

Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, December 18, 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 December 18, 2024. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. (*One Open Seat – District 4*)

Legislator Larson delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Scudder and duly carried the minutes were approved. (11/20/2024)

1st 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.

My name is Jim Wehrfritz, I'm from the Chautauqua Lake Property Owners Association. I live in Bemus Point and I wanted to give a little history and make a couple requests regarding resolution 264-24 which is to "Authorize Memorandum of Understanding for Chautauqua Lake". First, a little history. In 2019, County Executive Borrello initiated what was advertised as a binding memorandum of agreement, the MOA, which contained 26 specific requirements which all but one targeted organization executed. Unfortunately, after its two-year life, 75% of the 26 very specific requirements had not been met by the signatories. Lack of an implementation plan, clear responsibility for implementation, and consequences for non-compliance contributed to this shortfall. In 2021, after a false start, County Executive Wendel, updated the MOA to be a non-binding memorandum of understanding, the MOU, including 7 very general requirements, an expression of "good faith intent", which he described as "brilliant in its simplicity". The 2023 MOU executed two years later and the 2025 MOU described in the resolution mirror the 2021 MOU, it's a non-binding expression of intent. I'd like to make two requests of the Legislature as they consider this resolution. The first one is to identify who will determine signatory non-compliance and the consequences of non-compliance. Second, broaden the opportunity to participate in the MOU to other than "previous co-signers" as in the last paragraph of the resolution. It doesn't appear that any new organizations would be aloud to participate and I think that's a mistake, thank you very much.

Chairman Chagnon: Anyone else wishing to address the first privilege of the floor?
Seeing no one, I will close the first privilege of the floor.

COMMENDATIONS:

For Outgoing Legislators

SUSAN PARKER – DISTRICT 4
DAVID WILFONG – DISTRICT 11

David Ortolano, Dunkirk Police Chief
By
Legislators Robert Bankoski,
Marcus Buchanan
&
County Executive Paul M. Wendel, Jr.

PRESENTATIONS:

PROFESSIONAL OFFICE SPACE DESIGN
FOR CHAUTAUQUA MALL
BY
SUMMIT GROUP

AIR SERVICE STUDY - REPORT
BY
EVAN BERG, DIRECTOR OF AIR SERVICE – DEVELOPMENT PROJECT LEAD
&
SHANNON FISCHER, MANAGER OF AIRPORTS

Presentations can be viewed at the link provided:
<https://www.youtube.com/watch?v=aQ0BrY63c34>

Legislator Larson: My name is Fred Larson. I'm a Legislature from the City of Jamestown. I was the County Attorney for Chautauqua County for 8 years including right after 9/11 and the disruption to air service that that meant. I'm surprised that in all of this study and presentation, there's no mention of Bradford Pennsylvania. Back in January of 2018, when Southern Airways was chased out of the Jamestown Airport before their Essential Air Service contract had even expired, they continued to serve Bradford Pennsylvania. Bradford has got to be

