

Regular Meeting
Chautauqua County Legislature
Wednesday, December 19, 2018, 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:34 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: O'Connell)

Legislator Davis delivered the prayer followed by the Pledge of Allegiance.

Chairman Wendel: I would like us to remain standing to give a moment of silence to Janet Jankowski who was the Clerk of the Legislature from 2006 to 2012. She also worked for the Board of Elections for 8 ½ years. She passed away on November 29, 2018.

MOVED by Legislator Nazzaro, SECONDED by Legislator Whitford and duly carried the minutes were approved.

Unanimously Carried

1st Privilege of the Floor

My name is Paul Johnson and I live in Bemus Point and I am here tonight representing the Chautauqua Lake Partnership. As I said last month, we are very pleased that the Alliance has organized funding for a cleanup of Burtis Bay and Harbor Hotel shoreline and appreciate the quick response of the Sheldon Foundation, the Chautauqua Region Community Foundation, and Chautauqua County. We hope the same attention and urgency will be applied from now on to prevent the proliferation of the weeds and fragments which are the source of these problems. The Chautauqua Lake Partnership supports the cleanup and the generosity of the funding organizations. As you will recall, we proposed that since the cleanup will now be delayed four to five months, that the Alliance take advantage of the delay to prepare a request for proposals and a list of qualified contractors and solicit competitive cleanup plans, costs, and schedules. This will allow the creativity of the contractor community to be applied to an operation which is certain to be repeated in Chautauqua Lake in the future and competition will ensure County taxpayers and foundation contributors get the best price and schedule. We continue to hope the Alliance and Chautauqua County Legislature will seriously consider the partnerships recommendation. Thank you.

Thank you for the opportunity, my name is Tom Erlandson. I live in the hamlet of Frewsburg, 26 Valley View Drive in the Town of Carroll. I'm speaking in reference to resolution 301-18, on this evening's agenda which is to authorize use of the 2% occupancy tax monies to retain professional services to assist in developing a Chautauqua Lake Weed Management Consensus Strategy. The resolution authorizes the use of the 2% occupancy tax reserve to retain an Ecology and Environmental Engineering and Geology, to review existing information and prepare an outline of potential strategies for building a Weed Management Consensus Strategy at a cost not to exceed \$9,970. As I hope will become clear, I am not opposed to developing such a

strategy. I trust that we all know that a Chautauqua Lake Weed Management Strategy is sorely needed and long overdue. Rather I'm opposed to retaining an outside consultant for yet another report related to Chautauqua Lake. While there are examples of the County's use of outside consultants, often at considerable expense, for issues relating to topics other than Chautauqua Lake. For example, the sale of the former County Home that occurred in 2014, the (*inaudible*) condition has been the reason for the expenditure of significant tax payer money for contracted reports in recent years. Two major examples are the preparation and publication of the Chautauqua Lake and Watershed Management Plan in 2010 and the Chautauqua Lake Macrophyte Management Strategy in 2017. Because of the complexity of the data gathering and preparation of those reports, I believe the use of the consulting firms involved was warranted. There are times when outside expertise is required. However, in my opinion, that is not the case for a third more recent example, namely the hiring of a consulting firm Ecologic LLC for the Chautauqua Lake and Watershed Management Alliance to develop a tool used this year for evaluating proposals for lake and watershed projects submitted by local organizations. That tool development could have and should have been done locally. The cost of such reports to taxpayers is not my main point however. Rather I ask why it is that our decision makers including members of this deliberative body, so often think that it is necessary to hire outside consultant when we have many dedicated and intelligent and experienced area residents who are quite capable of doing what is needed at less cost to County taxpayers. It is apparent to many County residents that it is hard decisions made by leaders both elected and appointed that are needed, not more studies done by others living elsewhere. Again, this resolution authorizes the use of 2% occupancy tax reserve to retain Ecology and Environmental Engineering and Geology. I do have several questions. Don't we know enough already about lake weed management to do that for ourselves? Is there not enough expertise within the three existing an active lake and watershed organizations to get that job done? What about the Alliance and the County Department of Planning and Economic Development? Cannot employees of those components of County government, along with the County Watershed Coordinator, present the options and facilitate the achievement of consensus? Can we not develop a method of evaluating lake improvement proposals without cost for the outside help? With all of this past history, knowledge, and local expertise, why do we need to spend another \$10,000 of taxpayer money to go outside, to what I believe we can very well do for ourselves. One more thing, the Chautauqua Lake Partnership has identified and emphasized the 35 year cycle of repetitive law suits, studies and more law suits. Naming it the Chautauqua Lake Three Step. Note that within the three step cycle between the two law suits are studies. Always more studies and done by others. Clearly there has been an endless cycle of hiring outside experts to do what we often have abundant expertise to do for ourselves. Isn't that simply passing the buck? Thank you.

