

Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, February 26, 2025 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 February 26, 2025. Would the Clerk please call the roll?

Clerk Zink called the roll and announced a quorum present. (Absent: Scudder)

Legislator Pavlock delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson and duly carried the minutes were approved. (1/22/25)

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.

James Linden: Good evening. My name is James Linden, 55 Castile Drive, Fredonia. On your Resolution 67-25 to Amend the 2025 Budget for North County Water District to assist the Village of Fredonia. It's for a hydrologic water study. And it's actually not to just assist Fredonia, it's actually a study provided by the North County Water District. It's not a study directly provided by Fredonia. The North County Water District is providing - they are contracting with Labella Associates. Now the funding for that, I understand was originally \$20,000 from the ARPA funding that had to have been earmarked by end of last year. I believe that was earmarked for last year. And I understand by watching the Audit and Control Committee, they said that they were going to make the - utilize the interest from ARPA funding for all the \$70,000. And that would mean that the \$20,000 because it was earmarked and had to be done by the end of last year will have to go back to the Federal government. Otherwise, because that's what they stated. But anyhow, if not, so be it. So now you are going to use the interest from ARPA funding. Well, I feel that the interest from ARPA funding is in the General Fund to benefit all the people of the county - not just certain individuals within the North County Water District that are planning on using it. Now, there was a discussion of whether that money should be a grant or from the APRA funding utilized that way or is it going to be a loan from the General Fund. And for some reason when they talked about bringing this forward, that discussion kind of didn't come back up again. I know you talked about it before in previous meetings, but at the time the Finance Director was not available to answer the question. So, now

here it is forward and we don't know - is it going to be a loan from the General Fund or is it going to be a grant? So, those are my questions and those should be answered prior to voting. Thank you.

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

PROCLAMATION:

**Proclaiming March 17th -21st as
“Agricultural Literacy Week in Chautauqua County”
By
Legislator Tom Nelson, District 13
and
Legislator Fred Johnson, District 19**

Legislator Nelson: Thank you, Mr. Chairman. I just wanted to point out that during the week of March 17th through the 21st student across New York State will be learning about the value of agriculture and how it affects their quality of life. Volunteers will be visiting local elementary schools and libraries throughout the week to read a fun and engaging book and complete a related activity to promote agricultural literacy. The book will be donated to the school library for students and teachers to reference throughout the year. This year's book is “The Pie That Molly Grew” by Sue Heavenrich and I would encourage all of our Legislators - I know our County Executive did this last year, to support this and volunteer to go into a school and read. And read to the children, it's a great experience and I just wanted to point that out, that I think it's a great thing for our county, thank you.

Clerk Zink: There are no veto messages from County Executive Wendel from the January 22, 2025 Legislature meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 1/22/2025**

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

COMMUNICATIONS:

1. Book – 2025 Chautauqua County Adopted Budget
2. Report – NYS Department of Taxation and Finance Office of Real Property Tax Services – Statement of County Equalization 2025

3. Minutes – Conewango Watershed Commission – January 8, 2025 Meeting
4. Letter – Chairman Chagnon – Re: Chautauqua County Office for Aging Services Advisory Committee
5. Letter – NYS Agricultural and Markets – Acknowledgement of Resolution 362-24
6. Affidavit of Publication (2) – Legal Notice – Public Hearing Notice Basil & Bones Lease (Post Journal and Observer)
7. Report – Kitty Crow, Director of Finance – 2024 Investment Report – October-December
8. Letter – Herbicide Application for portions of Chautauqua Lake – Robert Freese, NYSDEC, Region 9, Bureau of Pesticides Management
9. Letter & Report – Re: Chautauqua County 2025 Agricultural Inclusion Period

PUBLIC HEARING

Opened

6:37 P.M.

A PUBLIC HEARING REGARDING LEASE of Restaurant Facilities at Chautauqua County Airport – JHW to Basil and Bones, Inc

Chairman Chagnon: Is there anyone wishing to speak to the public hearing at this time? Anyone wishing to speak to the public hearing? Seeing no one, I will close the public hearing.

Closed

6:48 P.M.

RENEW & AMEND RES. NO. 177-24 – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.85

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Renew Resolution 177-24 – Unanimously Carried to Renew

MOVED by Legislator Vanstrom, SECONDED by Legislator Nelson to Amend Resolution 177-24 – Unanimously Carried to Amend shown below by underline

RESOLVED, That pursuant to the State's requirement, the County of Chautauqua hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

Legislator Larson: Thank you Mr. Chairman. Given what's going on in Washington the last six weeks, I'm concerned for the first time in my forty years of involvement with County government, actually more than that. This says we assume we will get 95% Federal funds for this bridge and the second Resolved says that this Legislature authorizes the County of Chautauqua

to pay in the first instance 100% of the Federal and non-Federal shares of the cost of the project. So, we will advance \$375,000 to do the job and expect the 95% Federal reimbursement to come along later. Sadly, we have to consider the possibility that we don't get the whole 95% Federal reimbursement based on the way Federal monies are being/Federal promises of money, employment, whatnot are being jeopardized at this time. So, I don't know if I'm asking us to table this for a month or vote against it or I'm just pointing out that what we've been able to assume for decades that if a bridge is eligible to 95% Federal money the Federal money will come. I don't think we can assume – we cannot take that to the bank right now. These issues are going to wind up in the courts apparently. So, just a cautionary note that all these Federal aid resolutions we have this month and the months to come. Don't take it to the bank that that money is going to show up. Thank you, Mr. Chairman.

RENEW & AMEND RES. NO. 177-24 – *Carried as Amended with Legislator Larson voting “No”*

RENEW & AMEND RES. NO. 178-24 – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.86

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Renew Resolution 178-24 – Unanimously Carried to Renew

MOVED by Legislator Vanstrom, SECONDED by Legislator Nelson to Amend Resolution 178-24 – Unanimously Carried to Amend shown below by underline

RESOLVED, That pursuant to the State's requirement, the County of Chautauqua hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

Legislator Larson: Same comment on 178 – that we are the bank advancing 100% of the project hoping the Federal funds will come after. The next Resolution I'll vote for it appears, the next Resolution that bridge is 100% State funding. But I'll be voting against 178-24 since we're not sure that the Federal funding will really come. Thank you.