much smaller than Jamestown and immediate environs, forget the whole County. Southern Airways dependably serves Bradford Pennsylvania to this date. Some said at the time “Well it's so far from Buffalo compared to Jamestown”. According to Map Quest, Bradford is 2 miles and 2 minutes further from the Buffalo Airport than Jamestown is. Southern Airways dependably serves that little Bradford Market to this day. You could book tomorrow non-stop to two flights to Pittsburgh which has a substantial American Airlines presence and Southern Airways over the years has developed an interline agreement with Americans so your baggage goes from Bradford to wherever your ultimate American Airlines destination is. They also have two flights a day to Dallas. The Airport you mentioned is an ideal hub. United Airlines hub again Southern has Interline agreement with United. Your baggage goes on in Bradford and goes anywhere United flies in, in the world. If I were writing the report, I would have written it back in February and I would have written it to Senator Schumer, our New York Senator, who was to this night the Senate Majority Leader, the most important - the most powerful member of the US Senate is our senator in 30 some - well in a couple of weeks he's not going to be. I think we've missed an opportunity when one talks about needing political support. I understand in your mention of Watertown Messina and Ogdensburg that those airports were threatened from time to time by the US Department of Transportation and that Senator Schumer stepped in to save those services. The restoration of Essential Air Service to Jamestown should be a no-brainer or should have been. We shouldn't have lost it in the first place. In the fall of 2017, the US Department of Transportation had a list of almost 30 cities they proposed to eliminate Essential Air Service to. In January of 2018, one city lost its Essential Air Service off of that list, Jamestown New York. Our Congressman at the time publicly said in the local media that the Essential Air Service couple million dollars was a waste of federal money on the biggest City in his district. So we didn't have political support to continue Essential Air Service and in my opinion and experience it's the only reason we lost it. The other communities got waivers or whatever, a few of them have lost Essential Air Service since but they didn't lose it in 2018. The case for why the service was so lousy in 2017 was obvious, there was a pilot shortage, there were all kinds of horrible problems for all of the commuter airlines but somebody politically made the decision no service to Jamestown was better than lousy service. That was a very bad mistake. Southern Airways now has- I think on that whole list they have the best on time performance of all those commuter Airlines in America. They've made the interline agreements. For those that don't know, whenever you talk about -well how do you connect us to Southwest Airlines? Southwest Airlines has no interline agreement with anybody. So however you get to a Southwest hub, you got to deal with your luggage at that hub. That's not peculiar to Southern Airways or any other commuter airline. I, after many years of not being a County Legislator, this is my third tour of duty, I ran for two reasons, one of them was to restore Air Service to Jamestown. It's ridiculous that somebody in Washington can fly to the Zippo Museum in Bradford but you can't fly to the National Comedy Center in Jamestown, New York. You can't fly to the doorstep of Chautauqua Institution in the summer. I desperately wanted Air Service to come back. (*Inaudible*) The priority this County should pursue is to me, obvious. It's always been obvious. I don't know how the politics are going to line up starting in January. I don't know who has the heft to tell whoever is the US Department of Transportation Secretary give Jamestown back it's Essential Air Service. I don't know how that's going to work but in my earlier careers here, I was co-chair of the Southern Tier Expressway committee back in the 80's, early 90's. We got a four lane limited access Highway

finished in this County when six years from our starting efforts. I was a founding member of the Southern Tier West Railroad Authority. We reestablished through freight rail service through this part of New York. To have to fight for modern highway, to fight for rail service and then to watch our air service disappear which we had at least from the 1950s, always had passenger air service. It's just an economic disaster and I hope there's the political will, I hope the business community cares enough to step forward. I tried to get a resolution through our Chautauqua County Visitors Bureau last week endorsing return of Essential Air Service. I did get agreement they'd write a letter to the Senator and our Congressman and to Pete Buttigieg, the POT secretary. I think Air Service is critical to Economic Development in the County. There are those that disagree but I do feel that it's unfortunate that 2024 is disappearing and the most powerful politician we have representing New York will not be in that position in a few days so, best wishes that we get EAS back. We deserve it and if you would throw in the comparable of Bradford- if little Bradford can support EAS to Dallas and Pittsburgh every day of the week, Jamestown can, thank you.

Chairman Chagnon: Thank you. Other comments? Any other comments from the legislators? Shannon anything to add?

Shannon Fischer, Manager of Airports: No, I appreciate – thank you Evan, we appreciate your presentation today and if anybody does have any questions, we will answer them any time.

Chairman Chagnon: Okay. Evan, thank you very much. And with that we will then move on with the meeting.

Clerk Lee: There are no veto messages from County Executive Wendel from the November 20, 2024 Legislature meeting.

VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 11/20/2024

Clerk Lee: There are 4 communications listed on the agenda. If you would like a copy of any of these items, please let our office know.

COMMUNICATIONS:

1. Letter – Resignation of Legislator Susan Parker (District 4)
 2. Letter – NYS Department of State – Acknowledgement of Local Law 15-24
 3. Minutes – Conewango Watershed Commission – November 13th, 2024 Meeting
 4. Letter (2) – Certificate to Fill Vacancy on County Legislature and Letter of Acceptance to fill Vacancy (District 4)
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PUBLIC HEARING**A PUBLIC HEARING REGARDING 8 – YEAR REVIEW OF
CHAUTAUQUA COUNTY Agricultural District 8**

Chairman Chagnon: Lauren Sharp would like to share some information with us before I open the hearing.