My name is Jim Wehrfritz. I'm going to speak to the same two resolutions but in a little different way. I'm here tonight as Vice President of the Chautauqua Lake Partnership and although I've owned property on the lake for only 14 years and established our final home here only 3 years ago, I've had the privilege of meeting many of you and getting to know and work with most of the Town Supervisors, Village Mayors, and their boards in municipalities around the lake. You've heard specific comments on these two proposals requiring County revenue tonight from Paul Johnson and from Tom Erlandson. I'll provide a general perspective on the resolutions. Neither of which we believe should be funded at this time. First; the Legislature has given me the opportunity to serve as a member of the South & Center Chautauqua Lake Sewer

District Board of Directors at a very exciting time as we prepared to extend our system up through Stow. My background is a civil engineer with a water resources concentration and decades of project management experience have come in handy as we contract for the engineering and construction of treatment plant upgrades and collecting system expansion. In that role, I've become familiar with the County's well thought out contracting procedures, similar to those used throughout my career. The Legislature now has an opportunity require procedures similar to those for the Burtis Bay work. I'm sure you've seen photos of the out of control weed growth and fragment accumulation, and the resulting fish kill in Burtis Bay this past October. The Partnership worked with Burtis Bay's residents including Mike and Peggy Newell, who addressed you in November to bring the very disturbing situation to the attention of the New York State Department of Environmental Conservation. We wholeheartedly support an early spring cleanup of their lake bottom to surface weeds. However, we respectfully request that this body withhold funding for the resolution 263-18 for work which is at least four months away until other contractors besides the Chautauqua Lake Association have an opportunity to offer their cleanup solutions and place proposals in a competitive environment. Involvement of more than the CLA will ensure all cleanup options are considered and a competitive price is obtained. Second; as Partnership Vice President, I've had the opportunity to research the last 50 plus years of Chautauqua Lake Weed Management. Read numerous studies, talked to many of those who were intimately involved, be involved in the truncated development of the County's macrophyte management strategy and experience first-hand the challenges associated with improving and caring for our lake. It's clear to us that the solution for Chautauqua Lake weed management is not another study. A study that would reward a few Maple Springs and Institution residents and the Chautauqua Institution for filing unsupported law suits and a study that would continue the law suits, study, law suit cycle that has prevented progress in our lake the last 35 years and made it noteworthy, not in a positive way throughout New York State. We could not understand why our representative would propose such a study, arguably to (*inaudible*) the tide of law suits and studies by perpetuating that same cycle. The Partnership proposed an optimal combination of weed harvesting and DEC permitted herbicides beginning in Fall of 2017 and had our lake management consultant active all across New York State in the northeast US, using herbicide and weed harvesting, provide several case studies in our 2018 Labor Day weekend rally. That combination is the only way to manage weeds in a lake like ours. The Sheldon Foundation dedicated \$20,000 to the Alliance specifically to encourage a CLA, CLP partnership collaboration. Collaboration that we proposed for a joint 2019 CLA, CLP weed management program. Unfortunately, even with encouragement by Assemblyman Goodell, the CLA has refused to engage in such an effort and as a result, we understand the Alliance may now repurpose that \$20,000 for another use. We respectfully request that you do not approve funding of resolution 301-18. If you do, you'll be perpetuating not ending the 35 year law suits, study, law suit cycle which has prevented improvement and hasten the decline of the lake. Further, you would reward those who, through the last 35 years, have initiated or threatened law suits as a solution of the lake's problem and in so doing, prevent a meaningful improvement. Thank you.