Legislator Johnson: Once question of fact. On these two contracts that Legislator Larson talked about, as we approve them, we are basically signing that we are in agreement with the Federal government. To what extent are they nominally on the hook? What I'm getting at is, if they are not, then he's got a point. But if this locks them down it makes it a past thing, we're actually perhaps locking them in a bit. So, what I wanted to know is, where is the Federal grant on this? If we take it, at least on paper, we are locked in. If we take it, the balls back in their court and they can go one way or the other. Which is it?

Chairman Chagnon: I'm looking at our Parliamentarian who is our former County Attorney and wondering if he would be willing to share some perspective?

Legislator Johnson: Because if it's one way we should think of it as risk, the other way we should jump on it.

Steve Abdella, Legislature Parliamentarian: What I would say is, I think first off that the contracts we enter into, my recollection would be for these types of projects, even though there is a federal share, it is with the State DOT, it's not a direct contract with the Federal government. And I think the State is receiving funds. But in any event, it has to be said there is some risk. I mean, but the choice is to postpone or go forward. As I think you all are aware, even in the instance where Congress has appropriated the money, there seems to be some question whether and to what extent those appropriations may or may not be fulfilled. Not necessarily on a legal basis, I think you all would need to decide for yourself, but I think I would personally say, you'd hate to see the County's projects suspended or brought to a standstill. I mean, as Legislator Larson was saying, you need to keep your eye on it, depending on the magnitude of how many of these projects are pending at any given time – and the County's own financial health.

Legislator Johnson: I think you answered it when you said this is going through the State. Because on one hand you could get in the queue and then just don't spend the money for a couple months to see how things fall out. But you're in the queue. To vote against it would be I'm not going to get in the queue. So, that's why I would vote for it. Especially when you say that it's really with the State of New York.

RENEW & AMEND RES. NO. 178-24 – *Carried as Amended with Legislator Carle and Legislator Larson voting "No"*

RENEW & AMEND RES. NO. 179-24 – Authorize Agreement with NY State DOT for Performance of Project PIN 5764.99

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Renew Resolution 179-24 – Unanimously Carried to Renew

MOVED by Legislator Vanstrom, SECONDED by Legislator Nelson to Amend Resolution 179-24 – Unanimously Carried to Amend shown below by underline

RESOLVED, That pursuant to the State's requirement, the County of Chautauqua hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months; and be it further

Unanimously carried as Amended

RESOLUTIONS:

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to block resolutions 27-25 through 31-25 – Unanimously Carried to block

27-25 Confirm Re-Appointment – Parks Commission by Public Facilities Committee – UNANIMOUSLY ADOPTED

28-25 Confirm Appointment – Chautauqua County Landfill Commission by Public Facilities Committee - UNANIMOUSLY ADOPTED

29-25 Confirm Appointment – Chautauqua County Airport Commission by Public Facilities Committee - UNANIMOUSLY ADOPTED

30-25 Confirm Appointments – Chautauqua County Office for the Aging Advisory Council by Human Services Committee - UNANIMOUSLY ADOPTED

31-25 Confirm Reappointment – Chautauqua County Community Service Board by Human Services Committee - UNANIMOUSLY ADOPTED

Chairman Chagnon: Are there any comments or any questions on any of the blocked resolutions 27-25 through 31-25? Any comments or questions? Hearing none, all those in favor of the blocked resolutions 27-25 through 31-25, please say aye, opposed? They are adopted.

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to block resolutions 32-25 through 58-25 – Unanimously Carried to block

32-25 Amend 2024 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

33-25 Amend 2024 Budget for Year-End Reconciliations – South Chautauqua Lake Sewer District by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

34-25 Amend 2024 Budget for Year End Reconciliations – North County Industrial Sewer District #1 by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

35-25 Amend 2024 Budget for Year End Reconciliations – North Chautauqua County Water District by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

36-25 Amend 2024 Budget for Year End Reconciliations – Portland, Pomfret, Dunkirk Sewer District by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

37-25 Amend 2024 Budget for Year-End Reconciliations – Environment – Landfill by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

38-25 Amend 2024 Budget for Year End Reconciliations – County Attorney by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

39-25 Amend 2024 Budget for Year End Reconciliations – County Clerk by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

40-25 Amend 2024 Budget for Year End Reconciliations – County Executive by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

41-25 Amend 2024 Budget for Year End Reconciliations – Human Resources by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

42-25 Amend 2024 Budget for Year End Reconciliations – Board of Elections by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

43-25 Amend 2024 Budget for Year End Reconciliations – Unified Courts by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

44-25 Amend 2024 Budget for Year End Reconciliations – Information Technology by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

45-25 Amend 2024 Budget for Year End Reconciliations – District Attorney by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

46-25 Amend 2024 Budget for Year End Reconciliations – Office of the Sheriff by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

47-25 Amend 2024 Budget for Year End Reconciliations – Emergency Services by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

48-25 Amend 2024 Budget for Year End Reconciliations – Public Health by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

49-25 Amend 2024 Budget for Year End Reconciliations – Veterans Service Agency by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

50-25 Amend 2024 Budget for Year End Reconciliations – Planning and Economic Development by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

51-25 Amend 2024 Budget for Year-End Reconciliations – Department of Public Facilities – A Fund by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

52-25 Amend 2024 Budget for Year End Reconciliations – Public Facilities – D Fund by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

53-25 Amend 2024 Budget for Year End Reconciliations – Public Facilities – DM Fund by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

54-25 Amend 2024 Budget for Year End Reconciliations – Department of Finance and Miscellaneous Department by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

55-25 Amend 2024 Budget for Year End Reconciliations – Energy Fund by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

56-25 Amend 2024 Budget for Year End Reconciliations – Health Insurance Fund by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

57-25 Amend 2024 Budget for Year End Reconciliations – Insurance Liability (CS Fund) by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

58-25 Amend 2024 Budget for Year End Reconciliations – Workers Compensation Fund by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

Chairman Chagnon: So, Kristi, take a deep breath (*laughter*) Are there any questions or comments on any of the resolutions 32-25 through 58-25? Any comments or questions on any of the resolutions? Hearing none, all those in favor of the blocked resolutions 32-25 through 58-25, please say aye, opposed? They are carried.