Hi my name is Lauren Sharp and I'm a Junior Planner with the Department of Planning and Development. I help to facilitate the Chautauqua County Ag District Program. The Chautauqua County Legislature is responsible for Chautauqua County Agricultural District 8 encompassing the towns of Busti, Carol, Chautauqua, Ellery, Ellicott, Kiantone, Poland and Stockton and the City of Jamestown. In accordance with New York State Department of Agriculture and markets, an 8-year review was conducted for a district 8 land owners were requested to submit proposed modifications to add or remove parcels to the Ag district during the month of August. The Chautauqua County Agricultural and Farmland Protection Board reviewed the requests and recommended for the continuation of a district 8 with the removal of 10 Parcels at the request of the land owner and or recommendation by the municipality. Thank you.

Opened

7:40

Chairman Chagnon: Thank you. And with that, I will open the public hearing. Is there anyone wishing to address the public hearing regarding the 8 year review of Chautauqua County Agricultural District 8? Anyone wishing to address the public hearing? Seeing no one, I will close the public hearing.

Closed

7:41

TABLED RES. NO. 319-24 – Establish Chautauqua County Water Agency Pursuant to Article 5-A
of the County Law – *Left on Table to Die*

RESOLUTIONS:

335-24 Appointment of Thomas A. Carle as Legislator from Legislative District 4, City of Dunkirk Ward 3, District 4; Town of Pomfret District 3; and Town of Pomfret District 4 –
UNANIMOUSLY ADOPTED

Chairman Chagnon: Mr. Carle, welcome.

Mr. Carle, District 4 Legislator: Thank you. I'll do my best to help you do the work that you do. Thank you very much.

Chairman Chagnon: Thank you and we welcome you to our body and we look forward to your participation immediately.

MOVED by Legislator Bankoski, SECONDED by Legislator Scudder to block resolutions 336-24 through 340-24 – Unanimously Carried to block

336-24 Confirm Re-Appointments – South & Center Chautauqua Lake Sewer District Board, **by Public Facilities Committee – UNANIMOUSLY ADOPTED**

337-24 Confirm Appointments – Chautauqua County Fire Advisory Board, **Public Safety Committee – UNANIMOUSLY ADOPTED**

338-24 Confirm Reappointment – Chautauqua County Board of Health, **by Human Services Committee – UNANIMOUSLY ADOPTED**

339-24 Confirm Reappointments and Appointment to Chautauqua County Planning Board, **by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

340-24 Confirm Reappointments and Appointments to the Chautauqua County Agricultural & Farmland Protection Board, **by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**

Chairman Chagnon: Are there any comments or any questions on any of the blocked resolutions? Hearing none, all those of the blocked resolutions 336-24 through 340-24, please say aye, opposed? They are carried.

341-24 Authorize the use of South and Center Chautauqua Lake Sewer District Contingency Funds for a District Extension Map & Plan, **by Public Facilities Committee – UNANIMOUSLY ADOPTED**

342-24 Amend 2024 Budget to Purchase an Additional Asphalt Hot Box Trailer, Using Funding from the American Rescue Plan Act (ARPA), **by Public Facilities Committee – UNANIMOUSLY ADOPTED**

343-24 Authorize Lease Agreement with City of Jamestown for Office Space for Chautauqua County Health Department, **by Public Facilities and Human Services Committees**

Legislator Larson: Thank you, Mr. Chairman. Happy to see this resolution authorizing a lease agreement for office space in downtown Jamestown. ever since the county started to place services in the north county in the city of Dunkirk in the South County City of Jamestown back primarily in the 1980s these Services have always been in the center of - in this case, the largest municipality in our County. There are a lot of jobs involved, County Employees to be in the heart of the City. A lot of the citizens who need these County services are in the City of Jamestown. Many can walk to these offices in downtown Jamestown so I'm happy to see this and look forward to the many, many County employees that have been working in downtown Jamestown in our County office building since the late 80s, mid to late 80s and I look forward to that continuing. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you. Any other comments or questions on the resolution? Hearing none, all those in favor please say "aye", opposed?

RES 343-24 – UNANIMOUSLY ADOPTED

344-24 Authorize Public Hearing for Lease Agreement of office Suite 46 at Chautauqua County Jamestown Airport Terminal Building, **by Public Facilities Committee – UNANIMOUSLY ADOPTED**

345-24 Authorize Public Hearing for Commercial 5 Year Lease Agreement for the Jamestown Airport with the New York State Department of Motor Vehicles, for purpose of CDL testing on a daily basis Monday through Friday, **by Public Facilities Committee – UNANIMOUSLY ADOPTED**

346-24 Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five Year Capital Improvement Plan (ACIP) for FY 2025-2029, **by Public Facilities Committee – ADOPTED with Legislator Scudder Voting "No"**

347-24 Authorize Federal and State Aid Applications for the Chautauqua County Jamestown Airport Five-Year Capital Improvement Plan (ACIP) for FY 2025-2029, **by Public Facilities Committee – ADOPTED with Legislator Scudder Voting "No"**

348-24 Distribution of Mortgage Taxes, **by Administrative Services Committee – UNANIMOUSLY ADOPTED**

349-24 Amend 2024 Budget– District Attorney, **by Public Safety Committee – UNANIMOUSLY ADOPTED**

- 350-24 Authorize Acceptance of FY2024 Emergency Management Performance Grant (EMPG24), by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 351-24 Authorize Acceptance of FY2024 State Homeland Security Program (SHSP24), by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 352-24 Authorize Execution of BJA FY24 Comprehensive Opioid, Stimulant and Substance Use Site-based Program (COSSUP), by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 353-24 Authorize Execution of NYS Office of Homeland Security Funding Grant Operation Stonegarden FY 24, by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 354-24 Authorize Execution of NYS Office of Homeland Security State Law Enforcement Terrorism Prevention Program Grant FY24, by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 355-24 Authorize Execution of Agreement with New York State Unified Court System Eighth Judicial District for Court Security, by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 356-24 Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY 25

Legislator Pavlock: Yes, thank you, Mr. Chairman. Just a comment kind of on the last several resolutions, I just want to pay note that it was a lot of grant money that was received by the County that is enabling us to do a lot of good work. Sometimes we have a tendency to hope for more money from the State or other Federal Government help do the work that we are doing and this is just that. A lot of good grants to help us do a lot of good work. So thank you.

Chairman Chagnon: Thank you. Any other comments or questions on the resolution? Hearing none, all those in favor, please say “aye”, opposed?

RES 356-24 – UNANIMOUSLY ADOPTED

- 357-24 Authorize Agreement with Chautauqua Lake Central School for a Trial Program with Regular Police Presence at the School District Buildings FY 25, by **Public Safety Committee – UNANIMOUSLY ADOPTED**

- 358-24 Authorize Agreement with Chautauqua Lake Central School for Enhanced Police Protection Services FY 25, by **Public Safety Committee – UNANIMOUSLY ADOPTED**
- 359-24 Re-Authorize Municipal Early Intervention and Preschool Contracts, by **Human Services Committee – UNANIMOUSLY ADOPTED**
- 360-24 Amend Chautauqua County Department of Mental Hygiene and Social Services 2024 Budget for Increased Safety Net Costs, by **Human Services Committee – UNANIMOUSLY ADOPTED**
- 361-24 Accept State Environmental Quality Review of Agricultural District 8 8-Year Review, by **Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**
- 362-24 Accept Proposed Modifications and Continuation of Chautauqua County Agricultural District 8, by **Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**
- 363-24 Amend 2025 Budget for Snowmobile Trail Development and Maintenance Grant, by **Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**
- 364-24 Authorize Memorandum of Understanding for Chautauqua Lake, by **Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**
- 365-24 Reallocating Salary Grade for Probation Assistant (Including Spanish Speaking), Probation Officer Trainee (Including Spanish Speaking), Probation Officer (Including Spanish Speaking) and Sr. Probation Officer – **R/C Vote: 19 YES; 0 NO; – UNANIMOUSLY ADOPTED**

MEMORIAL:

Frank “Jay” Gould
By
Legislator Bob Scudder

ANNOUNCEMENTS

Chairman Chagnon: Okay, that brings us to announcements on our agenda. Are there any legislators who have an announcement for the good of the order?

