe the pen is mightier than the sword. At the same time I believe money talks. So we need your vote but please consider that with a NO vote a wetland would cause a reduction in tax revenue our county would generate from New York. This would ensure we would have less of a voice in New York State than ever. I believe it will be harder for Chautauqua County as a whole to be represented in that case. What vested interest then would Chautauqua County hold for New York? Request number three – please understand that sending a unanimous vote tonight sends a clear message to the governor that Chautauqua County is unified. I ask that you all have a unanimous vote to save her – our lake. Because if you don't I don't know who will.

Anthony Toda, 144 Clifton Ave., Jamestown. The whole thing with this wetlands stuff is this green energy turned into a real political issue. And that's what the Democrats are doing – this is nothing but politics. And what is going to happen here – if people run headlong into this stuff without going through the fine tuning, the information that's required, the data, the experts the actual definition of what wetlands are, what wetlands really do and how they are treated – you are going to get a lot of people that –specially people out-of-state – are going to look at Chautauqua County as a harder place to try to come and try to enjoy life. You are going to have economic consequences where especially people out-of-state will probably get fed up and go somewhere else. Thank you.

Good evening, my name is James Linden, 55 Casteel Drive, Fredonia, NY. There is no time like the budget time to hold our public officials accountable. For far too long the county taxpayers have been supporting the North County Water District with funds from the General Fund which would be from the Fund Balance. For too many years the comptroller reported on that. And recently, earlier this week, there was a podcast at a local radio station, and a couple legislators were on that – I found it interesting and gave me inspiration – I believe it was Mr. Bankoski – asked that there would be a possibility of using a couple of million dollars of the Fund Balance to reduce the tax levy. And I thought that was pretty interesting because he said that it was actually several million dollars more than last year. Well, the North County Water District owes the tax payers I believe more than 5 ½ million dollars. And they have for a long time. And the comptroller has said that those funds were supposed to have been paid back each and every year before the end of that fiscal year. No questions. Not whether the project is complete or anything like that. That's the law, he said. That's how it's supposed to be handled.

Well, that hasn't been done for a long time. So I thought about it, and I go well if you added the several million dollars over from last year of the General Fund and this five million dollars or more than five million dollars that is owed the taxpayers you add those together, you could actually significantly lower the tax levy. Well, I thank you Mr. Bankoski, for that thought. So maybe that should be considered. I heard they are considering some ways to pay back the money they owe. Well, the North County Water District is failing. They have a deficit in the budget. They don't have a way to pay back. They were going to borrow money. Well, good luck borrowing money to pay it back when you can't prove that you have a way to pay that loan back. Or bond as you will. So, where are we? I said well there has got to be a way to have- this legislature has to be accountable. They have to figure this out. But it's the taxpayers, these are the rest of the County is funding a very small portion of people are getting a benefit. That's not fair to the rest of the County. It's been happening for a very long time. So I ask you to address that. Thank you.

Hi, I am Kari Belovarac, I own Bemus Bay Architecture and I am also representing the Bemus Point Business Association. So, I'm here to support Resolution 290-24 and I'd like to give you a little different perspective tonight. So these regulation changes would have a devastating effect on our economy. And I think unless you understand the impact of these regulations on the building industry you can't fully understand the impact our economy. So these regulation changes allow the DEC to regulate the already developed shoreline of our lake. Just about anywhere. And unless you really, really did a deep dive into the regulations it's not apparent what these issues are. So, for instance, building a new residence, or putting on an addition near the lakefront- in the wetland area it's listed as incompatible. So you won't get a permit for that. Alright. In the adjacent area, the 100 feet beyond that – it's listed as not usually compatible, very, very slim chance you can get a building permit for that. Commercial building of any kind – incompatible in both the wetlands area and the 100 foot adjacent area. So, basically wherever they are designating wetlands there is basically no building – at all. The problem with that is that it goes hand-in-hand with our economy. Okay? So, the building industry in this county relies heavily on the lakefront work, our municipalities rely on the tax base from all this lakefront building. Most of our growth is near the lake and we don't have the manufacturing jobs we don't have the high tech jobs around here. We have building, but better than that, the county really survives on tourism. Tourism around here, if we have our out-of-town visitors from Ohio and Pittsburgh, if they can't come here and build or renovate a home along the lake, they're not coming. They just aren't. So, these are the people who keep our economy thriving by visiting our restaurants, shops and other businesses. And those businesses just don't survive on the locals alone. Unfortunately, we rely on these out-of-town people. And, you know, if they can't build, I just don't see them coming at all. The other thing is they make up 25% of our tax base. Okay? And so if they start leaving, we are in big trouble. The rest of us really can't absorb that impact. So, the building activity is absolutely vital to our local economy. So, how do they designate a wetland and where do they designate a wetland? So there is a lot of information out there. I'd like to make it really simple. There is so much criteria for this. We would fall into several of these categories – we meet several of the criteria. So very easy for them to designate a wetland any place they want. But to make it really simple – so I'll ask the DEC a direct question – I did this two months ago – and I just got the answer back yesterday coincidentally. So, from the emails

from them I asked them – I wanted to make it very simple to make sure that I correctly interpreted all of the information here. So, I asked them if whether they can designate the shoreline in front of properties that are already developed and to clarify I said if there is a house on the lake but there is one more plant species submerged in the water in front on the shoreline, can they designate that a wetland of unusual importance? The answer I got was: yes, if there is a house on the shore and a rare, subaquatic vegetation species in the wetland that abuts to that shore, that wetland will be regulated. So automatically that's no building, no permits. Okay? And that's just not our lake, I've been talking with (*inaudible*) associations from Albany, Schenectady, they are all just frantic about this because they are having the same thoughts that the building industry is going to be shuttered by this. And all of that transfers to the local economy directly. I know in Bemus Point if we didn't have the lakefront people, we just wouldn't have anything. We really wouldn't. We wouldn't have the restaurants to go to, we wouldn't have the shops. And what really transfers off the lake all the way up to Jamestown. I'm good. Alright, so thank you and I hope you will support this resolution. It's really, really important to this area. Okay? Thank you.