My name is Doug Champ and a resident of District 12. My Legislator is Elizabeth Rankin and I appreciate her efforts. I also spent considerable amount of time actually, some (*inaudible*) years as a citizen other than military time, college time, on the lake, around the lake, and in the lake. I'm here as a citizen. I don't belong to any specific group. I represent, I think, people who understand that this lake is under threat from many, many centuries of (*inaudible*) and

involvement. The issue at hand here is to try and seek out what we can do now. Being trained as a Biologist, I also have some input in terms of what happens in eutrophication processes on the lake like this. The dynamics of this lake are influenced by many things. But what we need to do is come to grips with the issues. Unfortunately, in all the years that I've been (*inaudible*), the Chautauqua Lake Management group, the Alliance group, there is very little input directed to it from the Legislature. The Legislature is represented by the County Executive which is all well and good and we have a representation by Mr. Chagnon as kind of the Director of the present Alliance. We also have individual goals and needs. In other words, they represent stakeholders because they also support that process. So I think the Alliance itself has been one of the problems because of the consensus building that we don't have now. It needs to be reexamined, it needs to be looked at seriously and I know that you are dealing with another sideshow, it's not a show, reality check, I guess, in getting a look at the lake in forming a lake district. That requires a lot of input, a lot of decision making, and also going to have cost factors. But the lake itself cannot survive by grants, program opportunity notices, it needs a dedicated funding source. Otherwise, we will never complete the goals and the objectives of this lake and at best, we may not complete them anyway. So, in regard to the resolutions that are there, you are going to have a different process to deal with Burtis Bay than you would in the fall. You are going to have rather than surface problem, you are going to have a sediment problem. It's going to be, ice cap is going to move material around, the little fish are going to become reservoirs of phosphorus, they are going to be on the bottom. So you have to decide that you are going to have a different application that you would have in the fall in weed removal and surface versus sediment cleanup which also may have a problem in terms of the permitting process. So bear that in mind before you decide that you should do this now. In addition to that, you also put aside some money in the bed tax to hire an outside consultant. I've hired a lot of consultant in my time in the energy business. For \$10,000, you are going to get very little of anything in terms of a quality report that's necessary to evaluate a responsible relationship between all the stakeholders. It just isn't going to work out well and then the end result is implementation of that. It's more about implementation and consultation. One final thing, because my time is short, dealing with the landfill energy project which is more of an interest of mine. I understand what you are going to do there but also when you do, do that, understand that the methane gas is 20 times more, I guess, difficult to exercise from the environment than CO₂ and that's a good thing but are you going to flare more methane. You are also going to lose the possibility of thermal energy exchange by virtue of taking methane gas, compressing it and putting in a pipeline that will be sold for renewable energy credits to a gas distribution company. That's all well and good, but, I do believe you have the potential that you haven't really looked at there in terms of using thermal energy as a viable source for attraction for economic stimulation an enterprise zone development in that area. So, do what you want but remember once you've done it, you may have exhausted that possibility. I don't know, maybe you have or maybe you haven't looked at thermal development up there on that particular property but I would encourage you still to understand how that works. So, covered three resolutions in hopefully three minutes, but again, we need to understand what you do when you apply your resources and you vote on things when you are not really totally assured of what the final results will be.

Chairman Wendel: Anyone else to speak to the first privilege of the floor? Seeing none, we'll close the first privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 11/28/18

COMMENDATION:

SHERIFF JOSEPH GERACE
By
Chairman Paul M. Wendel
County Executive George M. Borrello

JAMESTOWN MARCHING BAND
By
Legislators
Whitford, Nazzaro, Rankin, Wilfong, Vanstrom

PANAMA CENTRAL SCHOOL
VARSITY SPORTS ATHLETES
By
Legislator Frank “Jay” Gould

COMMUNICATIONS:

Report – Fn. Director Crow – Investment Report – October 2018

TABLED RES. NO. 263-18 Allocation of 2% Occupancy Tax Funding from the
2018 Reserve Account for Cleanup of Burtis Bay on
Chautauqua Lake

Legislator Chagnon: I would like to make a motion that tabled resolution 263-18 be brought off the table for consideration.

Legislator Nazzaro: Second.

Unanimously Carried

Legislator Chagnon: I would like to further make a motion that we amend resolution 263-18 as is indicated in the amendment that has been placed on the desks of the Legislators and the essence of the amendment is to change the reference to the 2018 budget to the “2019” budget and to make it clear that these funds are to be “up to” \$25,000 and that they would be appropriated to the Alliance “on a reimbursement basis”.