Legislator Dickey: Mr. Chairman. Thank you. I would like to just compliment the prudent wisdom of this Legislature, the County Executive. As we said in the committee meetings, we would not be able to – if we had not properly managed fiscally these funds in the Fund Balance for 2024, we wouldn't have the resources to offset some of these reconciliations. So, I wanted to complement the Legislature, the County Executive and the County Executive staff after looking at the details of this in the committee meeting. Thank you, Mr. Chairman.

Legislator Pavlock: Thank you. Stemming off of what Mrs. Dickey had commented on throughout the committee we learned that a lot of these yearend reconciliations were due to some

vacancy savings that the County had originally had put into the budget. But through the county's ability to retain and hire and fill positions, we weren't able to experience those vacancy savings and had to make such budget adjustments. Most of the time the departments through the fiscal responsibility of the department heads, were able to balance within their budget. There are some that we did have to utilize Fund Balance as Mrs. Dickey commented, we were able to have a Fund Balance to cover some over expenditures. But something moving forward we should consider watching is our vacancy savings but it's a good thing because it means that we are hiring and retaining those positions and we aren't experiencing those vacancies.

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to block resolutions 59-25 through 68-25 – Unanimously Carried to block

59-25 Amend 2025 Budget – Occupancy Tax Funded Projects by Planning and Economic Development and Audit and Control Committees – UNANIMOUSLY ADOPTED

60-25 Amend 2025 Budget to Replenish the Lake Maintenance Fund by Planning & Economic Development and Audit and Control Committees - UNANIMOUSLY ADOPTED

61-25 Amend 2025 Budget for Purchase of Van for Meal Delivery for the Elderly by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

62-25 Amend 2025 Budget for Portland-Pomfret-Dunkirk Sewer District by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

63-25 Amend 2025 Budget for Office of the Sheriff by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

64-25 Amend OES 2025 Budget for FY2021 Hazmat Grant (FY21HM) by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

65-25 Amend OES 2025 Budget for FY2022 Hazmat Grant (FY22HM) by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

66-25 Amend 2025 OES Budget for FY2022 SHSP Grant (SHSP22) by Public Safety and Audit & Control Committees- UNANIMOUSLY ADOPTED

67-25 Amend 2025 Budget for NCCWD to Assist the Village of Fredonia, Using Interest Earnings from American Rescue Plan Act (ARPA) by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

68-25 Amend 2025 Budget to Implement the GOB Security Project, Using Interest Earnings from American Rescue Plan Act (ARPA) by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

Chairman Chagnon: Are there any questions or comments on any of the resolutions 59-25 through 68-25? Any comments or questions? Hearing none, all those in favor of the blocked resolutions 59-25 through 68-25, please say aye, opposed? They are carried.

69-25 Authorize Acceptance of a 2024 General Election Grant for Board of Elections by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

70-25 Authorize Acceptance of Ballot by Mail Grant for Board of Election by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

71-25 Authorize Acceptance of Electronic Poll Book Grant for Board of Elections by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

72-25 Authorize Acceptance of Lead Hazard Reductions Grant FY2024 by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

73-25 Authorize Extension of the Amended Technology Innovations and Election Resource Grant Award from the New York State Board of Elections by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

74-25 Authorize Lease Agreement with SUNY Fredonia for 2025 Senior Expo Event by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

75-25 Authorizing Lease Agreement with the Village of Mayville for office space for the Office of the Sheriff by Public Facilities, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

76-25 Authorize Lease Agreement of Restaurant Facilities at Chautauqua County Airport – JHW to Basil & Bones, Inc. by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

77-25 Authorize Amendment of Lease Agreement with the City of Dunkirk to Increase Office Space for the Office of the Chautauqua County Public Defender by Public Facilities, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

78-25 Authorize Equitable Sharing Agreement with the Federal Government – Office of the Sheriff by Public Safety Committee and Audit & Control Committees – UNANIMOUSLY ADOPTED

79-25 Authorize Equitable Sharing Agreement with the Federal Government – District Attorney's Office by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

80-25 CARTS – Section 5311 Consolidation Operating and Capital Grant Application Request by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

81-25 Renew Authorization for Grant Applications and Agreements with New York State for Household Hazardous Waste Program by Public Facilities and Audit & Control Committee – UNANIMOUSLY ADOPTED

82-25 New York State Office of Mental Health – Additional Funding to 2025 State Aid by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

83-25 Authorizing Flood Mitigation Project Memorandum of Understanding (MOU) with Division of Homeland Security and Emergency Services (DHSES) by Public Safety Committee – UNANIMOUSLY ADOPTED

84-25 Authorize Execution of NYS Office of Homeland Security Statewide Interoperable Communications (SICG) Grant Program FY24 by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

85-25 Authorize Execution of NYS Office of Homeland Security Public Safety Answering Point (PSAP) Grant FY24 by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

86-25 Authorize Acceptance of Funds from the Department of Justice Bureau of Justice Assistance for the State Criminal Alien Assistance Program (SCAAP) for FY 2024 by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

87-25 Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Extend the Center Chautauqua Lake Sewer District from Midway State Park through Point Chautauqua on the East Side of Chautauqua Lake by Public Facilities and Planning & Economic Development Committees – UNANIMOUSLY ADOPTED

88-25 Recommendation to Progress the Center Chautauqua Lake Sewer District Extension Phase 3 Project and Establish Chautauqua County as Lead Agency by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED

89-25 Close Capital Projects – 2024 Year End Reconciliation by Audit & Control Committee: – UNANIMOUSLY ADOPTED

90-25 Requesting Continuation of State Legislation Authorizing 1.0% Additional Sales Tax by Administrative Services and Audit & Control Committees

Legislator Larson: Thank you Mr. Chairman. What this resolution is really about is every two years apparently the County Legislature decides whether to ask the State Legislature to allow us to go above the original 7% Sales Tax Rate. This County was at 7% Sales Tax Rate, 4%

State, 3% County from the start of the Sales Tax in 1968 for at least thirty years. My first eight years on this Legislature ('85-'93) we had a 7% Sales Tax Rate. At various times the Sales Tax in Chautauqua County has been 7.5% and I understand at some point 7.75%. The allocation of the extra money above the 7% basic rate has also varied from time to time. The proposal tonight has the extra 1% divided 85% to the County government, only 15% to the cities, towns and villages of Chautauqua County. Putting this in perspective, prior to 2005, Chautauqua County and not the cities, towns and villages, paid about 25% of Medicaid, the program in New York State was 50% Federal, 25% State and 25% County. That was capped around 2005, the County share that is. Secondly, going back to that era, the County owned a money losing Nursing Home. Obviously, well not obviously, but cities, towns, and villages had no such liability. Only the County had a money losing Nursing Home. Those circumstances have changed in the years since. In 2005 again the State capped the County share of Medicaid. No longer did we have multi-million dollar increases in our share of Medicaid from year to year. In 2014 the County sold its money losing Nursing Home. Some of you know, I was the deciding vote – the 2/3 vote to sell that home. So, maybe there is no longer a justification for 85% of this 1% going to the County and only 15% to our towns, villages and cities. The County has about a forty-million-dollar slush fund or unappropriated Fund Balance at this time. Our own policy says that something around fifteen million would be an acceptable baseline amount. A number of our municipalities are in deep financial trouble. A number of our municipalities are not looking at their huge Fund Balances, they are looking at a very difficult financial picture. Some of may be their own fault, some of it may not. Be that as it may, we know some of our municipalities are in deep financial trouble. Maybe, the County may make due with 75% of the extra Sales Tax money and have the cities, towns and villages at 25%. Maybe, it could be fifty-fifty, maybe sixty-forty. I don't believe the Audit & Control Committee had any discussion about the rationale for the whole 1% first of all. Secondly, I doubt there was any discussion on why is it 85% - 15%. Is that an appropriate split under current financial circumstances with the County vs. our municipalities. Furthermore, there is nothing that the State says you either have a 7% Sales Tax or this extra 1% for 8. We've had in the past, 7 1/2 and I believe there was a time we had 7 3/4. This is our request for extra Sales Tax percentages. It's up to us to decide what we want to ask for. We could, for example, ask to be at 7 3/4 we could hold our cities, towns, and villages harmless by giving them 20% of the 3/4 rather than 15% of the 1%. Maybe if the County did not have all of this money flowing in from the extra 1% Sales Tax, maybe the County workforce would not have grown from about a thousand people after we sold the County Home and reduced our workforce from 1,200 down to 1,000. And now we're back over 1,200 County employees. Maybe if money didn't flow so easily, maybe we'd be at 1,100 employees. I'm not going to sit here and say that there haven't been good justifications for growing the workforce from 1,000 to something bigger, but it's hard to believe a 20% growth in our workforce the last nine, ten years, was absolutely critically essential. It just seems like there is just so much money flowing that our decisions are not made necessarily. And by the way, if we had 1,100 employees instead of 1,200. A hundred employees at even \$75,000 a year with the wage, New York State retirement, the County Health insurance, Medicare, Social Security, Disability, Unemployment, Workers' Comp., our payroll would be \$7,500,000 less than it is. To me, easy money avoids making hard decisions. I don't think I'm wrong in saying that the Audit & Control Committee did not discuss the rationale for the continued 1% or the rationale for 85% County and only 15% to our

municipalities. So, knowing that the State Legislature is in session at least through May, there is time to refer this resolution back to the Audit & Control Committee for input by our cities, towns and villages. I am going out on a limb, I don't know how many, I doubt a lot of our twenty-seven town supervisors, two mayors of cities – we still have 15 villages – something like that. I doubt that all of these mayors and supervisors are aware that this resolution is invented by this body. Its not handed down from the State. And I think that in fairness, the leaders of our cities, towns and villages ought to have a chance to have some input on whether they think 85% of this money to the County and only 15% to them is the right way to go. So, I move to refer this resolution back to the Audit & Control Committee for input by the locally elected officials and to explore the rationale for first of all continuing at 1% instead of something less and the rationale of the 85/15 split. So, I'd make that motion to refer back to Audit & Control. Thank you, Mr. Chairman.

MOVED by Legislator Larson, SECONDED by Legislator Nelson to refer RES. NO. 90-25 back to Audit & Control Committee

Chairman Chagnon: Okay, discussion on the motion to refer this resolution back to the Audit & Control Committee?

Legislator Johnson: So, question, if Mr. Larson is right and we have time to consider this, then I would support that measure. If we don't particularly, then I would not.

Chairman Chagnon: In conferencing with our Parliamentarian – he agrees that we would have time for one more month with this.

Legislator Buchanan: Thank you. I also support that if we have time, I think we should relook at this. This could turn out to be pretty good for the whole County. Other villages and cities and towns. You know, 75% sounds pretty nice, so if we can take time and talk about this it could benefit – it could probably work out nice if everyone else is on board. Thank you.

Chairman Chagnon: Other comments, questions on the motion to refer? Hearing none, would the clerk please call the roll?

R/C Vote: 11 YES; 7 NO (Anthony, Gustafson, Harmon, Heiser, Niebel, Penhollow, Vanstrom); 1 Absent (Scudder) – Carried to send RES. NO. 90-25 back to the Audit & Control Committee

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?

Legislator Johnson: A brief question, not an announcement. Earlier at the Privilege of the Floor, there was a question about whether that was a grant or loan to the North County Water

District. And I don't think he was provided with an answer for the people who were not here or the people like me who are not quite sure. Is there an answer?

Legislator Chagnon: It is a grant.

Legislator Johnson: Okay.

Chairman Chagnon: Any announcements, seeing no announcements this evening, we will 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.

Chairman Chagnon: It looks like Mr. Jablonski would like to be our first speaker for the Second Privilege of the Floor.

John Jablonski: Thank you Chairman Chagnon: Dear County Legislators and Executive Wendel, I am John Jablonski of 213 Spruce St., Lakewood, NY 14750. I come here tonight to respectfully request that you get involved in asking Congressman Langworthy to advocate for the best interests of county residents, families, businesses, school districts and tax payers to fight cuts to Medicare, Medicaid and Social Security that will threaten the well-being, and health of thousands of families across the County and across our Congressional District. We ask you to urge him to fight cuts to the SNAP (Supplemental Nutrition Assistance Program) which helps feed thousands of families and children in our County which if enacted will disproportionately harm approximately 11,450 people in Chautauqua County. We ask you to help maintain the Department of Education and its programs that especially support poor school districts and Special Education programs like the Jamestown, Dunkirk Districts and districts in the rural areas of our region. Our communities cannot afford to short-change the education of our children into productive citizens and future parents. If proposed agency cuts and budget actions are enacted as proposed by the Republican/Trump/Musk/Vance administration, and Republican Congress, these will have negative multiplier effects on businesses, health care providers and nursing homes across our County. Additionally, we cannot risk having our precarious health care and nursing home provider system dealt more economic blows. You as our representatives may want to ask – how many hundreds of thousands or millions of dollars will not be coming to Chautauqua County and not coming to rich organizations before the House and Senate negotiator reconciliation budget bill? I implore you to please work with Congressman Langworthy and the Republican administration to prevent actions which will lead to the destabilization of our county families, education systems, health care systems and local economy. Thank you.

Edward Voss: My name is Edward Voss, I live at 33 Clyde Avenue, Jamestown, NY 14701. I am here to raise an issue on two topics: immigration and homelessness. First, we need to get our basis covered. When we say the pledge of allegiance and say we are one nation under God, indivisible, with liberty and justice for all – what does that mean? If we are one nation under God, then the Executive Orders from God, not Trump should be our priority. Case in point, Leviticus 19:33-34. “When a foreigner resides among you in your land, do not mistreat them. The foreigner residing among you must be treated as your native born. Love them as yourself, for you were foreigners in Egypt. I am the Lord your God. Therefore, all immigrants must be treated as innocent until proven guilty just like we are. Immigrants are not felons or criminals until they are proven guilty. The only reason immigrants are illegal is because we have not done the vetting to make them legal. We are at fault for making them illegal not them! Note however, that the most important Executive Order from God says that we are to love the Lord our God with all our heart, mind, and soul, and our neighbor as ourselves. So, when it comes to the homeless neighbors, do we love them as our neighbor? Do we treat the homeless with respect like we would a car dealership manager? If we budget for snow removal in the wintertime, we should budget for the homeless people to have shelter and homes in the wintertime. What should our vision for the homeless people in Chautauqua and Jamestown be during the wintertime? As for legal immigrants and refugees, we should welcome them with open arms and do everything possible to accept them in our community. These executive orders from God are not negotiable. Unless of course we change the Pledge of Allegiance and say we are not one nation under God indivisible with liberty and justice for all. By the way, what does the “all” represent? Only US citizens or everybody? Let me be crystal clear, we are either a Christian nation and choose to follow the executive orders from God or not. We must realize that God chose to treat us the same way we treat our neighbors. God may even treat us as illegal aliens in Heaven if we don’t follow his executive order. Thank you.

Josie Lori: Hello everybody, my name is Josie Lori and I am a 4H educator with Cornell Cooperative Extension of Chautauqua. And I am the one who coordinates the Agricultural Literacy Week program. I would like to thank Mr. Fred Johnson and Mr. Tom Nelson for recognizing the proclamation earlier today. And for their great explanation of the program. I would also like to thank everybody in Chautauqua County government that has already gotten involved in the program in past years as well as this year. I would just like to say that I highly encourage you all to participate in the program. We have almost every public school signed up for the program in the County as well as some private schools. I have sign up forms back here with me and I will be putting flyers in all of your mailboxes most likely I’ll give them with the clerk to put in your mailboxes with my contact information if you’d like to get involved. So, thank you.

Sheriff Jim Quattrone: Good evening, Sheriff Jim Quattrone. Tonight, I’d like to address the legislative body regarding the current travesty, also known as the New York State Corrections Officer strike. This is a situation that is entirely preventable. Why am I speaking on this issue since it involves State corrections and not the County Jail? This situation and its causes have a direct impact on the County Jail. We are unable to transfer our state ready incarcerated individuals to State facilities – that’s an order we have received that is standing until at least

March 17th. Many of our food items we receive are from State Department of Corrections. We are not able to get them now. And we've had County employees specifically from the jail that have been activated to National Guard to work in our State Prisons. Now why or how has the State allowed this situation to continue? Why are the officers on strike? This also directly impacts County jails – the HALT Act (Human Alternative to Long-Term Solitary Confinement Act). An Act that was put in place to protect inmates and I'm entirely in favor of that. However, they didn't follow through to see how does it impact? When we look at since the HALT Act has been enacted, we've seen an increase of over 100% inmate on inmate assaults. And increase of 75% of inmate on staff assaults. We've seen excessive forced overtime. Some of these CO's have been forced to work 24 hours or even 32 hours straight. That is a danger, probably a few violations of the Labor Law. But anytime somebody's been forced to stay awake that long, it's a danger not just for the CO's but for those that are incarcerated. Which further causes staffing shortages. Why would anybody want to work at the State prison system? I had the opportunity to be in Albany yesterday speaking with some Senators, Congressmen, the Deputy Secretary of Criminal Justice for the Governor and with other Sheriffs. Chautauqua County Jail of the group that was there, is the only one that is fully staffed. So, it was hard for me to talk a little bit about that, but I believe that's because of this Legislative body showing the support of our corrections officers. In many ways – the visits, the votes on the contracts – that's much appreciated – and goes a long way. This is what we're asking for our State Legislature for our State Governor to continue to do. To show support for our corrections officers. The solutions: they've been put in front of State Legislators, the Governor. We've explained, this isn't something that's happened, as I've heard from some people say it's a result of the indictments coming out from the MARCY incident which there was absolutely no excuse for. They should be indicted; they should be held accountable. But this has nothing to do with that. This has something to do with for years the State CO's sharing with our leaders the problems. The State solution that they are proposing is to transfer State incarcerated individuals to County jails. Some counties are going to do that, some counties are going to accept that. My stance is we will not be accepting State inmates to Chautauqua County Jail for multiple reasons, but the biggest reason is that if we do that, I'm afraid if we do that, it will encourage the State to do nothing and let this continue on. So, I am reaching out to the Legislative body to continue to support our State Corrections officers. To reach out to our state lawmakers and encourage a quick remedy to this issue. Thank you.

County Executive Paul Wendel: Good evening, County Executive Wendel, 3 N. Erie St., Mayville, NY. I will echo what the sheriff said. I apologize for my attire as I just stopped at the Lakeview facility. We need, and I'm asking this body to pen a letter, in a motion, I'm sure it will be pontificated that a motion doesn't do much. But I would disagree. The New York State Association of Counties, where I just left, is in support of the Governor coming to a remedy to this situation. This is within her power. New York State County Executives Association had the same position. This is born on the leadership in Albany on the second floor. It needs to be resolved. Statements coming out of the second floor was – there were four regions and there were four difference demands from the correction officers. That's incorrect. It's one demand. Staffing levels, the HALT Act is a concern but right now Lakeview Shock Incarceration is supposed to have 308 CO's. The State feels in its power, it should be reduced to 211. Mind you, they are not reducing the inmate population or incarcerated individuals. We've had prisons

overtaken by inmates, currently one is happening right now and the state is responding. This is a problem – Rome is burning and our governor needs to address it. This has bipartisan support from the County Executives Association likewise we are looking for bipartisan support from the New York State Association of Counties. So I ask this Legislative body this evening to vote on penning a letter, in a motion, urging the governor to please come to the table and remedy the solution. Thank you.

Legislator Bankoski: Mr. Chairman, I want to chime in here. I wear two hats; I have worn two hats in this whole strike. Serving twenty years in the military, did spend some time as a National Guardsman, and then twenty-six years as a corrections officer. Right now we have 6,500 National Guardsman activated to help with the staffing shortages at the prisons due to the strike. These people are not trained to be a corrections officer. These people are men and women that are mechanics, truck drivers, communication specialists, carpenters, pilots, nurses. Myself, I was a combat engineer – I built bridges and built roads. What knowledge or expertise do I have sitting inside of a correctional facility trying to do a job that when I was a corrections officer it took me eight weeks of intense training to be certified to do that job. And we have 6,500 National Guardsmen who were just pulled off the street that have no expertise of doing any of those jobs. It's a very volatile situation. Something could go wrong and it usually does, and somebody could get hurt or get killed. And it's sad that we are at this point of this strike. It's gone on a week now that these people are working these jobs and have not a clue on what to do. And that's not their fault – that's what you signed up for. Most of the time it because it's a national disaster, snowstorm or flood or something where you can actually go and help people. Right now, what these guardsmen, sitting in a prison watching a security block – I'm sure it's very uncomfortable for them. But they're just doing what they are told to do. Then, my other hat, being a correctional officer, I spent a majority of my time at Lakeview Correctional Facility. And the things that these guys are asking for, these things have been going on for two years. Like the County Executive said, we should have 300 officers there. They are 70% staffed and with 30% of the people, nobody wants the job. It's not the money – these guys make \$100,000 a year – with the overtime they are forced to work. So, it's not the money. They all have money; they all have nice vehicles to drive. You go by the parking lot you see all the nice trucks but they live at the jail. They don't see their family. They don't go to their kid's concerts or ballgames or whatever. When you know you've got to go to work, plan on being there at least sixteen hours. Sometimes twenty-four hours. And how can you actually function by being there working those long hours. It's totally ridiculous, this HALT Act, these things are designed as a brainchild from some people in Albany that have no clue on working in a prison or running a prison. They come up with these ideas. So now, the HALT Act, an inmate stabs another inmate and he goes into Special Housing Unit for three days and comes back out like nothing is done. The next day they throw feces on an officer or throw urine on them or something disgusting as that. Three days in S block again. And then they come back out. It's not working. And the officers have been saying this for two years. You're taking away my tools for me to do my job. If somebody got stabbed or something like that in the past, you'd be locked up for 90 or 180 days. You might even get charged with another felony for assaulting somebody- besides doing things to staff. I could go on and on. I got a lot of stories. But I don't want to tell them because they are horrific and they are not good. They are not happy stories. So, in support of what the Sheriff has said, and the County

Executive. I am all for being the front man to put this, pen a letter, and sending it to the governor. Thank you.

Legislator Buchanan: Thank you. I also stand with the CO's. And not because I am a dad of a Correction Officer, I actually went out there myself and sat hours with them. When I first came up, they weren't too fond of me, they thought I was from New York State. And they were asking me, what can you do, you're from the County? Some folks say Marcus you can't do much it's a state issue. But I feel like we can do something as a legislative body. I feel we should all come together. I did request to see if I could go into some of the prisons and do a walk-through. And I invited some of my legislator friends here. They haven't got back with me. But I hear everything they're saying – the County Executive, the Sheriff. It's true, I've been hearing these stories for years. The safety is the number one thing that means a lot to me – is these CO's safety. And they've got family. And they've said it's not about the money – correct. They've said we'd take a janitor job before we go back into that place. This is what they told me at Lakeview. So, I'm not sure if it's a wise thing to do it as a legislator – can we request for a walkthrough just to see how the conditions are in there. And I would love to all come together, and I support this letter. We owe this, I owe this to these hardworking CO'S. Thank you.

Legislator Larson: Thank you Mr. Chairman. We've had perspective tonight from the County Sheriff, the County Executive, from a County Legislator that has deep understanding of state corrections and National Guard work. So, we haven't heard from someone who was a judge. Now we will. You can be sympathetic to everything that has been said tonight, you can acknowledge frustration by public employees and their union representatives, but every since 1967 New York State adopted what we call the Taylor Law. We are probably in the minority in the fifty states now, where we require the State itself, we require Chautauqua County, we require school districts to honor public employee union creation. We are required to negotiate in good faith. Under the Taylor Law all of these rights were given to public employees, including the right to mediation for all employees and their unions and a right to binding arbitration for police and fire in New York State. In return for all those rights given to public employees and their unions, there was one requirement – no strikes. Striking is illegal and has been ever since 1967. How would you feel if during this miserable of January/February, our DPF snowplow drivers said, we've had grievances with you the County of Chautauqua for two/three years, you won't change your practices, you won't change your overtime rules, you won't change anything we've demanded, so we're on strike? And nobody's plowing our roads. I'm a little concerned that so many elected officials going on television, Buffalo TV, were in support of the Corrections Officers. Well, okay. I haven't, maybe I missed it, I haven't heard lawmakers. When a State Assemblyman, or State Senator gets on TV and says I support these Correction Officers you've got your lawmakers saying: breaking the law is no problem. We have a challenge in our country right now of convincing people that we are a country of laws and not of men. And so, any public employee, our DPF snowplow drivers could be informational picketing here tonight. That's perfectly fine on their own time. But walking off the job is an illegal strike and that should not be overlooked no matter how sympathetic you might be to the working conditions of corrections officers across New York State. So, just a perspective from a former judge – breaking the law should not be easily ignored or dismissed. Thank you, Mr. Chairman.

Legislator Johnson: Briefly, he reminds me of a fellow by the name of Drew Lewis. Does anybody remember who Drew Lewis was? He was the Secretary of Aviation (FAA) when the controllers went on strike. What did his boss do? Because that was an illegal strike, so to your point. However, I would support a letter in support of getting the State government to obey its own labor laws and that might fix most of the problem.

James Linden: Castille Drive, Fredonia. I was here to this Legislature last fall, before the end of the last year. And I was assured that the funding that was taken from the General Fund of the County to the North County Water District, there were monies that were more than five million dollars would be returned. Forgive me if I've missed that return, but I didn't see a transfer of more than five million dollars back to the General Fund. That was required by the comptroller and I would suspect that should have been done and they assured me it would take place. I didn't see that happen. Now, another subject, tonight's resolution that passed that had to do with the hydraulic study that would perform so they could have an idea of how they could connect to Fredonia with the North County Water District. It's not whether they can develop a connection – of course any engineering company can. It's not whether they can, it's whether they should. That's the question. Now, what's really important here to know is that the County has been under a contract with the Village of Fredonia for the emergency connections and safety welfare of the Village. For some time now, and those connections failed to work. I've notified this board and the county is well aware of it that they don't function to help Fredonia. They only function to help the North County Water District. Fredonia can save them but the county can't save Fredonia. There have been incidents since this contract, numerous times that I'm sure the County is aware of that they could have helped Fredonia. But the system doesn't work. They've failed to make it and it appears to be with this study, where they're trying to move forward with taking over the sales of the water in Fredonia, that has now become an intentional neglect. And I'm sorry to have to say it that way. But this is an awful appearance because all it would take would be a booster pump to get that water to move into Fredonia for their emergency needs. But we've had emergencies and that contract has been years since the contract has been in place. And they failed. This is not acceptable. So, I urge you to not to go through with the connection to take over our water system to take over our revenues. Those supply ample revenues for the Village. What will happen is, it will cost us a tremendous, it will be more than double the cost of the water to the Village of Fredonia residents if we go through with this pumping the water up from Dunkirk up into Fredonia. Yes, of course you can design it, of course you can. You can design it for any city. But that's not the answer. Thank you.

Karen Engstrom: Town of Chautauqua. This is your February update on the bad energy policies from New York State brought to you by the Chautauqua Energy Watch and STOP energy Sprawl. There was a public hearing this week in the town of Hanover regarding the 250 MW Northland Power Ball Hill battery energy storage system. More than seventy-five residents attending that public hearing including Legislator Mark Harmon. Most expressed their opposition to the project because of their concerns for the health and safety of their community. At the three-hour hearing, residents showed their concerns because of the many recent thermal runaway fires and toxic gas plumes occurring at battery energy storage facilities in New York,

Arizona, California and elsewhere. Residents cited the Moss Landing, California thermal runaway fire, noting that fire has burned for one month. One former Hanover firefighter said, “BESS has a bad reputation and a bad track record. The developer is just crossing their fingers – consider the toxicity of the hydrofluoric acid, which is emitted during a thermal runaway fire.” Monterey Bay residents are suffering chemical burns to skin, eyes, lungs, and nasal passages, shelter in place and evacuations as a result of the Moss Landing fire. Hanover residents who spoke live in close proximity to the proposed facility, their children go to school nearby and the evacuation route from the school is the very road on which the facility would be located. Among the speakers to the town board was a High School student by the name of Molly Shaw. She said “I go to Silver Creek High School, my brother and sister do too. My home is about ¼ mile away. I am on the cross-country running team – I run and train there. I attended the last town board meeting where you said that you value the future of Silver Creek and that you wanted our input. It was important to me to come tonight and give my input. Molly continued; I do not feel safe. I think it is not a good idea to put this so close to so many important things.” Many residents described their bad experience of living across from solar projects and wind turbines installed in Hanover. They asked “what have been the benefits to the town?” And further say, “We have to look at these monstrosities every day, we pay higher utility rates and higher taxes and our property values have dropped. We have not benefitted”. They cited the lack of a New York State Emergency Preparedness Plan for residents near energy storage systems. Hanover Supervisor, Lou Pelleter, expressed his concern for the potential danger – citing his experience fighting chemical spills, evacuation, and contamination to which he has responded over the years as a first responder in Hanover. Trustee, Bernard Feldmann Jr. said, “What are we looking at regarding safety concerns regarding EMS? The school is so close. What if there were more than one fire call, then what? As a first responder, this is a concern. The Moss Landing is still burning one month later and the fires in New York have all been four, five, and six days. And in Shemon New York, it took three hundred firefighters, all the water in the town and the entire budget of the fire department. One resident asked, “Where does the \$270,000 payment to the town come from?” Northland Power answered, “It comes directly from the state.” And she then said, “that’s our tax money.” So as the PILOT that will be given from the local incentives, that’s our tax money. She also pointed out that Northland Power hired out-of-town workers to build their Ball Hill Wind and it was Northland that had to dynamite the faulty turbine bases and start over in Villanova. Date was provided to the board, and will be to you tonight, via email, from 5 scientific studies which prove the poor safety record of lithium battery energy storage systems. The studies summary was compiled by energy expert Dr. Calvin Martin and the link is forthcoming. I think we can all agree with High School student Molly Shaw – it is not a good idea to put this battery energy storage system so close to so many important things. When on demand electricity production is reestablished – hydro, SMR and advanced dual cycle gas – there will be no justification for dangerous, expensive, short-lived BESS. Thank you.

Dan Smith: Good evening, good long-evening. Anyway, I am Dan Smith, Secretary/Treasurer of the Chautauqua Lake Property Owners Association, the CLPOA. First, wetlands. We began alerting all to the significant negative impacts of the New York State DEC’s proposed new Wetland’s regulations in August of 2023. CLPOA has now conducted eight very well-attended Wetlands Public meetings between April and last January 2025 with another to be

held Saturday, March 15, 2025. We encourage your attendance to learn additional details about wetlands negative impacts. Non-profit Lake Organizations including the Chautauqua Lake Property Owners Association, and thousands of individuals provided detailed written comments from their boards or their paid legal counsel to the DEC and Governor Hochul about the draft regulations serious impacts to Chautauqua County. Unfortunately, for tax payers the County Legislature and County Executive, with a well-staffed legal department, failed to provide such comments and well as failing to represent its constituents' interests. What a missed opportunity and we will never know whether that lack of County support contributed to the Governor's decision to go forward with January 1st implementation. The final DEC regulations are seriously flawed. They are making piecemeal additions of so-called still discretionary general permits, band aids attempting to patch up the flawed regulations continue to be added. Will you comment on these? An understanding of negative impacts is evolving but it is clear that hundreds of homes and businesses near Chautauqua Lake and more around the entire County will find themselves in newly regulated wetlands areas. In fact, the DEC is so sure of this impact that it has published a document acknowledging loss of individual property value and recommending property owners to have dialogue with municipalities for ways to reduce their taxable value assessments to prevent being unfairly overtaxed. That's the DEC making that recommendation. And this is just the tip of the iceberg given the DEC's jurisdictional determination process and identification of in-lake wetlands still to come. Will our county step up this time to represent their constituents and the tax payers? Second, a Centralized Lake Authority. Courageous and skilled politicians, Town Supervisor Dale Robbins in 2003 & 4, and County Executive George Borrello in 2019-20, attempted to create a Centralized Lake Authority of elected and easily accessible Board members. The Town of Chautauqua solely prevented formation of the Dale Robbins-led effort in 2004. George Borrello's successor, failed to act after replacement in late 2019. Perhaps it was just too much of a difficult undertaking. It's hard to believe that Chautauqua County can't find the necessary leadership and push for such an undertaking from our elected representatives. Third, Lake Management. You have an opportunity to support Long Term Management Plan for Submersed Aquatic Vegetation at Chautauqua Lake completed by the North Carolina State University Aquatic Plant Management Team in June of 2024. The Plan is a comprehensive adaptive management plan with an annual upgrade with quantitative performance measures and learnings. The lack of leadership and support of the use of this excellent plan, with its high quality acknowledged by DEC and other New York State Lake associations is highly questionable. Thank you for your attention.

Legislator Proctor: I move to adjourn.

Chairman Chagnon: I have a motion to Adjourn by Legislator Proctor and a second by –

Legislator Nelson. No, I have something for the Privilege of the Floor.

Chairman Chagnon: So, we have no second to the motion, so Legislator Nelson, please.

Legislator Nelson: Thank you Mr. Chairman. I know it's getting late, but. There are many here in our County, some of them are here tonight, including myself, who are worried about what

some would call a constitutional crisis. I spent almost 40 years teaching high school classes in US History and Government and every one of those classes included a unit on the basic principles of the Constitution. The basic principles of the Constitution include the separation of powers, checks and balances, Federalism or the division of power between the State and National government, and judicial review. The people are the source of the government's power and that power was limited. There was respect for the rule of law and a belief in individual rights. We were a nation of rules not rulers, and no one was above the law. On January 20, 2025, Donald Trump took the Oath of Office and swore to faithfully execute the Office of President of the United States, and to the best of his ability, preserve, protect and defend that Constitution and those basic principles. The Constitution that he swore to protect and defend is a flexible document that has been changed or amended 27 times in our nation's history. The genius of the Constitution is its ability to change with changing times. When it was written in 1787, France was ruled by a King, China an Emperor, Russia a Czar, and Japan a Shogun. All of those regimes are long gone but our government has stood the test of time largely because of its flexibility. Article Five of the Constitution specifically states the process for amending the Constitution. Two-thirds of Congress is required to propose an Amendment and it must be ratified by 38 of the fifty states. The process can be challenging but certainly not impossible. I would argue that our Constitution is flexible but not flimsy. Nowhere in Article Five does it mention the president. The president may use his influence to support or oppose an Amendment but they have no vote or authority over it according to the Constitution. On his first day in office President Trump signed an executive order attempting to end birthright citizenship in the U.S. for children born in the U.S. to non-citizen parents and undocumented immigrants. The president's order would also extend to parents in the county legally but temporarily, like foreign students, workers, or tourists. Birthright citizenship is a right guaranteed by the 14th Amendment to the Constitution. This cannot be changed by an executive order by the president. It may be changed by amending the Constitution using the process I mentioned above. I don't believe President Trump is misinformed or mistaken or ignorant about this but he hopes that you are. He hopes the American public will not care or be too busy to care or not understand that the President is not able to make unilateral changes to the Constitution through executive orders. A federal judge has ruled in the case that Trump's executive order is "blatantly unconstitutional," siding temporarily with four states that sued – Arizona, Illinois, Oregon, and Washington. A group of House Republicans filed a brief, using case law from the 1600's to defend President Trump's efforts. We will see how this plays out in the courts. During his first term in office, President Trump filed 220 executive orders. In his first week in office, he signed 36, and currently he is up to 73. This is undemocratic. This is not the system of checks and balances and separation of powers that form the basic principles of the Constitution. It's not what I taught for four years. Whatever happened to the process of a bill working its way through the two houses of congress and then signed or vetoed by the president? Under our system of representative democracy, a person could contact their congressman and voice their opinion. Under that system, people had the opportunity to participate in government. It's been said that democracy is the worst form of government, except for all the others. No one pretends that democracy is perfect. It can be slow, it can be tedious, including lengthy debate and discussion, including long nights like tonight, but it is still better than a system where a president signs one executive order after another without the consent of the people or of congress. Our president should remember the oath that he took on

January 20th and protect and defend the Constitution as it is written. If he wants to make changes in birthright citizenship or any other part of the Constitution, then he should do so through the process written in Article Five. If all of this unfamiliar to you, you should start the question, where you are getting your news and look for possible additional sources of information. Thank you, Mr. Chairman.

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

Unanimously Carried (8:05 p.m.)

Respectfully submitted and transcribed,
Kristi Zink, Deputy Clerk & Nancy Quattrone, Senior Stenographer