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.

Good evening, I am Dan Smith. I'm at Lakeside Drive, Bemus Point. I'm the secretary, treasurer of the Chautauqua Lake Property Owners Association the CLPOA. We a 501c3 nonprofit organization supporting the interest of property and business owners and lake users in and near to Chautauqua Lake. We have 2 topics to discuss tonight. First, the ever popular wetlands. We started alerting all of the significant negative impacts of New York State DEC's proposed new wetlands regulations in August of 2023. The CLPOA conducted 7 well attended wetlands public meetings on the topic between of April and November 2024. The Town of Ellery lead Lakeside municipalities and opposition to the regulations beginning in May followed by our State Senator and Assemblyman in June and our U.S. Congressman in September. So we are making some headway. Thousands of petitions and letters were sent to New York State DEC and the Governor in opposition in seeking a delay in these regulations. It wasn't until September the County Executive joined the opposition and in October, the Legislature followed others lead in opposition, thank you. Although only 13 days remain until the regulations are to be implemented. We remain hopeful the Governor heard this overwhelming opposition and will suspend implementation of the regulations. If the regulations are not made appropriate for large highly developed lakes like Chautauqua, we anticipate lengthy litigation to protect property and business owners and lake users interest. Given the close relationship between the DEC and the County, we expect the County may be drawn into this litigation as well, so buckle up. Second, lake management. We now have 2 excellent opportunities which could facilitate more efficient and well organized municipality and County involvement. Improving the lake and maintaining the County tax base to the benefit all in the County. I'll address one of them. By now you've had an opportunity, the legislators, to review summaries and the actual long-term management plan for submerge aquatic vegetation at Chautauqua Lake which was completed by North Carolina State University aquatic plant management team and Dr. Rob Richardson, a very highly respected leader in lake management and that report was June of 2024. The plan is a complete and comprehensive (*inaudible*) and needs to be implemented now for 2025. It includes an adaptive management approach with an annual plan upgrade based on quantitative performance measures and learnings if any from other sources. The Town of Ellery supported the plan at its December meeting. Other municipalities whose meetings we have attended will consider it in the coming months. After a month, we've asked the legislature to consider joining the Town of Ellery and the lead on support and adoption. While we expected a supportive resolution on tonight's agenda, it was not, but we request that you consider it for the January meeting. Further, we would like to hear the County Executive, our County leader, and also with a permanent seat on the alliance board which funded the Lake management plan development speak in support of this all important plan. Thank you very much.

Good evening my name is Jane Conroe. I live at 4741 Whiteside Parkway in the Village Hamlet of Maple Springs. This evening I am speaking on behalf of the Chautauqua Conewango Consortium, the water keeper affiliate for our region and on behalf of the Chautauqua Watershed Conservancy, with their permission. We respectfully request that the Legislature take no action on the North Carolina State University plan and instead support the scientific review that is currently occurring on this document. This review is being done by members of the Conservancy and the Consortium with significant contributions from three additional Chautauqua Lake research scientists. The lake is a public body of water owned by we, the people of the State of New York, it's not owned by any one town, village or property owner. Previous aquatic vegetation management plans had as important components, measurable objectives, publicly available data, plus processes for input from the public and technical and advisory committees. From our preliminary review, this document does not contain these critical components of a comprehensive plan. Here I have the permission to add the voice of the Chautauqua Lake Association which supports the two existing management plans which were done both with extensive public input. This document does not appear to offer anything new. Some of you are familiar with the following information we which adds extra responsibility to you if adoption was considered. for the record from the New York State Department of Conservation "SEQR also applies if an agency funds or directly undertakes a project or adopts a resource management plan rule or policy that affects the environment because the adoption of this plan is a type one action under New York State codes rules and regulations it may require an environmental impact statement". It is in the best economic and fiscal interest of the County Legislature and its taxpayers to not adopt this document and please support the ongoing vetting process before anyone invests tax dollars or any more precious Foundation dollars for actions that may or may not reduce harmful algae blooms or could harm aquatic plant communities which support our economically valuable fishery. There is no need for you to take action on this document, thank you.