My name is Doug Champ, I live in Jamestown, NY. I've been a resident of this county, other than my military time, for almost eight decades. Trained as an environmental biologist but spent most of my time in the energy business. I think it's important when things are voted on, and again, I'm not objecting to the resolution in any shape or form but it's important to understand the dynamics of wetlands. I've been in wetlands from British Columbia to the Florida Keys and other countries. And there's five types of wetlands that are called definably by their names: marine, estuarine, lacustrine, palustrine and riverine. Tonight we are talking about lacustrine. That's an open area within a small lake. Palustrine is basically referred to as a mettle – wetland bog swamp. Yes, there are wetlands in lakes. And the problem with this is that the (*inaudible*) of what wetlands can do or not do is an important discussion on understanding the dichotomy and morphology of wetlands. I don't have enough time to give a lecture on wetlands viability or value. But these wetlands in this lake and the surrounding lakes will be here a lot longer than anybody in this room. They have been encouraged to develop, they contract and they expand due to nature impacts. What I mean is when we have water, abundant water, they serve as reservoirs. When we don't, they contract into kind of like a dormant piece of property. So, to understand anything you vote on, you must fully understand and embrace the understanding of what you do know and what you don't know. So, in regards to the identification of wetlands, if I read the definition everybody would say: that's really a good thing. But when we get into fearmongering and we talk about wetlands, there is enough Zika virus, Nile virus, Dengue fever and I could go on and on – in your backyard if you don't clean your drains and your downspouts. And you don't wash out your birdbath or you don't clean your pool or you've got wet area in your backyard. So when I hear about people contracting this from wetlands because they are going to be expanded – that's a bunch of B S. and I would challenge anybody, and I will tell you this – what's the biggest state with the biggest wetlands in our country? Anybody know? Alaska. What is Jamestown and Chautauqua County? We have 2.4 million acres of existing wetlands in the whole state. Most of it in the Adirondacks. My point is this, I have no problem with this resolution you voting it through, but I would encourage all of you Legislators to put your boots on and go out and see what a wetland is and how it works.

Good evening, my name is Susan Baldwin, I live in Villanova, in Chautauqua County. And this gentleman is referring to wetlands and the treatments of wetlands. This is a creek in Villanova. You see this creek – this is Conewango Creek. They stock it with fish. Two days prior to the taking of this photograph. This was on the 16<sup>th</sup> of October, just a few days ago. This creek is just down the road from the Pine Valley School and they do stock it with trout. This is a police officer who came to tell me to get off the side of the road where I was waiting to take a photograph of the truck that was going to be leaving the farm. And right there in the corner is the sign that says “no haul route”. They’re not supposed to be hauling their big trucks on this road right across from the police car that has come to tell me to get myself back home and put my ice cream away. I didn’t need to be on that road, these men were busy. However, in September, they gave 2 million dollars to the Village of South Dayton and told them they could fix their own roads and they were done. The turbines have been spinning in Villanova for a year now. But they are still here. They are still dumping in our creek. The wetlands are not for that. And they dump in the other creeks and it kills the trees. These trees aren’t killed by bugs. These trees are falling down, no bark on them, and no leaves on them. They had leaves this spring and they died because they’ve been drilling near the trees in the creeks in the wetlands. Right here in Villanova. Right here we have a problem and they are dumping. And they are telling the police officer – don’t let her follow us around. We’ll get in trouble. What do you think? Think that’s okay? It’s not. It’s a real, clear creek. And two days later I’ve got a picture here it’s cleared up again. So, it just moved on down through the county. Just so you know. Thank you guys.

Good evening. My name is Lisa Masters and I reside in Burtis Bay at 77 Longview Avenue. And I just want to say thank you for attending this tonight. I think you can see, the bottom line is it needs to be delayed. This needs to be delayed because no one is ready. The DEC’s not ready. There are so many unanswered questions: permits, this 100 feet, you know, it used to have maps now they have no maps. We don’t know if our property is going to be affected or not. You know, it’s been said that 1-2% of the population of Chautauqua County live around the lake, yet we pay close to 25% of the taxes. If my house devalues and all the other houses devalue someone else has to pick up the tax money. There is going to be a lot of unhappy people. But I think the bottom line from tonight is that please vote to delay because it’s just not ready. There are too many unanswered questions. So, thank you so much.

Mr. Chairman, thank you. Terry Niebel, Route 20, Sheridan. I would just like to respond to some of the comments made by Mr. Linden. As I explained to Mr. Linden last night – the North County Water District has just completed most of their projects. They have applied for some grants, they’ve been awarded some grants although I don’t believe they’ve received any money to date. The North County Water District will eventually bond and pay off all of the money they owe to the County – whether it’s 5 million or 5.3 million – whatever it is. In the meantime, the North County Water District continues to make interest payments to the County. So the county-

Legislator Larson: Point of Order, Mr. Chairman. Our own rules and regulations, Rule 3: Order of Business, Item 5: Privilege of the Floor for members of the public – other than members

of the legislature. I have used a few times this year the 2<sup>nd</sup> Privilege of the Floor which legislators specifically are authorized to use to talk about anything, whether it's on the agenda or not. The legislature should do its best to follow its own rules. You'll notice on the printed agenda tonight, Privilege of the Floor – members of the public pay comment on any subject relating on any local law, resolution, or motion appearing on the agenda. It's not aimed at my long-time acquaintance, Terry Niebel, but our rule is, Terry has every right to speak on this issue at the end of the meeting, even though I was not allowed to speak on the North County Water District at the Economic Development Committee Meeting this month. So I would Point of Order for the Chairman – this comment is perfectly in order at the end of the meeting – but not now.

Chairman Chagnon: Point taken Legislator Larson. Legislator Niebel you can finish your comments after the meeting when the 2<sup>nd</sup> Privilege of the Floor is open.

Legislator Niebel: Mr. Chairman, I'd like to invoke a Point of Order as well.

Chairman Chagnon: Please do.

Legislator Niebel: Legislators have spoken before in this body during Privilege of the Floor. And so that's what I'm doing at this point. I am specifically addressing comments that have been made, but legislators have addressed this body during Privilege of the Floor before. And Fred, I know what you are saying, but whether or not you were able to speak at this committee thing – this is different. This is Privilege of the Floor for the Legislature, so I think that my comments at this time are entirely plausible.

Chairman Chagnon: Legislator Niebel, in all due respect, I believe that this is, as pointed out, a Privilege of the Floor for members of the public to speak. So, you are perfectly welcome to make your comments at the 2<sup>nd</sup> Privilege of the Floor.

Legislator Larson: Mr. Chairman, if I may? The Legislature is very wise with this ...

Chairman Chagnon: Mr. Larson, I've already made my ruling on the point. Thank you. So, 1<sup>st</sup> Privilege of the Floor is now closed and we will move on for the agenda to the Commendation that will be presented by the County Executive Wendel.

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**COMMENDATION:**

**Dr. MaryAnn Spanos**  
**By**  
**County Executive Paul M. Wendel, Jr.**



Clerk Lee: There are no veto messages from County Executive Wendel from the September 25, 2024 meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 09/25/2024**

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Clerk Lee: There are 8 communications listed on the agenda. We have received an additional communication that was received after the agenda was finalized. Number 9 is an email from John Jablonski encouraging Res. 290-24 to be tabled or defeated. If you would like a copy of any of these items, please let our office know.

**COMMUNICATIONS:**

1. Flier – United Ways of Chautauqua County
  2. Certification – Election Commissioner Certification, Republican – Nacole L. Ellis
  3. Certification – Election Commissioner Certification, Democratic – Luz E. Torres
  4. Minutes – Conewango Watershed Commission – September 11, 2024
  5. Report – Finance Director Crow, Re: July 2024 Investment Report
  6. Report – Ag & Farm Land Protection Board – District 8, 8 - Year Review
  7. Affidavit of Publication (2) – Legal Notice – Public Hearing re: 2025 Budget (Post Journal and Observer)
  8. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Lease at Jamestown Airport with Chautauqua Aircraft Sales, Inc. (Post Journal and Observer)
  9. Email- John Jablonski- Requesting Res. No. 290-24 be tabled or defeated
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*Opened  
7:15 P.M.*

**PUBLIC HEARINGS**

**A Public Hearing on the Lease Agreement at Jamestown Airport  
with Chautauqua Aircraft Sales, Inc. for Lease of Building E**

Chairman Chagnon: I will now open the first public hearing. Is there anyone wishing to address the first public hearing? Anyone wishing to address the first public hearing? Hearing none, I will now close the first public hearing.