Legislator Nazzaro: Second.

Chairman Wendel: All those in favor of the motion as amended?

Unanimously Carried

Chairman Wendel: Any discussion on the resolution as amended?

TABLED RES. NO. 263-18 – UNANIMOUSLY ADOPTED

LOCAL LAW INTRO. 10-18 A Local Law Amending the Chautauqua County Code of Ethics

Chairman Wendel: Any discussion or debate?

LOCAL LAW INTRO. 10-18 – R/C Vote: 18 Yes; 1 Absent – UNANIMOUSLY ADOPTED

RESOLUTIONS:

RES. NO. 275-18 Confirm Re-Appointments–South & Center Chautauqua Lake Sewer District Board, by Public Facilities – **UNANIMOUSLY ADOPTED**

RES. NO. 276-18 Authorize Agreement for Purchase & Removal of Standing Timber From County Airport Property at the Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 277-18 Establish Capital Accounts for Land Purchase & Avigation Easements at the Dunkirk Airport, by Public Facilities and Audit & Control Committees

Legislator Hemmer: Just wanted to make a comment on this expenditure, capital improvements for the Dunkirk Airport. I'm very proud of our County airports, both of them but I do at times think that we spend a lot of taxpayer money on airport facilities in Chautauqua County that get very, very little use from County residents. I feel as though, if you look at the plan, the capital improvement for the next five years for the Jamestown Airport, we're talking about spending over \$11 million dollars and for the Dunkirk Airport, we're talking about spending over \$5 million dollars. Most of this money is from Federal funds. But, it's all still taxpayer money. In addition of course, to keep these two airports running, it costs about \$750,000 or more in local taxpayer, Chautauqua County taxpayer dollars, to keep these airports running. Just again a comment that we're spending a lot of money on something that I don't believe is doing our local taxpayers much benefit. Thank you.

Chairman Wendel: Any other discussion on the resolution? Debate?

RES. NO. 277-18 – ADOPTED w/ Legislators Hemmer and Scudder voting “no”

RES. NO. 278-18 Supporting the Development of a Renewable Natural Gas Facility at Chautauqua County Landfill, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 279-18 Amend 2018 Budget Appropriations and Revenues – Emergency Services, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 280-18 Amend Budget Appropriations & Revenues Associated w/ Vehicle Purchases by the District Attorney, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 281-18 Authorize Acceptance of the Crimes Against Revenue Program Grant (“CARP”) Funds for 2019, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 282-18 Authorize Acceptance of the 2019 Stop Violence Against Women (VAWA) Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 283-18 Authorize Acceptance of the 2018-2023 Victim Assistance Through Attorney Services Program Grant, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 284-18 Amend 2018 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 285-18 Authorize Execution of Statewide Interoperability Communications Grant (SICG) Award FY18, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

Legislator Bankoski: I would like to make a motion that we block resolutions 286-18 through 294-18.

Legislator Vanstrom: Second.

Chairman Wendel: Any discussion?

Unanimously Carried

RES. NO. 286-18 Authorize Agreement w/ Village of Silver Creek for Enhanced Police Protection Services FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 287-18 Authorize Agreement w/ Town of Ripley for Enhanced Police Protection Services FY 19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 288-18 Authorize Agreement w/ Chautauqua Lake Central School District to Provide Enhanced Police Protection Services FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 289-18 Authorize Agreement w/ Town of Ellery for Court Security Detail FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 290-18 Authorize Agreement w/ Town of Kiantone for Court Security Detail FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 291-18 Authorize Agreement w/ Town of Mina for Court Security Detail FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 292-18 Authorize Agreement w/ Town of North Harmony for Court Security Detail FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 293-18 Authorize Agreement w/ Village of Silver Creek for Court Security Detail FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 294-18 Authorize Agreement w/ Town of Stockton for Court Security Detail FY19, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 295-18 Amend 2018 Budget for Computer Purchases for Public Health and Jail Nurses, by Public Safety, Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 296-18 Authorize Agreement & Amend 2019 Budget for the Health Care Proxy Registry, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 297-18 Acceptance of New York State Municipal Restructuring Fund Grant, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 298-18 Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 299-18 Establish Chautauqua County Sewer Agency Pursuant to Article 5-A of the County Law, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 300-18 Amend Capital Budget for NYS Department of Environmental Conservation on Water Quality Improvement Project Grants, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 301-18 Authorize Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist w/ Developing a Chautauqua Lake Weed Management Consensus Strategy, by Planning & Economic Development and Audit & Control Committees

Legislator Chagnon: I would like to state that I fully appreciate and support the County Executive's initiative to try and bring together a consensus strategy for the weed management of Chautauqua Lake. My hope is that through that process we can bring an end to the tragic cycle of law suits that Mr. Wehrfritz so eloquently described.

