

Regular Meeting
Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, February 22, 2023 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 22, 2023. Would the clerk please call the roll?

Clerk Lee called the roll and announced a quorum present (Absent: Bankoski, Parker, Torres, Wilfong)

Chairman Chagnon: Okay and at this time, Legislator Muldowney has something to share with us.

Legislator Muldowney: I'd like us to have a moment of silence for a Town Supervisor for the Town of Dunkirk who passed away 2 days ago. He was a complete public servant. He served the Town for over 20 years. He just completed his 50 years in the East Town of Dunkirk service, Mr. Richard Purol.

Legislator Vanstrom delivered the prayer and pledge of allegiance.

MOVED by Legislator Harmon, SECONDED by Legislator Niebel and duly carried the minutes were approved. (1/25/2023)

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.

Norman Green, 5409 (*inaudible*) drive, Dewittville, New York. I am here tonight in support of your motion urging the State to release its funds for Brooks Memorial Hospital. Brook's Hospital, being built is the biggest issue in Chautauqua County. Those in the southtowns may not recognize that but it is the most important thing. We spend millions of dollars on economic development. We need Brook's Hospital. But it goes beyond the resolution, it goes beyond this motion. This motion is important and I commend all of you and I can't see why you won't have unanimous support of this. But the reason the State hasn't released the money is because a plan has not been brought forward according to the media. A plan has not been brought forward to make it so that it will operate in the future without (*inaudible*) millions of dollars. This is important. There is nobody else but Chautauqua County that's going to be able to assist in this. This isn't a Dunkirk problem, it's not a Fredonia problem, it's not a Brocton problem and it's not a Silver Creek problem. It goes way beyond those borders and only the County of Chautauqua can be the ones that assist. So I hope that tonight after you pass this motion that the work doesn't stop. I know that the work – I know the County Executive has been involved and I commend but we need to redouble our efforts and we need (*inaudible*) a financial aspect. I realize the last thing that Chautauqua County wants to do is go into another nursing home situation but is there a financial aspect? If we lose the hospital, if we don't figure out how to help them to figure out how to stop (*inaudible*) millions of dollars after the new hospital is built, the State has made it clear that they're not going to release the money. So it has nothing to do with our motions, it has nothing to do with our (*inaudible*), it has to do with a plan needs to be brought forward. Again, I commend the Legislature, I anticipate I am going to commend the Legislature for passing this motion and supporting it tonight and thank you for your time.

Chairman Chagnon: Thank you, Norm. Is there anyone else wishing to address the second privilege of the floor? Anyone else for the first privilege of the floor?

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 1/25/23**

Clerk Lee: There are 6 communications listed on the agenda. There are 3 additional communications that were received after the agenda was prefiled. Number 7 is a letter from the Public Defender titled "Designation of Order of Succession". Number 8 is Affidavits of Publication from both the Post-Journal and Observer regarding the Public Hearing on Technical Amendments to Local Law 10-22 Regarding the Reapportionment of County Legislature Districts. Number 9 is a letter from the Town of Ellery regarding the Chautauqua Lake Management Plan. Are there any items you wish you have read aloud?

Legislator Vanstrom: I do not promote or oppose any specific lake ideas but I always want to support improvement and I would like the last correspondence read as a substantial amount of people in Chautauqua County and outside of our County have a great interest in Chautauqua Lake and actually all of our lakes because they're such an economic boom and machine so I would like that last one read from the Town of Ellery, Supervisor, Larry Anderson, if that would be okay, thank you.

Clerk Lee: Chautauqua County Legislature. In 2017, then County Executive Horrigan and Legislator Chagnon sought and received County Legislature approval for the Chautauqua Lake (Lake) Protection and Rehabilitation Agency (CLPRA) to study formation of a special taxation district for the lake. After five years, the CLPRA voted against the formation of the new district and disbanded January 19, 2023. The Town of Ellery (Town) has studied the CLPRA effort as well as a decade of other Lake improvement efforts and is recommending a new approach be taken for Lake improvement. The Town has been actively involved in Chautauqua Lake improvement since at least 2016. With Chautauqua Lake Partnership (CLP) assistance, the Town worked with the New York State Department of Environmental Conservation to implement an aquatic herbicide-based invasive weed management data collection project in Bemus Bay in 2017. This was the first such permitted weed management in the Lake since 2002. The Town served as Lead Agency, and with CLP assistance and significant local foundation funding, completed a Supplemental Environmental Impact Statement for herbicide-based invasive weed management in the Lake in 2018. This fulfilled a Chautauqua Lake-specific NYSDEC requirement and allowed full implementation of the County's 2017 Macrophyte Management Strategy as EPA and DEC-approved aquatic herbicides were added to the Lake's weed management toolkit. From 2018 through 2022, the Town and seven of nine lakeside towns and villages have received permits and successfully utilized herbicide-based invasive weed management at numerous locations along their shorelines. Independent third-party assessments in 2019 and 2020 confirmed the effectiveness and positive impacts of this approach. An August 2022 weed survey by North Carolina State University, a leader in lake management, showed no significant Eurasian Water Milfoil, the most troublesome and prolific of the invasive weeds, remaining in Bemus Bay. This is the first time in recent memory this has been the case in Bemus Bay. The Town has studied Chautauqua Lake and watershed improvement efforts the last ten years. From this, we are confident the following Success Characteristics must be part of any future lake improvement effort if it is to be successful. Need to build and maintain public trust with clear and frequent communication, transparency, logic, and consistency. Need elected government leadership to represent taxpayers' interests supported with skilled and unbiased multidisciplinary support. Need to limit and manage overlapping organizational roles and special interests to ensure clear responsibility and accountability. Need an implementation focus with science and technology to effectively execute recommendations with efficiency and accountability. Need project and program performance confirmation with before/after measurement, cost-benefit evaluation, and continuous improvement. Recognize that consensus may not be attainable if on too specific a position and that value of positions may be neutralized if all have a veto. Based on these learnings, the Town

recommends the following Six Point Plan to guide future Lake improvement. The Plan was described in the February 11, 2023, Jamestown Post-Journal and detailed at a Town public meeting with 75 attendees (see photo) on February 18, 2023. Town of Ellery Six Point Plan - Reach agreement on an overarching goal for Chautauqua Lake management among lakeside municipality, Chautauqua County, and New York State leaders using a slightly modified New York State Department of Environmental Conservation Mission Statement/Goal as follows: "To conserve, improve and protect Chautauqua Lake natural resources and environment and to prevent, abate and control water, land, and air pollution, to enhance the health, safety, and welfare of the people of Chautauqua County and their overall economic and social well-being. The goal is to achieve this mission through the simultaneous pursuit of environmental quality, public health, economic prosperity, and social well-being, including environmental justice and the empowerment of individuals to participate in environmental decisions that affect their lives." Contract with a major university-led consortium of scientists, engineers, project managers, and other key disciplines to develop a multi-year Chautauqua Lake Management Plan with near- and long-term implementation plans, capital and operating expense estimates, quantitative progress measurements, and potential funding sources. Request the Legislature allocate a significant portion of the now excess \$7,000,000 of the \$7,700,000 designated for "Clean Water" in the County's American Recovery Act Plan budget which is no longer needed for Phase 2 of the Westside sewer extension. This would be used for development and initial implementation of the Chautauqua Lake Management Plan. Revisit County-wide funding instead of special district taxation, for Chautauqua Lake protection and rehabilitation. Consider the use of existing property, sales, and occupancy tax revenue with the potential for increases in such tax rates including review of occupancy tax exemptions and enhanced collection of current occupancy tax levies. Form an organization of lakeside municipality Mayors and Supervisors, supported by Chautauqua County and New York State, unaffiliated with lake organizations, to oversee development and implementation of the new Chautauqua Lake Management Plan and manage lake and watershed activities consistent with the goal established at the outset. Encourage State Senator Borrello and Assemblyman Goodell to further develop and use their influence to garner additional state funding for the New York State-owned Chautauqua Lake and assist the New York State Department of Environmental Conservation in fulfilling all their Mission/Goal requirements, with increased focus on improvement of the lake and enhancement of health, safety, welfare, economic prosperity, and social well-being of people. We ask that the Chautauqua County Legislature include this letter in the Communication section of their February 22, 2023 agenda. We ask the Legislature to agree conceptually with our Success Characteristics, support our Six Point Plan, and facilitate Plan implementation. We are available for further discussion at your convenience. Questions can be directed to me or Jim Wehrfritz, Town of Ellery Lake Consultant, at jjwehrfritz@msn.com.

COMMUNICATIONS:

- 1. Letter – County Attorney – Designation of Order of Succession**
- 2. Affidavit of Publication (2) – Legal Notice - Publication of Local Law 1-23 (Post Journal and Observer)**
- 3. Affidavit of Publication (2) – Legal Notice - Publication of Local Law 2-23 (Post Journal and Observer)**
- 4. Report – Small Business Development Center – Business Permit Center Quarterly Report**
- 5. Minutes – Conewango Watershed Commission – February 8, 2023 Meeting**
- 6. Report – Finance Director Crow, Re: December, 2022 Investment Report**
- 7. Letter – Public Defender – Designation of Order of Succession**
- 8. Affidavit of Publication (2) – Publication of Public Hearing Notice Re: Amending Local Law 10-22 for the Reapportionment of County Legislature Districts (Post Journal and Observer)**
- 9. Letter – Town of Ellery – Chautauqua Lake Management Plan**

Chairman Chagnon: Thank you, Olivia. For the record, I will point out that when the clerk received this letter, she shared it yesterday with all of the Legislators. So each of the Legislators has received this letter individually.

(Opened 6:46 p.m.)

Public Hearing

**Public Hearing on Technical Amendments To Local Law 10-22 Regarding
The Reapportionment Of County Legislature Districts**

Chairman Chagnon: So that brings us to our next item on the agenda which is a public hearing and this public hearing is regarding Technical Amendments To Local Law 10-22 Regarding The Reapportionment Of County Legislature Districts so I will now call to order the public hearing and invite anyone wishing to speak to the Legislature regarding this public hearing to please step to the microphone. Is there anyone wishing to speak to the public hearing regarding Technical Amendments To Local Law 10-22? Anyone? Seeing no one, I will close the public hearing.

(Closed 6:47 p.m.)

**LOCAL LAW INTRO. 3-23 – A Local Law Amending Local Law 10-22
Establishing A County Legislature For The County
Of Chautauqua Reapportioned On The Basis Of The
2020 Federal Census – R/C VOTE: 15 YES; 4 ABSENT
(Absent: Bankoski, Parker, Torres, Wilfong) –
UNANIMOUSLY ADOPTED**

MOVED by Legislator Harmon, SECONDED by Legislator Vanstrom to block resolutions 28-23 through 31-23 – UNANIMOUSLY CARRIED

RESOLUTIONS:

28-23 Confirm Re-Appointments- Conewango Watershed Commission, by Planning and Economic Development Committee – *UNANIMOUSLY ADOPTED*

29-23 Confirm Re-Appointments - Youth Board, by Human Services Committee – *UNANIMOUSLY ADOPTED*

30-23 Confirm Appointment – Chautauqua Opportunities Board of Directors, by Human Services Committee – *UNANIMOUSLY ADOPTED*

- 31-23 Confirm Appointment and Re-Appointments- Chautauqua County Emergency Medical Services Council**, by Public Safety Committee – *UNANIMOUSLY ADOPTED*
- MOVED by Legislator Vanstrom, SECONDED by Legislator Harmon to block resolutions 32-23 through 53-23 – UNANIMOUSLY CARRIED*
- 32-23 Amend 2022 Budget for Year End Reconciliations – South & Center Sewer Districts**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 33-23 Amend 2022 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 34-23 Amend 2022 Budget for Year End Reconciliations – North County Industrial Water District #1**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 35-23 Amend 2022 Budget for Year End Reconciliations – Portland, Pomfret, Dunkirk Sewer District**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 36-23 Amend 2022 Budget for Year End Reconciliations – Environment – Landfill**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 37-23 Amend 2022 Budget for Year End Reconciliations – Public Facilities Road Machinery Division**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 38-23 Amend 2022 Budget for Year End Reconciliations – Public Facilities Admin And Snow Removal: Co Roads (D Fund)**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 39-23 Amend 2022 Budget for Year End Reconciliations – Public Facilities (A Fund)**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 40-23 Amend 2022 Budget for Year End Reconciliations – Unified Courts**, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 41-23 Amend 2022 Budget for Year End Reconciliation – Information Technology**, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

- 42-23 Amend 2022 Budget for Year End Reconciliations – Board of Elections, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 43-23 Amend 2022 Budget for Year End Reconciliations – County Clerk, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 44-23 Amend 2022 Budget for Year End Reconciliations – CS Fund – Liability Insurance, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 45-23 Amend 2022 Budget for Year End Reconciliations – Finance and Miscellaneous, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 46-23 Amend 2022 Budget for Year End Reconciliations – EE Energy Fund, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 47-23 Amend 2022 Budget for Year End Reconciliations – Emergency Services, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 48-23 Amend 2022 Budget for Year End Reconciliations –Public Defender, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 49-23 Amend 2022 Budget for Year End Reconciliations –Office of the Sheriff, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 50-23 Amend 2022 Budget for Year End Reconciliations – Veterans Service Agency, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 51-23 Amend 2022 Budget for Year End Reconciliations – Chautauqua County Department of Mental Hygiene, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 52-23 Amend 2022 Budget for Year End Reconciliations – Health Department, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***
- 53-23 Amend 2022 Budget for Year End Reconciliations – Social Services, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED***

Chairman Chagnon: Okay, are there any questions, comments or discussion on any of the resolutions 32-23 through 53-23? Are there any questions or comments?

Legislator Pavlock: Thank you Mr. Chairman. Just a comment and a thank you. I want to thank the department heads, finance and budget directors for their work on these yearend reconciliations. For the most part, most of the transfers overages, departments were able to find the coverage within their own department. They had savings in some areas that would otherwise pay for the overages. So thank you for being able to reconcile them within their own department. Some use of general fund was needed in some of these. I think another point that I'd like to make also is some of those reconciliations and how they were able to cover them is unfilled positions. Our County has a hard time, just as much as any other businesses in our area, of filling positions of people so continue to find and find positions as needed county wide and all businesses but thank you for of those that worked on these yearend reconciliations.

Chairman Chagnon: Thank you. Any other questions or comments on any of the blocked resolutions? Hearing none, all those in favor of resolutions 32-23 through 53-23, please say "aye". Opposed? They are carried.

MOVED by Legislator Harmon, SECONDED by Legislator Vanstrom to block resolutions 54-23 through 68-23 – UNANIMOUSLY CARRIED

Legislator Scudder: Mr. Chairman, if I could make a point of information. I just want to share with everyone here in attendance and anyone that might be streaming this meeting that we're going pretty fast through all of these resolutions and there is quite a few of them on our agenda but rest assured, these have all gone through 1, 2 or maybe 3 committees. So, that's 15 sets of eyes and ears looking at all this. The discussions have been had, the debates have been had, and we got our answers to our questions. So, even though we are going through these rather quickly and it looks like we are just maybe rubber stamping everything, the hard work has been done and with all that hard work, it gets us to this point where we can, I hate to say breeze through them, but they're all taken seriously and they've all been reviewed to the enth degree so thank you.

- 54-23 Amend Spending Plan and 2022 Budget for Chautauqua County Projects Funded by the American Rescue Plan Act (ARPA), by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 55-23 Amend 2022 & 2023 Budgets for Capital Projects - Promotion of Industry Department, by Audit & Control Committee – UNANIMOUSLY ADOPTED**
- 56-23 Amend 2023 Budget to Implement the Overland Trail Phase III Project, Using Funding from the American Rescue Plan Act (ARPA), by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 57-23 Amend 2023 Budget to Implement the Waterways Master Plan Project, Using Funding from the American Rescue Plan Act (ARPA), by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

- 58-23 Amend 2023 Budget to Implement the Sherman Shop Fuel System Upgrade Project, Using Funding from the American Rescue Plan Act (ARPA),** by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 59-23 Amend 2023 Budget to Implement the Landfill Trailer Purchases Project, Using Funding from the American Rescue Plan Act (ARPA),** by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 60-23 Amend 2023 Budget to Increase Funding for the Emergency Services EMS Gear Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 61-23 Amend 2023 Budget to Implement the Tyler Civil Serve License Project, Using Funding from the American Rescue Plan Act (ARPA),** by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 62-23 Amend 2023 Budget for Office of the Sheriff,** by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 63-23 Amend 2023 Budget to Implement the Wright Park Drive Project, Using Funding from the 2% Occupancy Tax Program Reserve,** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 64-23 Amend 2023 Budget to Implement the Pilot Rapid-Response Emergency Fund for Erosion and Pollution Control Project, Using Funding from the American Rescue Plan Act (ARPA),** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 65-23 Amend 2023 Budget to Implement the Shovel Ready Sites Phase II Project, Using Funding from the American Rescue Plan Act (ARPA),** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 66-23 Amend 2023 Budget for NYSDOS Local Government Efficiency Grant Chautauqua County Consolidated Code Enforcement Study,** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 67-23 Amend 2023 Budget for NYS Housing Trust Fund Corporation Community Development Block Grant Award – Microenterprise Assistance Program,** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

- 68-23 Amend 2023 Budget to Implement the Appalachian Regional Initiative for Stronger Economies Matching Funds for Multi-State Collaboration Project, Using Funding from the American Rescue Plan Act (ARPA),** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 69-23 Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2022 to 2023,** by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 70-23 To Authorize Behavioral Health Supports and Services Agreements with Chautauqua County School Districts,** by Human Services Committee – *UNANIMOUSLY ADOPTED*
- 71-23 Authorizing Application to the NYS Office of the State Comptroller in Relation to the Extension of the South Chautauqua Lake Sewer District on the West Side of Chautauqua Lake from the Hamlet of Stow to the Southern Bounds of the North Chautauqua Lake Sewer District,** by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 72-23 Authorize Supplemental Agreement No. 2 with NYSDOT for PIN 5761.83,** by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 73-23 To Accept New York State Department of Health Award to Support Nurse Family Partnership,** by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 74-23 Authorize Agreement with Chautauqua Region Economic Development Corporation for Greenway Development,** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 75-23 Authorize Agreement with Chautauqua Region Economic Development Corporation for Tourism Asset Development and Placemaking Programming,** by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 76-23 Authorize Renewal of Lease Agreement with Celebration Hall, LLC for office Space for the Public Defender’s Office – Family Court Division,** by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 77-23 Authorize Extension of Lease Agreement with Town of Chautauqua for Office Space for Chautauqua County Department of Mental Hygiene,** by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

- 78-23 Close Capital Projects – 2022 Year End Reconciliation**, by Audit & Control Committee – *UNANIMOUSLY ADOPTED*
- 79-23 Standard Workday and Reporting Resolution**, by Administrative Services Committee – *UNANIMOUSLY ADOPTED*
- 80-23 Setting Salary for Motor Vehicles Administrator**, by Administrative Services and Audit & Control Committees – *R/C VOTE: 15 YES; 0 NO; 4 ABSENT (Bankoski, Parker, Torres, Wilfong) – UNANIMOUSLY ADOPTED*
- 81-23 Quit Claim Deeds**, by Administrative Services and Audit & Control Committees – *R/C VOTE: 15 YES; 0 NO; 4 ABSENT (Bankoski, Parker, Torres, Wilfong) – UNANIMOUSLY ADOPTED*
- 82-23 Authorize Transfer of Tax Foreclosure Property to Village of Celoron**, by Administrative Services and Audit & Control Committees – *R/C VOTE: 15 YES; 0 NO; 4 ABSENT (Bankoski, Parker, Torres, Wilfong) – UNANIMOUSLY ADOPTED*

Legislator Vanstrom: I just want to thank the Village of Celoron with Mayor Scott Schrecengost and the trustees along with other agencies that are working to improve and enhance the Village for all of our visitors and citizens alike so I want to say thank you to them.

- 83-23 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation**, by Administrative Services and Audit & Control Committees – *R/C VOTE: 15 YES; 0 NO; 4 ABSENT (Bankoski, Parker, Torres, Wilfong) – UNANIMOUSLY ADOPTED*

MOTIONS:

Clerk Lee: The motion on the agenda has received the required number of signatures to bring to the floor.

A. Calling on the State of New York to Continue to Pass-Thru Federal Affordable Care Act Enhanced Federal Medicaid Assistance Percentage Funds

Legislator Proctor: I'm in full support of this motion. Federal Medicaid assistance money is allocated by the Federal Government to all of our Counties but given to New York State, as a pass-through to all our Counties, our Governor, has proposed in her budget to keep these funds. If passed by the State Legislature, and the State does indeed keep these funds, Chautauqua County will suffer a negative impact of 4.3 million dollars on this year's budget. Not to mention, that we will lose around 8 million dollars in monies already owed to us. This is easy math. 12.3 million dollars we will lose right now. Plus, this will have an impact going forward on future

budgets of approximately 5 million dollars a year. The impact of this will be financially devastating to this County and all of our other Counties.

Legislator Niebel: This motion gives an overall picture of the impact the loss of the enhanced fmap funds will have on the 57 Counties and New York City. Mr. Proctor just detailed the impact on Chautauqua County. So, if we lose these funds, how do we make up the short (*inaudible*)? Well, really we have 3 choices. We either take it out of the fund balance, we raise taxes and neither of which I'm in favor of or we cut services and what services do we cut? Do we cut the fly car program? Do we cut the Sheriff's road patrol? The Health Department programs? Let's hope it doesn't come to that. Hopefully everyone here this evening will vote in favor of this motion and send a strong message to Governor Hochul to restore these funds, thank you.

Chairman Chagnon: Are there any other comments or discussion on Motion A? Any other comments? Hearing none, all those in favor please say "aye". Opposed? Carried.

B. Urging New York State Approval For A New Brooks Hospital

Clerk Lee: Motion B on the agenda has received the required number of signatures to bring to the floor.

Chairman Chagnon: Questions or comments on Motion B?

Legislator Muldowney: Well Mr. Chairman, thank you very much. I've got to first start off by saying that I don't normally agree with Mr. Green publically but I do agree tonight. It's a very important resolution and I want to thank the sponsor for bringing this to our Legislature. I think it's very important for the future of not only the Dunkirk, Fredonia and Northern Chautauqua community but for the whole County as Mr. Green had mentioned in his comments. It's vital in my opinion and I think the rest of our Board here that we have united front stating to the Governor that we would like her to release the monies that were issued to us in 2016 and then future monies that both Senator Borrello and Assemblyman Andrew Goodell got for us in funding after that. It's an economic development motivator. If we do want to recruit and continue to recruit business into Chautauqua County, we have to have a vital state of the art hospital and this is a regional issue. We've got to stop thinking peripheral and really start thinking regional. I think this is a good way in that direction. I think safety of course. We need safety for the North County residents. Anyone of us, anyone of our relatives could be struck with some kind of a catastrophe and we need to be at hospital quick and will service us. The third point I would like to point out is in order to recruit, we need to have – for new doctors and new nurses and specialists, and we need to have again, state of the art kind of facility saying where we're going in the future. This not only affects us now, but let's face it, Brook's Hospital was built 100 years ago and we're still using it. So this should affect our children and our grandchildren to come with this decision. So again, I agree with Mr. Green. This is one of our biggest decisions in Chautauqua County, at least in the North County that I can see. Thank you.

Legislator Rankin: Thank you, Mr. Muldowney you're right on target and you hit all the high points. I just wanted mention that what we're calling a blue ribbon task force of health experts formed by Dunkirk Mayor, Willie Rosas, County Executive Wendel, Assemblyman Andy Goodell and Senator George Borrello got together to examine the proposal for Brook's Hospital and the members agreed unanimously to proceed with the proposed new hospital building and the adjoining medical complex as something that we need, something that's viable if we get the funding from the State and we want to remind people that Governor Hochul said in January that this new hospital is very important to the health and wellbeing of Northern Chautauqua County as a rural hospital. It's important as a job creator and everybody needs a place to go when you're sick. So we'd like to, as a body, ask for the Governor to release the funds and ask for support from our State elected officials. Thank you.

Legislator Niebel: Mr. Chairman, Mr. Green, Mr. Muldowney and Mrs. Rankin made some excellent points. Brook's Hospital really is essential to the health and wellbeing of Northern Chautauqua County. I'll be voting in favor of this motion this evening.

Chairman Chagnon: Any other comments, questions or discussion on Motion B. Hearing none, all those in favor of Motion Urging New York State approval for a new Brook's Hospital please say "aye". Opposed? Carried.

Clerk Lee: Motion C on the agenda, Urging New York State to Support Natural Gas, has received the required number of signatures to bring to the floor.

C. Urging New York State to Support Natural Gas

Chairman Chagnon: Are there any comments, questions or discussion on Motion C?

Legislator Nelson: Thank you Mr. Chairman. I think setting goals is good. I think it's good for government to set goals so they can challenge us, they can provoke us and they can inspire us. The Governor's goals to fight climate change are ambitious especially considering that 62% of New Yorkers have gas stoves or cooktops compared to 38% nationally. Forgive the history lesson but our State and Nation have done some pretty ambitious things in the past. I think when Governor Dewitt Clinton said "we're going to build a canal across New York State, 363 miles", and people laughed and called it Clintons Folly, you know you proved them wrong. I think when Kennedy said that "we're going to put a man on the moon by the end of the decade". People laughed and thought that couldn't be done and he proved them wrong. Again, I apologize for the history lesson, it's what I do for a living but I think it's important to point out what the Governor's proposal is and what it isn't. What it is, is a ban on fossil fuel hookups for newly constructed buildings beginning with smaller buildings in 2025 and larger buildings in 2028. That means new homes or apartments, it does not apply to existing buildings meaning if you have a gas stove in your house, you can keep it. What the Governor's proposal to me is about the future. It's about protecting the health and safety of children. A 2013 study found that in the International Journal of Epidemiology found that children living in homes with gas stoves are over 40% more likely to have asthma. I know it will be a challenge. I know this will be a difficult

thing. I think there are many in the room who probably disagree with me but when I consider anything that will improve the environment, I think about the fact that we're not doing it for ourselves, we're doing it for our kids and our grandkids. So, I'm going to stand with the Governor and her goal and I cannot support this motion, thank you.

Legislator Rankin: Thank you, Mr. Chairman. I wanted to point out one of the points here on this motion was that based on the EPA from 1990 to 2019, the New York State's admissions of key pollutants decreased across the board the carbon dioxide admissions. They've dropped over 24% in conjunction with increased natural gas use, pipeline infrastructure expansion and an improved grid. I applaud efforts for renewable energy and moving towards electric. I don't think we should pick any one form of energy over another and I think that it needs to be done in a reasonable fashion that doesn't unduly burden our citizens and it seems prudent to me to keep a variety of energy sources so that if one fails, we have a backup. So therefore, I really would like to encourage continued investment in natural gas and not ban its use but use it in association with other forms of energy. So to keep investing in natural gas and associated new technology so that we can depend on a low cost and reliable form of heat and power, maybe in conjunction with these other things but not in exclusion of one source of energy, thank you.

Legislator Vanstrom: I hate to be redundant because I've been reading way too much about this but suburban areas and more so our rural populations are going to get hurt the most. Rural population's might want a generator or some other kind of machinery and our farms will suffer and I like food, I can tell you that right now. It's over regulation. Our own State can't even produce the right amount to supply what we already have going on saying nothing about electric cars. If you guys want electric cars, God bless you. I like my gasoline car. I think we've been using gasoline a long time and it's worked pretty well. I don't mean to be archaic but sometimes things are meant to last and the technology is good. I believe in trees and I believe in forests and I don't want to take down a forest and put a big parking lot in there or anything like that but I think being reasonable is what we need to consider today and we can't even meet the supply that they're demanding. That to me is appalling, thank you very much.

Legislator Niebel: Mr. Chairman, it's alright for the Governor to have goals but those goals should be realistic. We have an abundance of natural gas right here in New York State and we should use that natural gas until such time as we can economically transition to electric or solar but we're not there yet so I'll be voting in favor of this motion as well.

Legislator Muldowney: What worries me, Mr. Chairman, is that the expense we always hear, it's awfully expensive to do business in New York State and I have a problem with we're adding cost of construction not only with new residential homes and I find it a little chaotic that the Governor mentioned that we have a housing stock, we're hurting in the housing stock but at the same time we're going to increase the price of new construction for new residential homes. I just don't know how that jives. I'm also concerned with the price of doing business, new construction of new factories and businesses, we're only going to add to their price to come to New York so that's why I'll be supporting the resolution, thank you.

Chairman Chagnon: Any other comments, questions or discussion on Motion C? Hearing none, all those in favor please say “aye”. Opposed?

Legislator Nelson: Nay.

Chairman Chagnon: It is adopted.

ANNOUNCEMENTS

Legislator Proctor: I would just like to keep former President Jimmy Carter in our prayers and his family as he’s nearing the ending of his life and just with the respect of his office and just keep all of those people in our prayers and thoughts.

PRIVILEGE OF THE FLOOR

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

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

Good evening, my name is Susan Baldwin. I live in Villanova in South Dayton. I have a comment that doesn’t affect any of this but I do appreciate that the people would really like to keep gas because all 5 of my brothers were gas well drillers and drilled the wells in Chautauqua County so I think they’re alright. However, they just started drilling them out again locally and this is why this sign is at my front yard. My water is ruined. I was here last year and I told you about all of the chemicals. I look them up. Well, first I had them tested and Virotechnics had tested my water and it was full of chromium, strontium, lead, arsenic, barium, methane and some other things. Not full of it, the strontium and things like that were 6 times the acceptable limit but they were there. All of these chemicals are there and none of them go out of me once they go in. So, and this is going on 2 miles away from me because there was an explosion on North Hill Road in December of 2021 but in May 11th, 2022 there was a real big one. It was on the South town scanner. It said “at around 6:00 p.m. last night, Wednesday, May 11th, the Dayton fire company and its surrounding mutual aid were alerted to a working structure fire with extensions into the nearby brush at 12272 Bentley Road. Initial reports indicated it was a barn but later updates proved the structure was actually a large house. More companies were called.” They went on and on about how many companies showed up. “While crews were still working to extinguish the fire, another house fire was reported just 7 miles away at the intersection of Route 83 and South Hill Road”. That’s my house. There was no fire. It was like a distraction. 5 trucks show up in my driveway. They are very pretty by the way if you’re not in a fire. My son went out and said “what are you doing here?” and they said “somebody anonymously called in a fire” and he said “maybe next door?” and they said “nope, here.” And then they’re out in my backyard. Finally, they get on the 5 trucks and go back to this fire. Someone called them away from this fire. For fun? Anyways, no one died in the fire but it was an explosion. People who

called and said we'd heard the explosion down the street around 6ish and "oh that was one big fire, glad everyone was ok". You can see in this picture it looks like a Hiroshima. Anyways, I had the water tested in the Village of South Dayton and all of it has the same fracking chemicals. Kathy Hochul put 3 million dollars into fixing the antiquated water system in South Dayton. I tested it in October and it's still there. The chemicals are still in the water and a friend of mine, we just buried her at the end of January because she was drinking that water and she was bleeding all over so there's a real problem and we need to fix it and we need to tell Mrs. Hochul it wasn't antiquated water, it was (*inaudible*) fracking chemicals and I have copies of the 3 waters tests from South Dayton if anybody would like them, I have them.

Hello I'm Jim Wehrfritz. I am a year round Town of Ellery resident, a Civil Engineer, and experienced Project Manager and now I'm a consultant to the Town of Ellery on the improvement of Chautauqua Lake. My comments follow from those of the Town Supervisor, Larry Anderson, and the letter that he sent to the Legislature that was read earlier this evening. The Town has studied Chautauqua Lake and watershed improvement efforts the last ten years. From this, we are confident the following success characteristics must be part of any future lake improvement effort if it is to be successful. We need to build and maintain public trust with clear and frequent communication, transparency, logic, and consistency. That will keep the public "on board" remaining patient and confident when plans are incomplete, or things don't go as planned. We need elected government leadership to represent taxpayers' interests supported with skilled and unbiased multidisciplinary support. Those elected to represent the interests of property owners and taxpayers, year-round and seasonal, must manage the lake. True experts must bring science and technology to solving lake problems. We need to limit and manage overlapping organizational roles and special interests to ensure clear responsibility and accountability. We can't have individuals allocating limited foundation and government funds to their own organizations. Government cannot delegate its responsibilities to special interests with their own objectives. We need an implementation focus with science and technology to effectively execute recommendations with efficiency and accountability. Well-developed recommendations must be accompanied with well-developed implementation plans and organization if they are to be realized. You can't think you're finished once recommendations are made. We need project and program performance confirmation with before/after measurement, cost-benefit evaluation, and continuous improvement. It's a well-established tenet of project management that "If you can't measure it, you can't manage it." And we must recognize that consensus may not be attainable if on too specific a position and that value of positions may be neutralized if all have a veto. With very diverse opinions, decisions may have to be made without consensus, with a vote of those accountable for the results. Based on these learnings, the Town has recommended its Six Point Plan to guide future Lake improvement which was described in Larry Anderson's letter to the legislature.

Good evening everyone, my name is Jeff Molnar. I am the mayor of Bemus Point. I just wanted to say in my short time that I've been in office, I have attended several of the CLPRA meetings, several of the Lake Organizations and it became very clear that it's really a tough situation. Not everybody was rowing in the right direction and it was very interesting to see things move along and unfortunately to the demise of the CLPRA. I know that there was a lot effort put in. County Departments, tax payers dollars and obviously that situation wasn't going forward so

here we are today. I've learned about the proposal of the Town of Ellery has put forward and unless I get any negative feedback from my voter trustees and the Village and I intend to support at least the portion about the mayors and supervisors organization. It certainly is a very unconventional format the way that it hasn't been done in the past but I know I'm preaching to the choir here. We all know that the lake is so very important so I would urge you to take a look at those things, particularly the use of that ARPA money that's not being used across the Lake and maybe we can funnel some of that or ear market toward some lake use. Thank you very much.

Good evening, my name is Anthony Toda and I live at 144 Clifton Avenue in Jamestown, New York. There has been recently been several contact by New York State Senator Charles Schumer, the U.S. Senate Majority leader with Chautauqua County and this Legislature through ARPA funding's just as an example. Senator Schumer has several times assisted with neither the constituents of Chautauqua County which is his duty and responsibility as a representative. Unfortunately, Senator Schumer has outright refused to assist myself while helping the rest of the constituents of Chautauqua County. Senator Schumer has (*inaudible*) his duties in responsibility to help any constituent with federal agency issues. Because of these duties and responsibilities, I believe the best way to address my issues with those federal agencies is to present to Senator Schumer substantial evidence of constitutional violations in crimes upon myself by these agencies. As Senator Schumer has the needs to facilitate over site hearings regarding these crimes. After several years and many many of my attempts to reach Senator Schumer personally and through his offices, Senator Schumer's response by his office personnel to my (*inaudible*) assistance was. To deny me equal protection under the law, denying my fundamental rights to be heard and to representation, refusing to examine substantial evidence and without any basis, demeaning my mental state. As recent as January 26th of this year when I finally made face to face contact with a staff member of the Buffalo office of Senator Schumer, that staff member spoke to me in a rude demeaning and disrespectful manner. Refused to be seen or examine the evidence that I was attempting to submit to Senator Schumer and directing me to leave the office. The repeated and deliberate refusal by Senator Schumer to assist a constituent of Chautauqua County, myself, regarding the crimes and violations of federal agencies is a (*inaudible*) of the Senator's duty to his constituents and is resulting in the continuation of the crimes and violations upon myself by this federal agency perpetrators. Senator Schumer should be banned from holding any office of public trust due to his reckless disregard to his (*inaudible*) duties and responsibilities to the constituents in Chautauqua County of New York State. Just getting off the issue concerning Brook's Hospital, I don't know if anybody's thought of about it. I'm not sure about the actual media reports but what is the condition of Lake Shore Hospital, if it's open or not? If it is not open, that would certainly be a point in favor of the money that should be brought to Brook's Hospital due to the proximity of any hospitals that may or may not be around.

Good evening, Larry Anderson, Town Supervisor of Ellery. I would like to thank the Legislature first of all, for allowing my letter to be read. Everybody knows it's taken 50-60 years for the lake to get this bad and it's not going to get fixed overnight, it's going to take some time. But I really feel that our Six Point Plan is the way to start and if we can get enough support and everybody comes together with the Township's and the Villages around the lake that I think we can finally go in the right direction so I want to thank everybody.

Karen Engstrom, Town of Chautauqua, Village of Mayville and I am representing the citizens opposed to the South Ripley solar project. We ask that our elected officials protect our communities from the blight of utility scale solar. Regarding utility scale solar, the real issue after talking to many of you for 2 years about this is money. How much does it take to buy out a community? How much money? Does it matter that having a negative effect on the environment through the destruction of farmland, forest, wetland, recreational land? Does that matter very much? Does it matter if property values are driven down? Does it matter that the mining of cobalt lithium (*inaudible*) metals, copper is done by slaves in the Congo and in China? If the sum of money is large enough, none of those things matter. Do solar projects make electricity? According to NYSERDA, 14% of what the solar grifters claim is the amount of power that's created by solar projects in this region. 14%, is that justified a harm in the waste? Does it matter that China controls 97% of the quartz ingots used to make solar panels. It might matter when China cuts the supply line and we have no energy. Who in their right mind would jeopardize the security of the grid by giving it to China to control? If 97% of the ingots made from quartz using coal and high temperatures come from China, an essential element in the solar panels that we're talking about, if they come from China then they contain PFAS. PFAS, as Mr. Syper knows well was a problem in Mayville recently and is a per (*inaudible*) out kill substance, one of the many that is now being seen across the Country and nobody knows where it is coming from. PFAS substances contaminate soil, ground water, streams and lakes. I'd like to read a statement by our Senator George Borrello and I'm quoting him "utility scale solar cannot exist without heavy perpetual subsidies. Solar companies are not energy companies, they are investment companies. They are investment companies because they get a guarantee capitol return courtesy of the tax payers. They take money from the poor and they give it to the rich through increased taxes and increased utility rates". The once conscientious public service commission has been commandeered by radical special interest groups. We ask for proof that the transformation of agricultural fields, wet lands, forest, to glass, concrete and aluminum frames is safe. We ask for that proof. Do solar projects benefit the host communities? There are temporary payouts but there are no jobs. In fact, solar projects kill jobs. They kill recreational jobs. They kill the businesses that work for tourism. They kill the jobs in agricultural. They kill the jobs in forestry. And when land is destroyed and not available to these occupations, people will leave. The farm bureau of Chautauqua County opposes the bad energy policies and the fast tracking of the new climate so called Leadership and Community Protection Act, CLCPA. The farm bureau states 84% of the solar land targeted is agricultural land. The farm bureau opposes solar product subsidies. Solar not only destroys agricultural land but of course forests, wetlands and recreational areas. The example of Ripley is one. 528 additional acres of mature forests in addition to the forest already taken down in preparation for the project will be clear-cut. So the results of this situation including (*inaudible*) labor, which is noted in the Wall Street Journal under the title of "How the blood of the Congo powers are (*inaudible*)" and the Wall Street Journal article that notes that 97% of all solar grade (*inaudible*) and wafers come from China under the title "Beijing Threatens to Disrupt Solar Supply Lines". So they're already acknowledging that China has control of our energy system and that we must be prepared and make the right decisions so -

Chairman Chagnon: Karen, please wrap it up. You have exceeded the 5 minutes for your group.

Mrs. Engstrom: Perhaps the real goal is to get people to leave. Money is the real reason for the blight that is now aloud to destroy our beautiful rural country side and small towns, thank you.

Richard Syper, Village of Mayville, Mayor. I'd also agree with what Larry Anderson and the Six Points and support his letter.

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

Unanimously Carried (7:44 p.m.)

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