*Closed  
7:16 P.M.*

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**A Public Hearing on the 2025 Tentative Budget**

***Opened***

**7:16 P.M.**

Chairman Chagnon: I will now open the second public hearing. Is there anyone wishing to address the this public hearing? Anyone wishing to address the second public hearing? Hearing none, I will now close the public hearing.

***Closed***

**7:17 P.M.**

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**LOCAL LAW INTRO. 15-24 – A Local Law Amending the Chautauqua County Code Of Ethics**

Chairman Chagnon: Are there any questions, comments, discussion on the Local Law? Hearing none, would the Clerk please call the roll?

**LOCAL LAW INTRO.15-24 - R/C Vote: 19 Yes - 0 No – UNANIMOUSLY ADOPTED**

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**RENEW & AMEND RES. NO. 227-24 – Authorize Agreement with Clymer Central School District for School Resource Officer, by Public Safety & Audit & Control Committees –**

*MOVED by Legislator Bankoski/SECONDED by Legislator Vanstrom to renew– UNANIMOUSLY CARRIED*

*MOVED by Legislator Parker/SECONDED by Legislator Scudder to amend – UNANIMOUSLY CARRIED*

*UNANIMOUSLY ADOPTED AS AMENDED*

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**RES. NO. 243-24 – Authorize Lease of Restaurant Facilities at Chautauqua County Airport – JHW to Basil & Bones, Public Facilities and Audit & Control Committees –**

Legislature Scudder: We need to amend this resolution. It was originally set up for a six month lease from October 1<sup>st</sup> till March 31<sup>st</sup> 2025 and I'd like to amend it for a five-month lease commencing November 1<sup>st</sup> and running through March 3, 2025.

Chairman Chagnon: Just for clarification, this is a result of this resolution being referred back to committee last month. So that causes the delay in the timing.

*MOVED by Legislator Scudder/SECONDED by Legislator Johnson to amend–*

*UNANIMOUSLY CARRIED (Amendment shown below)*

1. Term. ~~Six (6)~~ **Five (5)** months, commencing on ~~October~~ **November 1, 2024**. An extension term will be subject to approval by the County Legislature at end of the term (March 31, 2025).

*UNANIMOUSLY ADOPTED AS AMENDED*

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**RESOLUTIONS:**

**267-24 Confirm Appointments – Chautauqua County Fire Advisory Board by, Public Safety Committee – UNANMOUSLY ADOPTED**

**268-24 Approval of Inter-Municipal Agreement between the North Chautauqua County Water District and the Town of Portland and the Village of Brocton by, Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**269-24 Authorize Extension of the Agreement between the Portland-Pomfret- Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services by, Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**270-24 Amend 2024 DPF Capital Projects Accounts Budget by, Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**271-24 Authorize Agreement with NYSDOT for Performance of Federal Aid Local Project Agreement PIN 5763.97, Bridge Deck Sealing of 13 Bridges Various Locations, Chautauqua County by, Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

*MOVED by Legislator Bankoski, SECONDED by Legislator Scudder to block resolutions 272-24 through 278-24 – UNANIMOUSLY CARRIED to block*

**272-24 Amend 2024 Budget to Implement the Resurfacing Parking Lots by HRC & DMV Project, Using Funding from the American Rescue Plan Act (ARPA) by, Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**273-24 Amend 2024 Budget to Implement the Asphalt Hot Box Trailer Project, Using Funding from the American Rescue Plan Act (ARPA) by, Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**274-24 Amend 2024 Budget to Increase Funding for the Heavy Equipment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan by, Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED**

- 275-24 Amend 2024 Budget to Implement the Security at Falconer DPF Project, Using Funding from the American Rescue Plan Act (ARPA) by, Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED**
- 276-24 Amend 2024 Budget to Increase Funding for the Training Lab Renovations Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan by, Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 277-24 Amend 2024 Budget to Implement the Server Replacement & Upgrades Project, Using Funding from the American Rescue Plan Act (ARPA) by, Administrative Services, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 278-24 Amend 2024 Budget to Implement the Outward Inclusion and Performance Project, Using Funding from the American Rescue Plan Act (ARPA) by, Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED**
- 279-24 Authorize Agreement with New York State for the Petroleum Product Quality Program by, Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 280-24 Amend Chautauqua County Department of Mental Hygiene and Social Services 2024 Budget for Increased Services for Recipients Costs by, Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED**
- 281-24 Authorize Acceptance of 2024-2025 Aid to Prosecution Funds by, Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED**
- 282-24 Authorize Acceptance of 2023-2024 Aid to Prosecution Funds – Illegal Fentanyl Prosecution by, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 283-24 Amend 2024 Budget to Transfer American Rescue Plan (ARPA) Spending Plan Budget for the PPE Replenishment Project by, Public Safety, Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED**
- 284-24 Amend New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program by, Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED**
- 285-24 Approves SEQRA Review of 2% Watershed Occupancy Tax Grant Program Projects for 2025 by, Planning and Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**286-24 Approves SEQRA Review of 2% In-Lake Occupancy Tax Grant Program Projects for 2025 by, Planning and Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**287-24 Authorizing Public Hearing Regarding 8-Year Review of Chautauqua County Agricultural District 8 by, Planning and Economic Development Committee - UNANIMOUSLY ADOPTED**

**288-24 Amend 2024 Budget to Implement the Mason Industrial Park Infrastructure Extension Project, Using Funding from the American Rescue Plan Act (ARPA) by, Planning and Economic Development and Audit & Control Committees –**

Legislator Larson: Thank you, Mr. Chairman. For those of you not familiar with the south county Mason Industrial Park – it's where Bush Industries is, it's where Serta Mattress is. We have every hope that in a year or two Electravia will be there. The sixty acre parcel that the county owns there is by far the largest parcel of land that we have in the south county at this time. You may recall that back in the springtime the county, this body and our county industrial development agency agreed to split the cost of necessary engineering work on this sixty acres. That work has led to tonight's resolution saying that for this modest amount of money coming out of President Biden's American Rescue Plan, that out of the sixty acres – I believe our engineers estimate thirty three acres will be developable and with any luck whatsoever once this land is shovel-ready as a result of this resolution and the work it pays for – both the Chair of the Legislature and I agree that within relatively few years we would anticipate something like a hundred and fifty new jobs to the county – would be accommodated in this thirty-three acres that's developable. So, this is an important start on making new job development possible in South County. And I'm happy to see the resolution tonight Mr. Chairman.

UNANIMOUSLY ADOPTED

**289-24 Authorize Continued Participation in the Lake Erie Watershed Protection Alliance by, Planning and Economic Development Committee - UNANIMOUSLY ADOPTED**

**290-24 Requesting Governor Hochul Delay the Implementation of the New Proposed NYSDEC Wetland Regulations Until All Issues Can Be Fully Understood and Addressed by, Planning & Economic Development Committee -**

Legislator Nelson: Thank you Mr. Chairman. I fully appreciate the concerns being expressed by many of the members of our community about the proposed wetlands regulations. Whether your legislative district borders one of these five lakes or not I think we all agree that our lakes are environmental and recreational treasures and are economically critical to Chautauqua County. However, the resolution before us tonight is really nothing more than a

motion. We know that motions may be used to express the opinion of the legislature. But the fact is, that motions have no formal meaning or significance. This resolution or motion is no different. The law that we are discussing – the Wetlands Act Regulations – is a statewide initiative which was passed in 2022 by the New York State Legislature. And it goes into effect January 1 regardless of how we vote on this tonight. Rightly, people have asked questions about these new regulations passed by the Department of Environmental Conservation. And the DEC continues to do public outreach and is open to comments and opinions and suggestions. And I think is trying to do it's best to answer these questions. I've watched the presentation on YouTube where our County Executive asked good questions about how this will affect Chautauqua Lake. Just to summarize, they answered that any existing development, ordinary maintenance, repair of that development or structure is exempt from DEC regulations. So if someone has a dock that they are taking in or out seasonally, that is unregulated. New docks will need permits. Also, they regulate within 100 feet of the wetland boundaries, so for the lots that are adjacent to the wetlands, permitting is needed. But any ordinary maintenance and repair of existing structures is exempt. The County Executive asked about harvesting that has been done in the past. They answered that that would be allowed to continue. He asked about herbicide use that was done in the past. They answered that that would be allowed to continue. He asked about the limitation or prohibition of motorboats in the southern basin. They answered that the motorboat use is completely exempt from those regulations. You know, I feel it's important to point out that the Department of Environmental Conservation is not the enemy here. This is not a political or partisan issue. The DEC was created in 1970 by a Republican Governor Nelson Rockefeller. Its mission is to manage and protect natural resources aiming to balance environmental preservation with economic development. Its creation arose out of growing concern over pollution and resource depletion. It was a Republican President Richard Nixon who initiated many of the most important and enduring environmental policies in American history. Including the creation of the EPA the Environmental Protection Agency, the Clean Air Act and the Endangered Species Act. And you can go back to Teddy Roosevelt if you'd like, a Republican President, who was best known for conservation – settings aside millions of acres of land for national forests, parks, monuments and game preserves. To see that the conservation of the environment is important to all Americans I don't think we have to subscribe to the view that the economy and the environment are on opposite sides of the room opposing each other. Protecting the environment can ultimately benefit the economy by enhancing the quality of life and attracting businesses seeking clean environments. By safeguarding the environment we can attract tourists, seeking outdoor activities like fishing and boating. And clean air and water protected by the DEC can increase property values in a region – and that will benefit real estate markets. So, I am voting no on this resolution to delay the implementation of the law. And moving forward, I would encourage the legislature and the community members to work with the Department of Environmental Conservation and to work through these regulations and I think we are all in agreement that we want to protect our lakes and our natural resources. Thank you.

Chairman Chagnon: I will ask the permission of the legislature, to allow me to make a point of information from the Chair. Is there any objection to me doing that? Thank you. As Legislator Nelson correctly pointed out, a motion expresses the opinion of the legislature. This

resolution was carefully crafted in that it does not express any opinions – it asks an action of the New York State Governor. That’s why it’s a resolution and not a motion. Just for clarification. Thank you.

Legislator Parker: I just wanted to point out some facts about the 2022 amendment and the implementation, the regulations which will start on January 1<sup>st</sup>. The fact is that the 2022 amendment of the Freshwater Wetlands Act requires a change to how New York State determines and regulates wetlands. And the change statutorily despite any of the efforts tonight is effective on January 1, 2025. On January 1, 2025 the existing regulatory wetland maps become informational only. The New York State Department of Environmental Conservation is obligated to regulate activities affecting wetlands. Wetlands that the NYSDEC determines are wetlands using statutory criteria which regulatory criteria helps explain. If we don’t have regulations on January 1, 2025, the DEC has statutory and undefined regulatory authority respecting permitting. The proposed regulations provide greater certainty informational maps as to what the DEC regulates and how it regulates activities in wetlands. Also, among regulatory exemptions, all recreational activities e.g. boating and fishing and swimming are exempt from regulation. A proactive and concerted approach is needed. There are obviously many concerns, but this resolution will not change the facts above. Thank you.

Legislator Vanstrom: Greatly appreciate the homeowners and invested groups that came to share their strong feelings about this because I share those same ideas based on what the DEC is proposing. I think it’s aggressive and overpowering to the rights of landowners. And I disagree with something the DEC likes to do. They find a dandelion in a wetland then they go wherever there is a dandelion and they say that’s a wetland. That’s not right. That’s not science. Just because one item can grow in one place and another place and another place, does not determine that it’s a wetland. I disagree with that very much. But I do appreciate all those people that came out tonight to share their concerns with us. That lake is a gigantic tourism generator. It’s also home to a lot of our people year round as well as seasonally. So, I don’t agree with the DEC trying to dictate how our property owners are going to live. And what’s going to happen in the future and where there may be a boat dock or a new structure nearby or what kind of landscaping debris you can use. They don’t like that either. They don’t want that near anything near the water. So, I am going to support this and I hope my colleagues will see the brilliance in supporting this message not only back to the governor but to every other group that’s trying to tell us how to regulate the water. Thank you.

Legislator Proctor: Thank you Mr. Chairman. I will be supporting this resolution because as it states we are just asking the governor to delay the implementation of these regulations until everything can be fully understood and addressed. And there are plenty of unanswered questions that abound. We do try to work with the DEC when we can and I am a proponent of clean water and the protection of our environment. But I do believe that as it appears and everything as of right now, there is significant overreach. And I will be supporting this just simply to delay it until some of the issues that Mr. Wehrfritz addressed and the timeline can be addressed, such as Senator Borrello’s resolution that is put forth before the Senate and a companion bill in the

Assemble in New York that would be addressed long after January 1<sup>st</sup>. So I will be supporting this resolution.

Legislator Larson: Just as a simple legal matter, it's always been my understanding talking only about Chautauqua Lake, Chautauqua Lake belongs to the State of New York. The State owns it. Our County government largely through our occupancy tax, we invest a fair amount of money in that lake to try to have it be as friendly to fisherman and boaters and swimmers as we possibly can. But just as a simple legal matter, it's a little odd telling the owner of the lake that they have no right to regulate what goes on in and around the lake. So, if we do own the lake someone can inform me that my understanding over the decades has been wrong that that lake is owned by the State of New York. Thank you Mr. Chairman.

Legislator Vanstrom: I represent the people in my district and also people outside my district. I don't represent the lake. It's an inanimate object.

Chairman Chagnon: Thank you any other comments, other questions, other discussion? Hearing none, would the Clerk please call the roll?

**RES. NO. 290-24 - R/C Vote: 13 Yes; 6 No (Bankoski, Buchanan, Larson, Nelson, Parker, and Pavlock) ADOPTED**

**291-24 Standard Workday and Reporting Resolution by, Administrative Services Committee - UNANIMOUSLY ADOPTED**

**292-24 Setting the Salary for Behavioral Health Therapist by, Administrative Services, Human Services and Audit & Control Committees –**

Chairman Chagnon: Are there any comments or questions on the resolution? Hearing none would the Clerk please call the roll?

**RES. NO. 292-24 - R/C Vote: 19 Yes; 0 No – UNANIMOUSLY ADOPTED**

**293-24 Setting the Salary for Licensed Behavioral Health Therapist by, Administrative Services, Human Services and Audit & Control Committees -**

Chairman Chagnon: Are there any comments or questions on the resolution? Hearing none would the Clerk please call the roll?

**RES. NO. 293-24 - R/C Vote: 19 Yes; 0 No – UNANIMOUSLY ADOPTED**

**294-24 Consider 2025 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action by, Audit & Control Committee -**



Legislator Bankoski: Yes, Mr. Chairman. A year ago today we say here for our budget vote and a year ago I asked if we could use one million dollars from our Unassigned Fund Balance at that time – which was 37 million dollars – to lower the tax levy to give real tax relief to our county residents. We had good discussion and it was voted down. I recall Legislator Pavlock said: you never can tell what might happen a year from now. And I agreed. After that night, I go well maybe Dan's right. We'll sit back and we'll see how the year progresses. Well, the year progressed well for Chautauqua County. Now our Unassigned, Unobligated Fund Balance has exceeded forty million dollars. So, with that being said, it would be nice if we could take 2 million dollars of that and still increase our Unassigned Fund Balance by a million dollars and make it 38, and we give 2 million back towards the tax levy to lower the tax levy to give some substantial tax relief for this coming year. As we read in the paper, the City of Dunkirk is struggling terribly. The City of Jamestown is struggling. The Village of Fredonia- they are looking at significant tax increases in their municipalities. The Town of Hanover, the Town of Dunkirk have voted within the last week or two to override their tax cap. In a way, does that make us to be their savior - no. I mean, I think that what we have done since I've been on this legislature for going on ten years, I think we did some great financial planning. I think our department heads in this body here today, we did good things. We've used our ARPA money smartly, got a lot of great projects taken care of. And we kind of made money on our money and we today are doing about eight more projects by the end of the year – that helps out the County and we don't have to go into the Capital Fund to do these things. So, I guess where I'm going with this, I'd like to make a motion tonight to use 2 million dollars of our Unassigned Fund Balance to lower the tax levy to help out our County residents.

*MOVED by Legislator Bankoski, SECONDED by Legislator Nelson to use two million dollars of our Unassigned Fund Balance to lower the tax levy*

Legislator Vanstrom: Unless I'm incorrect, I believe we're offering a 21 cent per thousand property tax relief this year, right now, tonight. I hope. Because I'm going to support this budget. Thank you.

Legislator Larson: Thank you Mr. Chairman. Interested members of the public as well as sometimes County Legislators have a difficult time understanding the difference between our County's property tax levy and discussion of our County's full value property tax rate. Year-after-year, as long as the State of New York says property values in Chautauqua County go up, as long as they go up by 5-6%, the County can increase its total property tax levy by 3-4%, 5% and still tell the public correctly, that the true value tax rate has gone down. This is confusing. I understand it's confusing. And talk about well, we're going to reduce the true value or full value property tax rate by 19 cents and dislocate our shoulders, patting ourselves on the back- doesn't work that easily. Next door to us in Erie County, New York, their full value property tax rate – what's full value property tax rate mean? It means that, a hundred thousand dollar house in Erie County (full value) is comparable- identical- the State would say – to a hundred thousand dollar full value property in Chautauqua County. The full-value property tax rate in Erie County for 2024 was three dollars and thirty-eight cents a thousand. Our property full value this year was six ninety one. So we were a 100% higher with our rate than our neighbor and for Legislator

Harmon, the Erie County neighbors, are a couple three, five miles away. So, is it good to reduce the true value tax rate? Of course it is. But, I have no memory of the last time this County actually reduced its property tax levy. Now Erie County, our neighbor did reduce their property tax levy last year. They are not doing it this year but they did reduce the levy last year. Legislator Bankoski has laid out very clearly and very simply that for a combination of reasons, offering our tax payers and additional 2 million dollar reduction in the levy, from this proposed budget, would actually give them a true reduction in County taxes for the first time in Lord knows how long. We got 26 million dollars from President Biden's American Rescue Plan. Some of that money we spent on things we wouldn't have used our own money on, maybe. But obviously a lot of things we spent the \$26 million on, were things we would have otherwise paid for out of our Unobligated Fund Balance or we would have gone out and borrowed it on bonds. Because of that amount of money coming into the County, we're not bonding for much, if anything. And we've relieved the General Fund of immediate expense and we've relieved the General Fund for years to come of thirty year bond payments. So it's perfectly rational to give this two million that Legislator Bankoski proposed. It's a month or two ago, that this body, with one vote NO, passed a resolution that simply said, oh well, something called the Safety Net has gone over budget, so let's appropriate two million from the Fund Balance to cover it. And I voted NO and the reporter asked me why did you vote NO? And I said, well, the resolution doesn't explain anything about that Safety Net problem and how the two million came about. So I just decided to be the one to vote NO. So that two million was not even discussed. This two million will probably go down on a partisan basis but, I think there's five Democrats who will vote to give two million back to the taxpayers tonight. We only need five of the other fourteen and ten votes would pass this additional relief to the taxpayers. I'll talk later on this resolution about my reviewing the Charter, Code and our Rules about budget making. But it's actually in the Charter that, as long as we have a 5% Fund Balance, and on a 300 million dollar budget that would be about \$15 million. We can use any amount of the Fund Balance we want to. If you want to go below the 5% it takes a 60% vote. It was a super majority vote to go below that. If we can get five people to join the five Democrats and give two million back to the people, the Fund Balance is still going to be at least well over 10% of our three hundred million dollar budget. So, for what it's worth, I've made the case as best I can in support of Legislator Bankoski's very clear explanation of wise proposing of what he's proposing. And I hope for the sake of the taxpayers that they actually get a reduction in the total taxes collected by our government for the first time in Lord knows how long. Thank you.

Legislator Johnson: Two things briefly if I may. One, I will be voting in support of the budget as a whole. We had a very exhausted discussion over the past weeks. There were compromises made. I would have liked to see a smaller budget on some things and a larger budget on others. But I'm going to support it because the process was proper and virtuous. On this motion though, I will vote in favor of the two million dollars going back to the taxpayers and I'm only doing it to signal that the money that we get from the taxpayers, whether it's the Fund or all the money we get from our local taxpayers, fundamentally belongs to them not to the "County". And at forty odd million dollars I think we can afford the two. Thank you.

Clerk Lee: Mr. Chairman, Mr. Niebel did have his hand raised.

Legislator Niebel: Mr. Chairman, there is no comparison between Erie County and Chautauqua County. Erie County has a lot more businesses and a lot more industries than we do. If somebody wants to make a comparison with Chautauqua County they should do so with other rural counties. Again, with Erie County, with all the industry and businesses that they have, it's only logical that they could have a lower tax rate than Chautauqua County. Thank you.

Chairman Chagnon: Thank you. I apologize for the oversight. Is there anyone else wishing to speak to the motion to amend? Now seeing no one will the Clerk please call the roll?

***AMEND RES. NO 294-24 - R/C Vote: 6 Yes; 13 No (Anthony, Dickey, Gustafson, Harmon, Heiser, Landy, Niebel, Pavlock, Penhollow, Proctor, Scudder, Vanstrom, and Chagnon) – THE MOTION TO AMEND FAILS***

Chairman Chagnon: Okay, back to Resolution 294-24 as presented. Discussion, questions, comments?

Legislator Larson: Now I have two reasons to vote against this budget tonight. The first has been documented – refusal to give a very small two million dollars of the total surplus we have around here, slush fund we have around here. The second reason I'm going to lay out now – today leading up to this budget vote – I decided to do a lawyerly kind of thing. I got out my County Charter, I got out my County Code and I got out the County Legislatures own Rules and Regulations. Our current County Charter first adopted in 1998, and in particular section 2.05c has very specific duties for this Legislature to perform leading up to the County Executive's duty to present a tentative budget by September 25 of each year. Our County Administrative Code section 7.01 entitled *Budgetary Guidelines*, tells the Legislature what it must do by June 30 of each year. Finally, our own Legislative Rules for each committee to follow, every year, in the formation of the County Budget is mandatory in its language. What does that charter have to say? Well, before that, I just point out, that you're going to see that this Legislature ignored every one of these three legal documents. In the County Charter it says on at least an annual basis that means every year or more frequently, prior to the County Executive's preparation of the tentative budget, the County Legislature shall adopt by resolution a comprehensive financial management policy and an investment policy and shall adopt by resolution goals and objectives as well as specific performance measures for those goals and objectives which shall be utilized in the formation of the budget. And in measuring the success of its implementation. In adopting annual goals and objectives, the County Legislature shall take into consideration the recommendation of the County's comprehensive plan. Resolutions adopting goals, objectives and specific performance measures shall not be subject to veto by the County Executive. Unless I'm missing something, this Legislature did not do those things this year. What does the Code have to say? 701- Budgetary Guidelines: the County Legislature shall adopt by resolution on or before June 30<sup>th</sup>, programs, goals, and objectives as well as specific performance measures for those programs, goals, and objectives to be utilized by the County Executive and all other county elected officers, county districts and other county entities during the preparation of the tentative budget. I don't think we passed a resolution before June 30<sup>th</sup> like that. Finally, our own

Legislature Rules, the same for all the substantive committees, so I'll just point you to one. Take for example, the Planning and Economic Development Committee. The committee shall study and make recommendations to the Audit and Control Committee and the full Legislature on goals and objectives, specific performance measures and budget appropriations for programs associated with planning and economic development under the Executive branch of County Government. Same language for Public Facilities, Public Safety Committees. So, back in '98 I was familiar with this new Charter and I try to be intellectually honest around here. Even the early legislators after the new Charter in '98 found it a difficult assignment to come up with their own ideas on goals, objectives, and performance measures. But they at least tried. And in the early days, my recollection is the Legislature had some work sessions. So they didn't meet just once a month. They might pick a Wednesday night in April/May. It's an informal gathering but it was still the Legislature and they would ask questions about County programs – could we save money here, could we be more efficient there. They at least made a stab at it. So our Charter, our Code and our own Rules have been totally ignored in getting to this point of adopting a budget. Hopefully, in 2025 the Legislature and its committees will take the Charter, the Code and our own Rules seriously. Again, I recognize it is hard work, it's hard to do in one hour, one night. A committee that meets once a month. And members who are sometimes anxious to hit-the-road after an hour or so. But, either change the Charter, the Code and our Rules to say the Executive proposes a budget and we react to it and that's the end of the story. Because the law we have now sees the Legislature as far more powerful, far more responsible for making policy not just reacting to everything that comes from whoever the County Executive is. Thank you Mr. Chairman.

Legislator Anthony: Mr. Chairman, I would just like to point out – the two days that I spent here in Mayville, going through this budget, and I'll put on the table that I'm fully in support of this budget. In those two days I was here, I cannot say that every one of my committee members were present, and if I believe correctly from talking to my constituents, that there was not 19 Legislators throughout that entire budget week. And that was the week to discuss this budget and not here tonight. Thank you.

Legislator Larson: This statement has been made a couple of times at least this year. That somehow the Legislature meeting is not the time to talk about something on the Legislature's agenda. I don't understand that. With all due respect to the Legislator from Carroll, what I just read to everyone is what the Legislature's responsibility is under the law before the County Executive ever submits a tentative budget. So, in my case, I was in Florida fearing my life from hurricane Milton. So, I didn't attend those Budget hearings. Mr. Chairman, can anyone tell me the net reduction in the County tax levy as a result of those budget hearings?

Chairman Chagnon: Legislator Larson, if you reviewed Resolution 294-24 you will find that information very clearly displayed.

Legislator Larson: And it is how much?

Chairman Chagnon: I'm not going to read the resolution for you Mr. Larson.

Legislator Larson: I guess the newspaper will have to research it too then, to put a number in. The Legislature only reacting to what the County Executive gives it. That is certainly a model that can be used, but it's not the model the 1998 Charter, and the Code and our own Rules have stipulated. So, I really think the majority should seriously consider changing all those documents giving us none of those difficult responsibilities. Thank you.

Legislator Dickey: Yes, thank you Mr. Chairman. As a finance professional, I would like to compliment the proceedings that I attended during the Budget Hearings by the County Executive and his leadership staff. It was very informative and I walked away with a very detailed, organized document, much like I'm accustomed to seeing as a financial professional. And as it relates to the two million dollar reduction that was noted, given back to the taxpayers, we are reducing the tax levy – the net effect. And so, as a finance professional I am still not clear on what the concern is with this resolution. And I will be supporting it.

Chairman Chagnon: Legislator Larson, this is your third comment on this resolution.

Legislator Larson: I don't subscribe to the notion of alternative facts. The County Executive's proposed budget had an increase in the tax levy of one million nine hundred thousand dollars. So, what the majority are doing tonight is increasing the tax levy for '25 over '24. That's just a fact. On the comment about, we have excellent finance people in County government – I agree. I have great respect for the finance people in this County government. I have great respect for the finance people in 1998 when the Charter was changed. We had a Finance Director, Bob Beckman, who at one time I understand was a financial advisory to the Saudi royal family. Bob Beckman was a genius in finance. But the Charter wasn't based on the issue of would the Executive have good budget people and good finance people. The Charter was based on what is the purpose and role of a County Legislature. And if anything I said tonight does not comply with the Charter, the Code, or the Rules of our own Legislature, let me know. Thank you.

Legislator Anthony: I would just like to point out Mr. Chairman, when I was elected and sworn into this office, I was given an Orientation Packet. And in that packet was a calendar of all the meetings for the year. And the Budget Week was on there. And I did take time off work, two days, to be here. But the exact decrease in our budget from the first week of October that we spent was \$164,976. So now the paper doesn't have to go find that, it's on the minutes for you. But I would like to thank everybody that did show up to the Budget meetings for their time and effort to go through that decrease. Thank you.

Legislator Parker: I would just like to say that I appreciate the information from the Charter and the Code and I think that is helpful information in how we might do business. Because it is something that we are supposed to be doing. So I wanted to thank Legislator Larson for sharing that information. Factual, legal and the rest. Thank you.

Legislator Niebel: Mr. Chairman, I appreciate the extensive homework that Mr. Larson has done on the budget in this subject. But look, I have to agree with Mr. Anthony. We did have a budget process. It was earlier this month. It was for a whole week. So, if he had questions, he could express them at that time or had one of his colleagues express his concerns on his behalf. This is the eleventh hour, this is not the time to bring these questions to the floor. Thank you.

Legislator Parker: I just wanted to make the distinction that I do not believe that Legislator Larson was so much questioning the budget, he was questioning the role of the Legislature as it relates to the budget in his description of things that the Legislature is supposed to do in June or before these certain dates. I don't these were respective to a particular budget to a particular role that the Legislature has legally required by our Code and Charter. Thank you.

Legislator Scudder: Chairman thank you. If I may. Tonight I will be voting in favor of the 2025 Budget. And I would like to take this moment to encourage all of my fellow legislators to do the same. As a legislator, I have been involved with the County budget since the 2011 version was adopted. I have seen tax rates go up and I have seen tax rates go down. Thankfully, the majority have gone down and this year is no exception. We have the opportunity to lower the tax rate by 22 cents per thousand while maintaining a healthy on-target Fund Balance. These results are only accomplished by people coming together with the best interest of the County in mind. Centralization of the Finance Department was an effective change helping to accomplish the goal. Along with so many, the Finance Department made the budget process seamless. Behind the numbers are many individuals who worked toward achieving the best product and the best services. With their efforts, they've been able to give the people of Chautauqua County a result that we can all benefit from. Seeing their passion and commitment not only during the Budget presentations this month but also on a daily basis, is how we get results like we are voting on this evening. Congratulations to all the Chautauqua County employees who have made this 2025 budget a success. Thank you Mr. Chairman and at this time I'd like to Call the Question.

*MOVED by Legislator Scudder, SECONDED by Legislator Vanstrom to Call the Question*

UNANIMOUSLY APPROVED

Chairman Chagnon: Will the Clerk please call the roll?

***RES. NO. 294-24 - R/C Vote: 14 Yes; 5 No (Bankoski, Buchanan, Larson, Nelson, Parker); – ADOPTED***

## ANNOUNCEMENTS

Chairman Chagnon: And that, ladies and gentlemen brings us to announcements. Are there any announcements for the good of the order from the Legislature regarding Truck-or-Treat or anything? Any announcements from the Legislators? Hearing none, we will then move to the second privilege of the floor.

**PRIVILEGE OF THE FLOOR**

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes.

Appreciate this privilege. My name is James Linden, Fredonia. I want to make the Legislature aware that the Village of Fredonia had a number of years ago entered into a contract for the safety and health and emergency use of interconnection of North County Water District on Routes 20 East and West of the Village. That was consistent with the plan of the North County Water District of the amended plan of the North County Water District to provide that service in both directions for their good and the good of the Village. Now, unfortunately that contract could be considered fraudulent because the connections don't function to help the Village. It only flows in one direction. It only serves the purpose of the North County Water District. Fredonia provides safety for them – not the North County Water District for Fredonia. I want the Legislature to hold the committee accountable to this contract and fix that issue that was for the contract that was put in place a number of years ago for our safety as per contract. And I also, as far as the budget, I applaud Mr. Bankoski for his attempt. And if that Funds, that bi-law according to the comptroller, the funds were supposed, this is from his report. The funds were to be repaid to the General Fund on or before December 31<sup>st</sup> of each respective year. None of those things did happen including interest. And he claimed that none of that happened up until the end of his report of 2022 and I know more funds were taken since then. So there is more than 5.5 million dollars that would have added to Mr. Bankoski's suggestion would have had a significant reduction for the communities that need that type of help. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Legislator Vanstrom: Thank you Chairman. I just want to say tomorrow at 2:00 PM in the beautiful Lucille Ball Memorial Park in beautiful Celoron, they are going to have the ribbon cutting for the beautiful, innovative new playground. Come and check it out. It's pretty amazing.

Chairman Chagnon: Finally an announcement – thank you. Anyone else wishing to address the second privilege of the floor?

Legislator Niebel: Mr. Chairman, as I was saying previously, the North County Water District continues to make interest payments to the County and the County will not be out any money. I just want to emphasis that.

My name is Susan Baldwin and I live in Villanova. And for my second privilege of the floor I would like to point out my electric bill again. I've been here before pointing out that I'm a single person, all alone in a house and my electric bill used to be under a hundred dollars a month. This month is \$350.57. There is a \$133.00 supply charge, merchant function charge is

\$3.86 plus \$3.56 for September and October. Then there is the taxes and surcharges of \$3.99 and \$10.21, subtitle electric charges \$14.20. It all adds up. The entire, the delivery charge is \$153.00 plus \$11.87. They tack it all on to add up to \$195.76 of delivery charges. That's not what I use, it's how much it costs me to bring it to my plug. The actual supply subtotal was \$140.00. So I'm using \$140.00 worth of electric for one month but then \$195.00 plus miscellaneous smaller charges added up to \$350.57. Now, I've told you before, I'm not on public assistance. I am on a fixed income. I get Social Security and a retirement check. I can't get HEAP because my retirement income – I worked for the County for 33 years, is too much for public assistance. So I'm stuck in that you worked hard all your life so we're paying you but we're not going to give you any extra money for HEAP or anything. So, I'm going to be applying for HEAP. I'm sure there is going to be something to be said for this kind of bill. These turbines are not even close-green energy is not affordable. Certainly not to me. Not to her, not to any of us that live in Villanova where we get to hear these things, going (*whirring sound*) twenty-four seven. You get real sick of that in the middle of the night. And then you get a bill like this. What do I get? Is this free. And this by the way is the creek just around my corner. So I'd like you to notice this, this is muck, crud in the water. Dumped there by the turbine builders – just so you know.

Once again, I'm Jim Wehrfritz, 4433 Lakeside Drive, Bemus Point and President of the Chautauqua Lake Property Owners Association, the CCPOA. We appreciate the support Chautauqua County has provided to the recently announced US Army Corps of Engineers "Chautauqua Lake Aquatic Ecosystem Restoration Study". The Corps' project experience and approach to such studies, with a clear focus on actionable recommendations, differentiates it from the many other studies which have been and are being conducted on the Lake. We're guardedly optimistic. Many Chautauqua Lake studies have been completed over the last 50 years. In fact, "Chautauqua Lake studies". Typically lacking actionable recommendations, with recommendations "watered down" to gain consensus, or with recommendations not fully implemented, are a recurring, disappointment among longtime residents. As such and with the continued deterioration of the Lake, we see this Corps study as truly the "last and best hope for Chautauqua Lake", a study which must be effectively supported by the County. The Corps of Engineers must be provided ALL previous Chautauqua Lake studies including those which some might prefer not be included. Please ensure this happens. The Corps must confirm the data, results, conclusions, and recommendations, if any, of the studies provided. Special interests must be considered when these interests managed or funded the studies. Please facilitate this outcome. The Corps must be allowed to consider all Lake Restoration options and be allowed to complete their work objectively and without political influence. Political factors can be added after the recommendations are known. Please commit to this at the outset. The Corps must have an engineer with significant and relevant project development and management experience to be the County's point contact for the study. Please locate, contract, and empower such an individual for this purpose. Further, we formally request that the documents describing the Corps of Engineers scope of work, schedule, budget, and agreements with the County and other organizations be made available to CLPOA by early November, which is a month after the study's announcement. We see this study as truly the last and best hope for Chautauqua Lake. We ask the County Executive and Legislature to take our requests seriously. They will ensure a quality outcome if completed. If not, this could be just another study which, millions of dollars and many years



later, has not improved the deteriorating conditions in the Lake. Thank you for your consideration.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

My name is Anthony Toda, I live at 144 Clifton Avenue, Jamestown, New York. I am going to talk about the upcoming presidential elections. The question I have for everybody before the election and how you vote: Is life better for the voter now, than it was four years ago? We have had record inflation since the Biden administration. Biden blamed Covid. However, Biden's early executive order, eliminating a tributary to the keystone pipeline, and Biden's Saudi meeting that resulted in the reduction of oil production, immediately caused an upward spike in gas prices. And in the past, manipulation of oil and gas supply under Allen Greenspan, did directly cause inflation. Under Trump, Israel and the UAE, Bahrain, and Morocco, signed the Abraham Peace Accords. Under Biden, Israel is fighting a multi-front war that Israel could have prevented, and Israel is being accused by the rest of the world of genocide in Gaza. The Senate majority leader, Senator Charles Schumer, who publically cried in opposition to Trump's restriction of Muslim terrorist coming to the U.S. has done nothing to find peace in Gaza, as Israel continues the slaughter of innocent people in Gaza. In Afghanistan, Trump brokered a peaceful withdrawal with honor. Under Biden, American soldiers died, hundreds of people were chasing an airplane, and high-tech military equipment was left behind. In Ukraine, Biden watched ¼ million Russian troop build-up and did nothing. Trump was talking about uniting the Koreas. Under Biden, North Korea has ramped up its nuclear missile program and has aligned itself with Russia to kill Ukrainians. Trump started a border wall. Biden, in violation of constitutional sovereignty and federal immigration statutes, has allowed illegal immigrations, white slavery, criminals, and record fentanyl to cross the border killing Americans. And Governor Kathy Hochul has continued illegal immigration in New York State. And the continuing of weaponization of the Department of Justice under Attorney General Merrick Garland oppressing Trump while failing to investigate Joe Biden, shows that in violation of the Constitution, our own government is denying the Presidency to anyone outside of the political arena. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Doug Champ, Jamestown. It's obvious to me that when you have a County Legislature meeting and sitting in the bleachers, that there is a lot of political dialogue that goes on. Which I feel is totally unnecessary. I believe that you have committees, you have various components when discussions can be entertained. If you want to pontificate on the Legislative floor you can do that. I think it's kind of unfortunate. Because the points of view that are rendered are usually individually rendered. Do they represent the people you represent, maybe, maybe not. But that's an observation listening to the back and forth between Democrats and Republicans. And that's our Legislative process. But the ironies involved with that process itself also equate personality problems. And those personality problems step forward within this kind of orchestration that you

call Legislature. That shouldn't really happen on this floor but it does. Getting back to a reality check on wetlands. I would suggest that Chautauqua County Planning Department have a seminar not pro or con, but to point out the educational process associated with wetlands. As I said earlier, there is five different kinds. And the magnitude of wetlands are increasingly more important. Yes, we had 150 years of building around Chautauqua Lake and other lakes. People want to be on the water. Unfortunately, when you're on the water, you contributed to a problem. And that is also human habitation. Human habitation has an important effect on a lot of things. How you manage it, what you do with it, there is a variety of things that could be done to mitigate wetlands growth, wetlands development. But, if you allow uncensored building, which includes close to water, we know what happens in Florida, I've been all over that State. Because people want to be close. We have no really (*inaudible*) zone that represents a non-buildable area. People still use phosphates, fertilizer. They want their yards to be green. They forgot about native plants, what they are. They try to build close to something that's going to create a problem. So what I think the County Planning & Economic Development (*inaudible*) needs to inform the average citizens, what a wetland is and how it's supposed to work itself out in the ecosystems. If you don't do that, we'll just hear talking. And that's okay but in terms of education it's important that the people understand what you all are voting on. So, I rest my case. As far as this lady with the kilowatt stuff, I know a lot about that. National Grid has an escalator involved with transportation costs. And it's applied as a private utility. What you're going to see is more of that. Because the cost of electricity in the State of New York is going to be jacked.

Donna Roberts: (*inaudible because of distance from the microphone*) I have tinnitus, vertigo, I can't sleep at night. There is something called a wind turbine syndrome. And it's real. I've read so many articles, it's ridiculous. But the same symptoms always come up. Headaches, vertigo, dizziness, noise annoyance. I found out when I was younger, I couldn't work in a factory because my ears could not tolerate the sound even though I couldn't hear the sound. (*Inaudible*) pick up the sound anyway even though I couldn't hear it. And it's the same thing with those windmills. You know I can stand on my porch and I can hear (*whirring sound*). Twenty-four seven. And I can feel the vibrations in my house. This is not clean energy. I am scared because the windmills are so close to my house. If one of those blades came off (*inaudible*). Is that fair to me? I went to the Town of Villanova (*inaudible*) I voted NO. They still put the windmills up. I asked for a deaf person sign on my road – they put it up for two weeks. With those trucks going by. I almost got hit three times and I'm in my yard by my mailbox. (*Inaudible*) So, my wonderful retirement up here, that was supposed to be peaceful, isn't peaceful anymore. But thank you for listening to my grievances and wind turbine syndrome is a real (*inaudible*). People need to start listening to people like me. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

MOVED by Legislator Larson, SECONDED by Legislator Pavlock to adjourn.

*Unanimously Carried (8:36 p.m.)*

Respectfully submitted and transcribed,  
Olivia Lee, Clerk of the Legislature & Kristi Zink, Deputy Clerk, Nancy Quattrone, Senior  
Stenographer