Hi, I'm Jim Wehrfritz again. Bemus Point. President of Chautauqua Lake Property Owner's Association, the CLPOA. I have 2 topics additional to what Dan mentioned. The U.S. Core of Engineers "Chautauqua Lake Aquatic Ecosystem Restoration Study" has progressed over the last several months and, from what we hear, its early work is now ready for review by stakeholders in a two day meeting January 8th and 9th. Oddly, the CLPOA, the only Lake organization specifically representing property and business owners and lake users, has not been included on the invite list. That's the CLPOA with well recognized leadership on the wetlands issue significant lake experience over the past 8 years and engineering and project management experience that's so lacking on the lake. The CLPOA has supported the study with five success actions proposed to the county and shared by the county with the core and the provision of 65 previous lake studies to the core. We asked that the County, the non-federal sponsor of the study ensure that CLPOA is included as a lake stakeholder in this meeting. We're certain to add value to the process given our familiarity with the issues project management experience and willingness to consider all options to restore the lake. One last and especially important point we have observed that the County, the Executive and this Legislature has over the years and more and more delegated lake responsibilities to the Chautauqua Lake and Watershed Management

Alliance typically referred to as the alliance and the Chautauqua Institution. This is of great concern to us since business and property owners and lake users interests are not directly represented by these surrogate organizations. Alliance staff and board members have publicly stated that “they don’t manage the Lake” and that “they don’t work for or answer to anyone other than its member organizations” Both the alliance and Institution are private organization with boards elected only by their members, not property owners and tax payers and with fiduciary responsibility only to their members, not property owners and tax payers. Their deliberations and actions are out of the reach of open meeting laws and Freedom of Information Act information requests. County Government’s constituents, County property owners and taxpayers, have no say in selecting or replacing Board members. Conditions in the Lake have not improved after tens of millions of dollars have been spent in just the past decade. Even if preferred by the County, it is clear the current structure with non-representative private organizations delegated the lead on our Lake is inappropriate and ineffective. Its wrong and it’s not working and another way must be found. Thank you.

Karen Engstrom, Town of Chautauqua. I am speaking on behalf of the organization stop energy sprawl. It’s a consortium of many community groups, municipalities, elected officials and localities in New York State targeted by the land wasting, large scale solar and wind and battery energy storage system projects that target our area but will be located far from where the energy is needed. Stop energy sprawl has an objective which is to push back on the State’s unrealistic energy plans and defend off the destructive largescale wind solar and BESS. So the December update on bad energy by the State of New York is regarding the proposed Dunkirk facility CGI Lighthouse Battery Energy Storage system or BESS project. We provided an article in the Observer to bring your attention to this information. We’ll bring you more in time and we formed a local organization called Chautauqua Energy Watch because there is rumor of more wind on the escarpments in the very vital area where the flyway the fourth best most important flyway for hawks and predators along the escarpment in Ripley, Westfield and Sherman. That’s a rumor we haven’t substantiated but it seems to be a possibility. The article provided on your desk explains in detail the risks of this and other planned battery energy storage systems in our area. I’d like to bring to your attention one Western New York Community that has written a law, a battery energy storage law and I’d like to quote Article 2 Section C part 2 of The Rush New York Battery Energy Storage System law which states large scale battery energy storage system installation shall not be permitted in any zoning district within the Town, shall not be permitted within the Town. That is the law of Rush New York. A I’m quoting from this article written by very competent local energy expert, Christine Martin, that was in The Observer this week in which she says “you the most troubling aspect of hosting a best facility is the potential for fires release of toxic gases and explosions this particular location in Dunkirk is close to schools the nursing home residences as well as environmentally sensitive locals”. When you look at the proposal, it has 144 semi-trailer size lithium ion battery storage units on that location which is three blocks from the high school. The situation here is that when a bass fire does take place and there have been many in this state and around the world you will experience the lithium ion batteries requiring uh no oxygen they require no oxygen to burn and may reignite unexpectedly to rise rapidly to extreme temperatures in a chain reaction called thermal runaway. BESS fires can produce toxic hydrogen fluoride gas. This gas may convert to hydrofluoric acid on contact

with water and becomes a part of the storm water runoff. Investigations by an industry group have found defects in 26% of the fire suppression systems. In conclusion we see that this article states that BESS facilities are not clean energy. BESS is a temporary flawed technology that we're attempting to use in ways it was never intended for and we should think hard before we put our firefighters, our communities, and our environment at risk. Because of these projects and hopefully we can alert all of our communities and our Towns to the dangers and the negative economic aspects that this will involve, thank you.

My name is Anthony Toda. My address is 144 Clifton Avenue in Jamestown. I am making my comments and opinions based on media reports. Just recently there have been 2 more school shootings. The shooters are now using sinister means to be able to enter school apparently innocently to carry out intentional murders of school children and personnel. It is the duty and responsibility of every one of us to contact Senator Schumer, Gillibrand and representative Langworthy to help ensure that nationally every school from at least grades k-12 get the same protection that our own representatives have legislated for themselves that is lock downs, metal detectors and security police. Every one should seriously consider since columbine 25 years ago that these protective measures are still not in place while the murder of children continue. Failure to protect children not only is profanely inexcusable, the federal government needs to be held liable for this failure going forward, to initiate these protections. Regarding the recent numerous and truly bizarre drone sightings over the Northeast including airports and military areas, the FBI after receiving hundreds of complaints has done nothing to deter potential domestic or foreign terrorist activity. Is this another coverage of illegal surveillance of U.S. citizens by governmental agencies as was the cover up of deliberate crimes upon black persons in Tuskegee Alabama? Or the deliberate dispersal of bacteria around San Francisco, Norfolk Virginia and regions in the US to study the effect of the exposure of germ warfare attacks. Continuing harassment in assault upon myself by the FBI began when agents of the Buffalo field office threatened my life and admitted to tampering with my truck. After I submitted some of this evidence to then Senator Hillary Clinton's office, I was arrested by the FBI (*inaudible*) with my picture taped on it was placed in the main entrance of Senator Hillary Clinton's office denying me access to the Senator. More recently, Senator Charles Schumer continues to refuse to examine my evidence and expose the FBI for these crimes. Senator Gillibrand's office lied to me about helping me. Former Congressman Reeds office after examining my evidence, refused to help and Congressman Langworthy's office refuses to examine the evidence of these crimes. All such representatives continue to allow the FBI to commit crimes against myself. The FBI head quarters in DC and Jamestown field office have automatically cut my calls off to them so if I need to report a terrorist activity, I can't call the FBI.

Douglas Conroe also of Whiteside Parkway Maple Springs. I came here tonight to be a driver for another speaker, not to speak but I came here to listen to the airport presentation but from what I've heard, I feel that I have to say something. Those of you who know me, know I've been Executive Director of Chautauqua Lake Association for several years, about 9 years now. I've been associated with the association for 40 some years. The suggestion that the lake is worse today is false, inaccurate, and wrong. If you were a boater on Chautauqua Lake this summer, you saw water clarity that you hadn't in quite a while. Usually the lake was green by middle of July,

that didn't happen. I live in Maple Springs as I mentioned in the north basin usually our water is green by the end of July, early August that did not happen at all this year. The suggestion that you (*inaudible*) does Lake Association – I don't know, that I hear that we don't represent people. We have a very large membership. We have a very successful fund drive as does the watershed conservancy so there is public representation there. And I just encourage everyone to look beyond the rhetoric and read the reports. Look into the scientific reports and look at the documentation behind those reports. We have over 20 years of reports of reports on lake plants. (*Inaudible*) Johnson, now SUNY Oneonta those reports say the conditions of the plant community in general is better. The dreaded Eurasian watermilfoil has not been a problem in years. It's very prevalent, absolutely, but it's prevalent in trace amounts. So I just wanted to say that Chautauqua Lake is good. I appreciate the comments that the Watershed Coordinator made in the newspaper made about the North Carolina plan. I personally endorse his comments. The lake association has not taken a position on that plan yet until all the scientific reviews are on the table to review, thank you.

MOVED by Legislator Proctor, SECONDED by Legislator Bankoski to adjourn.

Unanimously Carried (8:20 p.m.)

Respectfully submitted and transcribed,
Olivia Lee, Clerk of the Legislature & Kristi Zink, Deputy Clerk