Legislator Rankin: I'm very torn about this resolution because I'm very much in favor of doing anything we can to help with the lake. I'm somewhat bothered to spend more money from the occupancy tax on what seems like administrative services where it's supposed to be for the enhancement and the maintenance of the lake. However, what I see from this is the possibility to break some of the gridlock and hopefully move us forward. I think that our friends tonight who spoke about this and are against it, spoke very well. So, with some reluctance I'm going to vote yes because I hope to see a change. I want to see things break from where we are now, where there are a lot of disagreement, there is no consensus and be able to then, to do what Dr. Erlandson's said, use the expertise of the people we have here in our County.

Chairman Wendel: Any other discussion or debate?

RES. NO. 301-18– UNANIMOUSLY ADOPTED

RES. NO. 302-18 Authorizing County Participation in Statewide Clean Lakes Collaboration, by Planning & Economic Development Committee

Legislator Chagnon: I would like to elaborate a bit upon this resolution. This is empowering the County to enter into a memorandum of understanding with other lakes in the State to focus on the efforts, to improve the conditions of clean lakes in New York State, and in particular focusing on 12 lakes identified by the Governor's office dealing with harmful alga blooms. This effort is intended to give us, by joining this collaboration, a larger and greater voice in Albany. It comes at no cost to the County and so for those reasons, I enthusiastically support this resolution.

Chairman Wendel: Any other discussion or debate?

RES. NO. 302-18– UNANIMOUSLY ADOPTED

RES. NO. 303-18 Setting Salary for Emergency Medical Technician, by Public Safety and Audit & Control Committees – R/C Vote: 18 Yes; 1 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 304-18 Compensation for County Coroners, by Administrative Services, Human Services, and Audit & Control Committees – R/C Vote: 14 Yes; 4 No; 1 Absent – **ADOPTED** w/ Legislators Gould, Himelein, Niebel, Scudder voting “no”.

MEMORIAL:

LULA M. TAYLOR
Read By
Legislator David Wilfong

ANNOUNCEMENTS

Legislator Chagnon: Seeing that Mr. Cummins is here, I think this announcement is most apt that it was just announced today that the North Chautauqua Lake Sewer District Wastewater Treatment Plant tertiary filtration and disinfection upgrades project that had just been completed, has been selected to receive the Western New York Branch of the American Public Works Association's 2018 Environmental Project of the Year award. Congratulations Scott. (Applause)

Legislator Wilfong: Just want to remind everyone that the Silver Creek Polar Bear Plunge is January 13th at noon and we have a lot of County Legislators slated to be there. I know, Bob Bankoski, Chuck Nazzaro, Lisa Vanstrom, Christine Starks are all slated to come. We can't wait to open them with open arms. Everyone is invited. Please join us. Starts at noon and we go in the water at one.

Chairman Wendel: At this time I would personally like to take this time to wish everybody a Happy and Blessed Christmas and a Happy New Year. I appreciate everybody's efforts this year. This year has been somewhat quieter than most but again, our work in none the less difficult and challenging at times but yet very rewarding when we see the number of people that were here this evening for recognition. So, on behalf of myself and the rest of the legislative staff, I would like to thank everybody for a job well done this year. To remind everybody, we'll be back on January 2nd at 4:00 p.m.

2nd Privilege of the Floor

Thank you Mr. Chairman, George Borrello, Town of Hanover and County Executive. I just wanted to take this opportunity to really congratulate everyone in the County. The CFA awards were announced yesterday and the County was awarded nearly \$6 million dollars in the CFA awards. In addition to that, of the 16 priority projects throughout all of Western New York, four of them are here in Chautauqua County and all four of those were funded. We just received word previously about two major projects for another \$6 million dollars so this year is a record amount of projects funded at about \$12 million dollars. Through the efforts of a lot of people across this County, working together on regional solutions that are helping our County grow. I just wanted to thank this Legislature for their support. Thanks for the support of the people of Chautauqua County and congratulations on another fantastic year in the CFA awards. So thank you all. (Applause)

Dan Heitzenrater, County Executive's office here in Mayville. I just wanted to call your attention to a few things on your desk tonight. First; you have a water sip cup and inside of that, a very generous \$5.00 gift certificate to Central Station Restaurant in Dunkirk. Those are from the Employee Recognition Committee. We've been going around with the County Executive yesterday, today, and tomorrow is the last day to hit all 25 County office locations to extend holiday wishes to County employees. Recognize them for milestone years of service and provide that nice little gift. So as County employees yourselves, we appreciate your support and wanted to make sure everyone received one of those.

Then second; as one of the three Chautauqua County representatives on the Jamestown Community College Board of Trustees, I wanted to speak to the Workforce Readiness Scholarship pamphlet that everyone has. On behalf of President DeMarte who planned to be here tonight but something came up, so we wanted to make sure that you saw these and I know that the Board as a whole is really excited about this program. As the College looks at new ways to innovate and be innovative themselves, to create new programs, to serve the community and especially following the feedback from the business community earlier this spring with the County Executive's initiatives to try and answer their needs. So this Workforce Readiness Scholarship is through the Jamestown Community College Foundation and if you check those details out, something that I think really makes this unique compared to other scholarships is that you'll see the Workforce Readiness Scholarship covers in-state tuition, fees, books, and program supplies which many times these more technical and trade based programs have supplies components as well. So, we're working hard to try and help those students whereas most scholarships just cover tuition. So, (*inaudible*) a lot of things, trying to inspire a lot of good change there and wanted to make sure that you were kept aware as things move. Thank you.

Chairman Wendel: I just want to add too that we had a meeting last night but I'm very impressed. I think that we have found our diamond in the ruff with President DeMarte. He comes in with a lot of vision and a lot of enthusiasm in looking to move JCC forward. So what we've seen in the past of JCC as a leader in our community education, I think that we're going to see even greater things in the near future from JCC. So, thank you very much Dan, but again, I'm very pleased to see what Jamestown Community College has done and what they continue to do. Thank you.

My name is Mark Twitchell. I'm from Fredonia and I would like to thank the Chairman and the members of the Legislature and I would like to read a brief petition that several of your constituents have signed. This petition is addressed to Senator Kevin Parker, who, as you know, is the Chairman of the New York State Senate Energy Committee and it starts out as;

Dear Honorable Senator Parker, As Chair of the Senate Energy Committee you may be familiar with the challenges our citizens and our municipalities, statewide, have faced in hosting industrial wind energy facilities. Many difficulties are due to New York State's Clean Energy Standard's lack of corresponding legislative measures. As a mandate the Clean Energy Standard was developed largely with the help of lobbyists whose industries may not represent the interest of all citizens or their environment. Although there is a mandate for the use of renewable energy there is no verification. No verification of the objective of the mandate, which is to lower the use of fossil fuels in the generation and transmission of electricity. The Clean Energy Standard was also approved by legislative action without corresponding protective legislation. Those citizens in the direct path of renewable energy installations do not have adequate and necessary State

prescribed protections of their health, safety, and welfare. All New York State residents have concerns related to their support of the mandate through their taxes and electricity payments. Also, all New Yorkers deserve to know that their support of renewable energy provides measurable outcomes.

Senator Parker, we are saying that New York State's Clean Energy Standard does not contain necessary language specific and adequate to the accountability of the wind and solar industries for our continued unquestioned support in both dollars and public trust. Because renewable energy industries are not required to show that their integration with the power grid results in quantitative reductions in carbon dioxide emissions, consumers are unable to make informed decisions. This lack of verification also unfairly inhibits consideration of other low carbon generating technologies. It is imperative that we act in possession of the most accurate information possible. We summarize our concerns as follows:

1. There is no verification for the claims of renewable energy companies
2. There is inadequate protection from renewable energy's impacts on people and their health and their environment.
3. As a mandate the Clean Energy Standard is undemocratic and violates free market principals.

Senator Parker, for the above reasons, we the undersigned, petition you as Chairperson of the New York State Senate Energy Committee to conduct a hearing which will lead to amendment of the language of the Clean Energy Standard to include verification such that all stakeholders understand how much CO2 is removed from our power grid as a result of each renewable energy projects. We also request adoption of language specific to adequate protection for the health, safety and welfare of citizens and their environment directly impacted by development of renewable energy.

As your New York State constituents Senator Park, we anticipate your Energy Committee's provision of this important public service. Signed; Mark Twitchell, Michelle Twitchell, Joni Riggle, Earl Riggle, Karen Engstrom, Tina Graziano, Angelo Graziano, and Judy Phillips.

The importance of this petition which will be shared with other municipalities and other wind opposition groups throughout New York State, is, that it actually asks for two issues and they both relate to this body. The first issue that we're addressing is the issue of protection. You've all been gracious enough to hear our accounts of the disruption that the wind industry has prevailed upon our townships and we brought that to your door. If New York State would prescribe measures such as County oversight of projects or let's talk about issues of noise and so forth, that would be very helpful both to the citizens and their municipalities. The other request in this petition is that we're seeking verification and this, this is for all of your constituents. Not every constituent that you represent lives in an impacted zone. But, all of your constituents have a right to know whether they are actually getting the kind of support that they are paying for. They need support to know that the reduction for the threat of climate change are actually being achieved. And, for those citizens, why would they not want to know. Why would they not want measurable outcomes and CO2 reductions. Thank you very much.

Hi, Joni Riggle, Sinclairville. Thank you for this opportunity. The NYISO, the New York Grid Operators White Paper warned the PSC and Governor Cuomo that the CES requiring 50% renewables by 2030 is unrealistic and not achievable due in part to huge transmission constraints,

that the plan needs to be tabled and re-evaluated. Instead of taking heed, Kauffman, NYSEERDA's and Cuomo's energy' czar, gave NYISO a scathing rebuke. We now have Senator Kevin Parker, Chair of New York State Energy Committee who intends to direct state agencies to establish a plan to transition to 100 percent renewable energy in every sector of the economy and eliminate all human-caused emission by 2050. I guess we all need to stop exhaling and burping. Currently, solar wind and biomass combined, comprise just less than 5% of New York's energy mix.

When the wind industry boasts emissions displaced by the wind energy, the figures are based on the project generating 24/7, 354 days a year, at full nameplate capacity and with an inflated 36% capacity factor. Since this scenario is impossible – never happens, their results are grossly inaccurate and deceptive. NYISO states the effective capacity, what actually can be use, is a mere 10%. Important to note, the continuous spinning reserve and ramping of natural gas to meet load and demand is never factored into the purported emissions that are displaced.

NYISO's wind integration report states that deploying more wind will require more gas backup and ramping events which emits more CO₂, not less. The Ontario Society of Professional Engineers report that adding more wind and solar will double the CO₂ emissions as nuclear gets phased out. Why don't our policy makers listen to these energy experts? I believe this is due to the huge undue influence by the wind industry and lobby groups like ACE NY.

When you consider the fossil fuel used to manufacture turbines, transport them across the ocean and land and construct these wind projects they incur a huge carbon debt. Is it ever paid back? Cement manufacturing alone is the 2nd largest industrial source of CO₂ emissions. Each turbine based and they are growing larger all the time, require about 90 tons of cement. Each ton of cement release 1.5-2 lbs. of mercury. Per the EPA standards, cement kilns in the U.S. emit almost 23,000 pounds of mercury each year. This is not factored into their estimates either.

Instead of continuing to build unreliable, inefficient, land grabbing solar and wind projects, our tax dollar would be better spent developing highly efficient geothermal and fusion energy. R&D for viable renewables.

For all these reasons we would ask that you support our petition. We deserve unbiased and accurate measurements of avoided emissions and energy policies that do more good than harm. The Arkwright Wind project and it's suffering residents have given us a glimpse of what is in store for much of upstate New York. Future generations will shake their heads and ask why. Thank you.

Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? Seeing no one, we'll close the 2nd privilege of the floor.

MOVED by Legislator Gould, SECOND by Legislator Bankoski and duly carried the meeting was adjourned. (7:52 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature