

Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, March 27, 2024 6:30 p.m.
Mayville, N.Y. 14757

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

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on March 27, 2024. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. (Absent: Bankoski, Johnson, Scudder, Wilfong)

Legislator Proctor delivered the prayer and pledge of allegiance.

MOVED by Legislator Vanstrom, SECONDED by Legislator Gustafson and duly carried the minutes were approved. (02/28/2024)

1st Privilege of the Floor

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

Good Evening, my name is Paul Stage(?) and I'm speaking to the resolution 92-24 on the Occupancy Tax and you all will be voting on that I think tonight moving it forward. My concern is that the 3% is – 50% of the 3% is supposed to go to the Visitors Bureau and I know that's acknowledged in this writing but there's a carve out for a fund that can be allocated after the year for specialty projects and my concern is that the 3% is being watered down so that the fund - I call it a slush fund, is being left larger so that the special projects can be used in other ways other than towards the Visitors Bureau and I guess my comment is that 50% of those funds that are left over, should go to the Visitors Bureau. If you want to give the other 50% out as you see fit, that's fine but 50% of those extra monies are Visitor Bureau funds by the enabling legislation that was just passed at the State Legislature here a few months ago or whatever. Maybe it was last year now but that allocation should withstand through the entire process, thank you.

Chairman Chagnon: Thank you. Is there anyone else wishing to address the first privilege of the floor? Seeing no one, we will move now to the agenda item, a commendation for Patrick Slagle, which I will be presenting and unless Patrick magically materializes, I'll be presenting this to him in absentia. So Patrick, wherever you are listening, this is from the office of the County Legislature and it's a letter of commendation.

COMMENDATION:

Patrick Slagle
By
Chairman Pierre E. Chagnon

VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 02/28/2024

Clerk Lee: Our office has received the 9 communication as listed on the agenda, if you would like a copy of any of these items, please let our office know.

COMMUNICATIONS:

1. Letter – Agricultural & Farmland Protection Board RE: Chautauqua County 2024 Agricultural Inclusions
2. Report – Finance Director Kitty Crow, Re: December, 2023 Investment Report
3. Letter – Patrick J. Slagle – County Attorney Resignation
4. Letter – Senator George M. Borrello – Acknowledgement and Support of Motion 5-24
5. Affidavit of Publication (2) – Legal Notice – Local Law 1-24 (Post Journal and Observer)
6. Affidavit of Publication (2) – Legal Notice – Local Law 2-24 (Post Journal and Observer)
7. Affidavit of Publication (2) – Corrected Legal Notice – Local Law 8-24 (Observer)
8. Affidavit of Publication (2) – Legal Notice – Local Law Intro 3-24 through Local Law Intro 13-24 (Post Journal and Observer)
9. Letter – Nicholas Langworthy RE: Accepting Community Project Funding (CPF) Requests for the Fiscal Year 2025 Appropriations Cycle

RENEW & AMEND RES. NO. 71-24 – Amend Senior Real Property Tax Exemption

Chairman Chagnon: Okay, I will be looking for a motion to renew resolution 71-24.

MOVED by Legislator Vanstrom, SECONDED by Legislator Parker to Renew Resolution 71-24.

Carried to Renew with Legislator Larson voting “No”

Chairman Chagnon: Now, we need a motion to amend resolution 71-24. Do I have a motion to amend?

MOVED by Legislator Parker, SECONDED by Legislator Vanstrom to Amend Resolution 71-24.

Chairman Chagnon: Is there any discussion on the motion to amend resolution 71-24?

Legislator Parker: We've all agreed that we believe there should be an increased real property tax relief for the most vulnerable low income seniors in our county. We voted unanimously last month to grant relief at the highest seeming percentage allowed by New York State. This month, instead of making the required change to the highest and likely the most beneficial amount for seniors, an amount has been selected that is lower than is recommended. I spoke with the Office for the Aging Director, MaryAnn Spanos today, took her away from her personal time and discussed at length her review and suggestion for the Legislatures consideration. Unlike the amount suggested in the resolution, Mrs. Spanos recommended \$37,650 with consideration for the fact that for an individual the poverty level is approximately \$15,000 and the Office for the Aging recommends has in practice it was services that are rendered from them to seniors 65 and above and well – actually lower than that, that 250% of that individual poverty level be used as a number for this partial property tax exemption. On that basis, I move to make a motion to amend the amendment to the amount of the senior's exemption to \$37,650 and respectfully ask for a second and an affirmative vote.

Chairman Chagnon: Legislator Parker, I believe that the motion that you made was to amend the resolution, not to specifically take any action on amending it as in reference to the document that was placed on all of the desks so what we're discussing is the motion to allow amendment of resolution 71-24.

Legislator Parker: So I got ahead of myself.

Chairman Chagnon: Just a bit.

Legislator Parker: Okay, so what has to happen first then?

Chairman Chagnon: We need to vote to allow the amendment of resolution 71-24.

Legislator Parker: Okay, then I'll save my statement for the next section.

Chairman Chagnon: Okay. Any other questions or comments on the motion to allow the amendment of resolution 71-24? Hearing none, all those in favor please say "aye", opposed?

Unanimously Carried to Allow the Amendment of Resolution 71-24

Chairman Chagnon: It is now on the floor for consideration of amendment. And we have on the table with each of the legislators, a proposed amendment to resolution 71-24. Now Legislator Parker, I believe your comments that you were making earlier are to remain to our discussion of the proposed amendment that has been laid on the desks.

Legislator Parker: Okay, they are to remain to the amendment that is going to change the amount of the property tax exemption from \$58,400 to \$30,000.

Chairman Chagnon: Yes.

Legislator Parker: Okay, so as I said, I won't go through the whole thing but I did a fair amount of research and so what I'm asking for is consideration for the \$37,650 due to the fact that because of seniors, someone who's making \$37,650, there are a lot of senior that don't own property. There are probably seniors who would not ask for this property tax exemption and there really is no way to find out how many people this would actually affect. There was a chart that was brought out which detailed who would be affected and what the property tax change for nonexempt people would be. That was at the \$58,400 range. Now it was with people who are making at the \$58,400, it would change the property tax of someone who had a house that was valued at \$75,000 by approximately \$8. Someone who made \$100,000, it would increase their tax to approximately \$11 per year and if you had a house that was valued at \$500,000, it would increase your taxes by approximately \$58. I might not have those exactly right because I don't have it right in front of me but I think I'm pretty close. So that in looking at who would be eligible at \$58,400 and what would happen if we took it to \$37,650, is that a lot less people would be eligible for this property tax exemption and as Kim Meleen and Kitty Crow, the Finance Director and head of Real Property tax said, it's impossible to know exactly but MaryAnn Spanos gave me this information for totals for 65 and older in Chautauqua County and this is plus or minus a small amount. For people making \$19,999, now that's the poverty rate for a couple, about \$20,000 or less is \$2,967. The total for making between \$20,000 and \$34,999 basically \$35,000, is \$3,292. So you have to take into account that if we changed it to \$30,000, then you would probably get \$2,967 who would be eligible now and as Mrs. Spanos said, the majority, I won't say all, but the majority of people who are making the poverty level wage will not be able to afford a house under any circumstance, even with a property tax exemption. As I said, that's not everyone. The total making \$20,000-\$35,000, you could subtract, I don't know, how many people to see what the actual people who might be eligible if they could prove that they owned a house. So these numbers are kind of knocking off people as you go, eligible people. The total making between \$35,000 and \$39,999 is 812. When I spoke with the Office for the Aging Director, MaryAnn Spanos, she gave me what she thought would be a fair amount. She said since the poverty level in 2024 for an individual is \$15,060, I would suggest that the level for property tax exemption should be 250% of poverty or those making less than \$37,640. For the aging services, this is generally where people are (*inaudible*) at \$37,650 or 250% of the poverty level where they are encouraged to pay if income is over 250% under that we will do cost sharing. So again, this property tax exemption is not a complete property tax exemption, it's a partial so a cost sharing. I fully believe that people who are 65 and older in our county are making \$37,650, this would be a fair amount. Now several people have said, we could look at this every year, but the fact is, this hasn't been looked at for 6 years and there's nothing in our mechanism for property tax assessors or anything that requires anyone to keep track of this on a year to year basis which is one reason why it has taken 6 years to change that and that is why I recommend \$37,650 based on the recommendation from the director of the aging and some other statistics that she shared with me and I hope that you would join me in this, thank you.

Chairman Chagnon: So legislator Parker, do I understand that you are proposing an amendment to the proposed amendment that's on the desks? So you are proposing to amend the proposed amendment that's on the desks to changing from \$30,000 to \$37,650?

Legislator Parker: Yes that is what I'm proposing, thank you Chairman.

Chairman Chagnon: Okay, do we have a second to the motion?

MOVED by Legislator Parker, SECONDED by Legislator Nelson to Amend the Proposed Amendment by changing \$30,000 to \$37,650.

Chairman Chagnon: Now, discussion on the motion to amend the proposed amendment.

Legislator Nelson: Thank you Mr. Chairman. This amount has been frozen for six years. It's time, obviously its time, its past time to make a change. The \$30,000 figure to say someone who makes few dollars over \$30,000 a year is not in poverty, I wouldn't even put them in middle class. I think they are struggling and I think if we can help them in anyway, I think we should. So I support legislator Parker's amendment to move it to \$37,650.

Chairman Chagnon: Thank you. Other comments?

Legislator Proctor: I support the \$30,000 level that's currently on our table. I did a little research myself and I believe that we do need to raise it. Obviously I voted for it last time but I did a little research myself and I believe that the genesis for this was that Social Security increased especially in 2023, 8.7%. And it kicked a lot of seniors out of this status and I know there was concerns raised that we had not visited this increase since 2017 and we should have and we did not so we're at this point now. I looked at all of the increases in Social Security from 2017, and cumulatively it was 25.8% but in calculating where it would affect the \$22,000 where it originally was, I came up with a dollar amount of \$28,289 so I believe \$30,000 based on the Social Security, is where we're at, is where we should be at. By the increase especially the increase that we prior voted on, it affects those non-exempt people which could be working poor. As well those people who are not seniors and who wouldn't qualify for any type of exemption and they would be bearing the extra burden of all of these exemptions coming for these extra - the seniors that would be qualifying. The \$30,000 works for all and I know the office of the Aging gave legislator Scudder the statistics about 1/3 of our seniors qualify for it under \$30,000, 32% to be exact. I also had our local tax assessor - I asked her on Monday if she could put together what other counties are at and out of 34 counties that responded, 21 were less than \$30,000. 24 out of those 34 had a sliding scale and what I would suggest is we pass the \$30,000 and then possibly form some type of a committee to look at instituting a sliding scale above and beyond \$30,000 to some other level where it wouldn't be 50% but it would possibly be 25% or 5% or something like that. So I will be voting against the recommended amendment, thank you.

Legislator Niebel: Yes, Mr. Chairman. This resolution has been thoroughly discussed in administrative services and in audit and control. I think Mr. Scudder and his committee have

done a lot of work on this resolution and have suggested a figure of \$30,000 which seems to be fair and reasonable. It's the median income of seniors in Chautauqua County and it's based on statistics. I think it's admirable to help senior citizens but in doing so the tax burden is actually shifted to other taxpayers. What about the low income earners who are like 20 to 40 years old? That represents an age group that in the past has been the biggest exodus of population from Chautauqua County. I'm not sure if it still is, but I think it is. That age group is facing rising gas prices, rising food prices, utility prices, and they probably already have high mortgage payments and car payments. At least senior citizens have their homes and cars paid for, at least a lot of them do. I think we need to strike a balance, a figure of \$30,000 does that. And as Mrs. Parker mentioned earlier, if we need to we can always revisit this issue in the future but I think this is amount, \$30,000 that we should decide on. I do however, appreciate all the work that legislator from district 4 has done, thank you.

Legislator Parker: For a point of information, my understanding was that we can't do a sliding scale, is that correct?

Kim Meleen, Real Property Tax Director: *(Inaudible due to distance from microphone)*

Legislator Parker: It could be done another time, okay thank you.

Legislator Larson: Unfortunately I'm the only Fred tonight. I wish there were both Fred's here tonight. I thought we were in the season of Easter, but it seems like we're in the season of epiphany tonight. This discussion is odd and its only 4 weeks ago, I think, we voted unanimously to raise the senior citizens exemption to over \$55,000 and as I recall, there was no discussion. We just said "okay". The discussion going on tonight would have been relevant of course last month. Whenever you give an exemption sure, the money you exempt one group is paid by another. That's always true but I'm a little confused as to how we all voted unanimously for \$55,000 last month and now we're – any figure is going to be an arbitrary one whether it's the \$30,000 or Mrs. Parkers \$37,560. We must acknowledge any of these figures are arbitrary. We could pick any figure legally. I don't think we have to have a senior citizen exemption at all, do we under state law? Anybody know?

Kim Meleen, Real Property Tax Director: *(Inaudible due to distance from microphone)*

Chairman Chagnon: Yes.

Legislator Larson: So let's acknowledge that either of these figures is arbitrary but let's be honest, it's against a background of 19 consenting adults or however many we had last month, 19 consenting adults voted on the record last month to raise it to \$55,000. So that's an interesting background of what we're talking about tonight. Thank you, Mr. Chairman.

Legislator Vanstrom: Mr. Chairman and my colleagues, I think there's one thing that hasn't been mention yet and it's a little embarrassing but we kick the can down the road by not increasing this program as the shift in senior citizen incomes shifted and our tax rate decreased

consecutively. We also were going with a bigger number on the premise that we don't have to deal with it for a long time or at least that's an undercurrent that I was feeling. Not going to quote anyone or not but that was one of the other premises that was a buzz among us all so if we look at it every year or look at it more frequently, we don't have to go all the way to the top and not deal with it for a half of a decade, thank you.

Legislator Niebel: Yes, Mr. Chairman, just to respond to the legislator from district 12, yes we all voted in favor of this last month, including myself, but I think we have more information now and perhaps we didn't do all the homework that we should have but I think we have more statistics, more facts and figures to base this on and therefore, I mean, I'm in favor of the \$30,000, I'm in favor of an amount less than the \$58,400 which we tentatively agreed to last month. And I think the points have been brought up for either the \$36,650 or the \$30,000. I'm in favor of the \$30,000, but I do think these are better figures than the figures that we voted on for the amount last month, thank you.

Legislator Parker: Just for clarification, I think this \$37,650 is not the intent and certainly I don't think on the part of the director of the office for the aging or myself, I asked her, she didn't reach out to me or anything was that this was more fair and this would cover more people who really are again, are basically, they're not someone – I'm not sure who said it but they're not middle class, they're very lower class and we have a huge problem with housing. We have a huge problem with the lack of long term care. We have a huge problem with the lack of access for acceptable places for elderly people to go and live and I know that the main thing that actually – I heard this about - you know that, the thing about even people who are in a nursing home and have been in there for years, they still want to go home and I think the most important thing is that we should allow this level to allow people to be able to keep their homes for a number of good reasons, thank you.

Chairman Chagnon: Thank you. Any other comments on the motion to amend the proposed amendment? Hearing none, would the Clerk please call the roll?

Amend the Proposed Amendment by changing \$30,000 to \$37,650 – R/C VOTE: 3 YES; 12 NO (Anthony, Buchanan, Gustafson, Harmon, Heiser, Landy, Niebel, Pavlock, Penhollow, Proctor, Vanstrom, Chagnon); 4 Absent (Bankoski, Johnson, Scudder, Wilfong) – Motion to Amend Fails

Chairman Chagnon: Okay so we are back to the proposed amendment to resolution 71-24 that was laid on the desks that would place the income limit to \$30,000. Is there any more discussion on the proposed amendment that was laid on the desks?

Legislator Larson: Mr. Chairman, I'll keep this short and sweet. This is one legislator that is not going to go on the record with the senior citizen home owners in my district earning between \$30,000 that this amendment sets and \$55,000 that we all voted for just a month ago, I am not voting to take away that partial exemption from that rather large group of seniors, thank you.

Chairman Chagnon: Thank you. Other comments on the proposed amendment? Hearing none, would the clerk please call the roll on the proposed amendment that was laid on the desks?

*RENEW & AMEND RES. NO. 71-24 (With Amendments Shown Below): R/C
VOTE: 12 YES; 3 NO (Larson, Nelson, Parker); 4 Absent (Bankoski, Johnson, Scudder, Wilfong)*

RENEW AND AMEND

**CHAUTAUQUA COUNTY
RESOLUTION NO. 71-24**

TITLE: Amend Senior Real Property Tax Exemption

BY: Administrative Services and Audit & Control Committees:

AT THE REQUEST OF: County Executive Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County has offered a partial real property tax exemption since 1967 to senior citizen homeowners whose incomes are below a certain level as set by occasional resolution; and

WHEREAS, the current \$22,000.00 income limit has not been modified since 2017 and as a result, several senior citizens who were once eligible for the exemptions are no longer eligible for this important tax reduction; and

WHEREAS, New York State Real Property Tax Law §467 authorizes an income ceiling of up to \$58,400.

WHEREAS, it is proposed that the income limits be increased to ~~\$58,400~~ **\$30,000** effective as of the next taxable status date (March 1, 2024); now therefore be it

RESOLVED, ~~That~~ effective as of the next taxable status date (March 1, 2024), the County of Chautauqua does hereby increase the income eligibility limit to ~~\$58,400.00~~ **\$30,000** for partial real property tax exemption for senior citizens pursuant to Section 467 of the New York Real Property Tax Law.

RESOLUTIONS:

84-24 Acceptance of CARTS Public Transportation Section 5311 Capital Grant, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

85-24 Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.01, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

86-24 Authorize Extension of the Agreement Between the Portland-Pomfret Dunkirk Sewer District and the Village of Fredonia for Sewage Treatment Services, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

- 87-24 Amend Resolution 262-19 – Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 88-24 Amend 2024 Budget to Implement the PPDS I & I Project, Using Funding from the American Rescue Plan Act (ARPA)**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 89-24 Amend 2024 Budget for Probation Department ATI Pre-Trial Award**, by Audit & Control Committee – UNANIMOUSLY ADOPTED
- 90-24 Amend 2023 Budget for Year End Reconciliations – Department of Mental Hygiene and Social Services**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 91-24 Authorize Lease Agreement Renewal with Warwick Plaza, LLC for Chautauqua County Department of Mental Hygiene - Mobile Crisis Team Office Space**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 92-24 Policy Guidelines for Administering Proceeds of Original 3% Occupancy Tax**, by Planning and Economic Development and Audit & Control Committees

Legislator Larson: The Occupancy Tax is in part personal to me. The State Legislature had given Chautauqua County authority to – given the county legislature authority to enact an occupancy tax of 3% I believe about 10 years before the legislature did it, I was the county attorney sitting up there on the dais, when the legislature and a very divided vote as I recall, passed the occupancy tax finally the 3%. Political life is full of ironies. Sitting in this chambers there were a number of times when a representative of the CCVB, the Chautauqua County Visitors Bureau, there were a number of times when the representative of the Visitors Bureau protested (*inaudible*) against an occupancy tax that would basically destroy the tourist industry in Chautauqua County. So the political irony is, as many of you know with a change in the state reauthorization of our occupancy tax, a change was just made a year ago that made CCVB a 50% entitlement of the 3%. This year it raised their anticipated share of money from the county from \$550,000 roughly to over \$600,000 by an act of the state legislature. You didn't ask for that, right Mr. Chairman?

Chairman Chagnon: No.

Legislator Larson: No. So, quite an irony that I've lived long enough and been in county government then and now long enough to see the folks that protested the tax now are entitled to half of it to spend as they see fit. In addition, in the 2005 county election, the fact that a new tax was created was a political issue and the irony there is that the next administration added the 2% for waterways so the 3% didn't go away, it went to 5%. But that's just life and government and

politics and we have to smile about it I think. The legislature all those 20 years ago and plus did the right thing. I don't think if any of you made a motion, introduced a resolution to ask the state to abolish our occupancy tax or – I don't think anybody would do that. I don't think the CCVB would be here supporting a resolution to eliminate the 3% or the 5% total. So the legislature over the years, did the right thing and it's a tremendous resource. Tonight, we will have hundreds of thousands of dollars of waterway money from the 2% reflected in resolutions. It's a wonderful thing, thank goodness that the 3% was enacted locally. The 2% has been a great idea. And again, I can't – if anyone of those of us here tonight, the 15, think we ought to get rid of this occupancy tax, let us know. Thank you Mr. Chairman.

Legislator Parker: I just wanted to add, I'd like to give thanks to the many hotels, motels, Airbnb's, camps that do collect the occupancy tax for us and for the state. I know it's quite a bit – I've heard from different hotel owners that it does add work for them and I just wanted to express appreciation for that, thank you.

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

RES. NO. 92-24 – Policy Guidelines for Administering Proceeds of Original 3% Occupancy Tax – UNANIMOUSLY ADOPTED

93-24 Amend 2024 Budget for New York State Community Development Block Grant Award Microenterprise Assistance Program, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

94-24 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Removal of Damaged Steel Dock Structures from Dunkirk Harbor, by Planning and Economic Development and Audit & Control Committees

Legislator Buchanan: Yes, Mr. Chairman I would like to make a motion to refer this back to the committees for further discussion and review. I see there was some miscommunication and some questions that folks had.

Chairman Chagnon: Okay, we have a motion to refer this back to committee. Since this is a uncommon practice, in my term on the legislature, I would just explain that what the action would result from the approval of this motion is that there would be no further consideration of the resolution tonight but it would be put on the agenda, next month for the Planning and Economic Development committee and the Audit and Control committee meetings so do I have a second to the motion to refer to committee?

MOVED by Legislator Buchanan, SECONDED by Legislator Parker to refer RES. NO. 94-24 back to Planning and Economic Development and Audit and Control committees for further discussion and review.

Chairman Chagnon: Discussion on the motion to refer to committee?

Legislator Larson: We discussed it earlier but given the observation that for many of the room, this would not be the normal thing they've heard, under our rules, the motion to refer has the advantage of its entirely possible that the Audit and Control committee and/or the Economic Development committee will not have the answers it needs in April. It may take until May for those committees to get what they need to make recommendations back to the whole legislature so referring to committee is a good way for however long it takes for those committees and the legislators on those committees to be satisfied before coming back to the body. Thank you Mr. Chairman.

Legislator Parker: I was just going to say I'm thankful that Count Executive and a number of legislators worked on this to provide the occupancy tax for partial payment of the removal of damaged steel docks structures from Dunkirk Harbor as I think this was an important thing to do and was done well and it will be good to get this resolved and the counties pledged to contribute to that is much appreciated.

Legislator Niebel: Mr. Chairman, I'd just like to commend legislator Buchanan for all the work that he's done on this resolution. There are some unanswered questions by tabling this resolution, it'll give us a chance to get some of the answers to some of those questions but he's taken the lead, he's done a lot of work on this and I'd like to commend him personally.

Chairman Chagnon: Thank you for that. I would just clarify that the motion on the floor is to refer to committee, not to table. Any other questions or comments?

Legislator Pavlock: I would like to just add that making the correct decision on this is important so tonight, I don't feel that I myself could make that decision based on the information that we had and through our committee discussions this month, we still had some questions that were unanswered. I think we did some homework after committee and some other conversations were had and discussion but at this time I just don't feel that we have the proper information to make a correct decision and I think by referring this back to committee, it enables us that time. I'm happy to do it tonight. I don't want to – I want to make sure we're doing things properly and this is one way. Last month I felt we probably should have referred another one but tonight I'm happy to do so on this one and making the correct decision so thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the motion? Then, all in favor of the motion to refer back to committee, resolution 94-24, please say "aye", opposed? It is referred back to committee.

Unanimously Carried to refer RES. NO. 94-24 back to Planning and Economic Development and Audit and Control committees for further discussion and review.

- 95-24 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Morse 2% Project Repairs**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 96-24 Environmental Assessment of Applications for 2024 2% In-Lake Occupancy Tax Grant Program Funding**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 97-24 Authorize Public Hearing Regarding 2024 Agricultural District Inclusions**, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED
- 98-24 Cancellation of Taxes on Donation to Land Bank**, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 99-24 Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2023 to 2024**, by Administrative Services and Audit & Control Committees

Legislator Pavlock: I just wanted to comment overall on the American Rescue Plan Act funding. I feel that the county has been very responsible in their management of these funds over the last few years. I think that overall, the county's been progressive of finding viable projects within the county and the communities. We have a committee that I want to thank for their work and recommendations and also the departments within the county for putting up projects for consideration that were needed. A lot of county departments could have come up with double the amount of projects that they brought fourth but they brought up fourth important ones and they were considered and I just wanted to compliment the work that's been done and will continue to be done as projects are being sorted out even today.

Chairman Chagnon: Thank you. And as Blake understands so well, we are just shy of 80 projects that have been funded with the ARPA funds.

Legislator Larson: As my desk mate points out, an unusual circumstance where either the state or in this case, the federal government, gave the county roughly 26 million dollars and essentially gave the county authority to make its own priorities to allocate the funds where it saw fit. We hear so much about mandates, here was a case of hey folks, in Mayville, here's 26 million dollars, do your best to make your community better for it and so obviously in part of the American Rescue Plan, was successful in helping the whole country come out of the COVID depression of the economy and secondly, we trust that our county and others certainly used the money for worthwhile projects that will benefit our people for years to come so it's worked out well apparently for Chautauqua County and for that we should be grateful.

RES. NO. 99-24 – Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2023 to 2024 – UNANIMOUSLY ADOPTED

100-24 Reallocating Salary Grade for Bridge Construction Supervisor and Carpenter –
R/C Vote: 15 YES; 0 NO; 4 Absent (Bankoski, Johnson, Scudder, Wilfong) –
UNANIMOUSLY ADOPTED

101-24 Setting Salary for Carpenter Trainee – R/C Vote: 15 YES; 0 NO; 4 Absent
(Bankoski, Johnson, Scudder, Wilfong) – UNANIMOUSLY ADOPTED

102-24 Setting Salary for Senior Carpenter – R/C Vote: 15 YES; 0 NO; 4 Absent
(Bankoski, Johnson, Scudder, Wilfong) – UNANIMOUSLY ADOPTED

MOTIONS:

A. Proclaiming April as Donate Life Month in Chautauqua County

Clerk Lee: Motion “A” on the agenda, “Proclaiming April as Donate Life Month in Chautauqua County” has received the required amount of signatures to be brought to the floor.

*Motion “A” Proclaiming April as Donate Life Month in Chautauqua County –
Unanimously Adopted*

**B. Support for New York State Office for the Aging and Chautauqua
County Office for Aging Services**

Clerk Lee: Motion “B” on the agenda, “Support for New York State Office for the Aging and Chautauqua County Office for Aging Services” has received the required amount of signatures to be brought to the floor.

*Motion “B” Support for New York State Office for the Aging and Chautauqua County
Office for Aging Services – Unanimously Adopted*

ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements on our agenda. Are there any announcements other than having to do with the events on April 8th that any legislator would like to bring to our attention tonight?

Legislator Proctor: This may be a little early but May 4th on Saturday at 9 a.m., the Hometown Heroes dedication will be taking place down here at the cemetery in Mayville so I will be reminding you again in April, I just didn’t want to forget.

Legislator Landy: Thank you, Mr. Chairman. Yes, we all know about the eclipse, but I'm on the Airport Commission and they're putting a big deal going on up there with food trucks and vendors. It's a 2 day event, the day before and the day of the eclipse so I didn't know if anybody knew about that.

Chairman Chagnon: At the Jamestown Airport?

Legislator Landy: Correct.

Chairman Chagnon: Get that plug in. Okay, any other announcements? I just have 1 announcement. I would ask that we all keep in our prayers Legislator Johnson and former Legislator Gould who are both currently in the hospital. Are there any other announcements?

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.

Karen Engstrom: Township of Chautauqua. I bring you your industrial solar update. We are seeing the people in Texas who have experienced thousands of acres of industrial solar damage by hail. Those residents are very concerned about their ground water and their wells and the health threats that come from what leaches from broken solar panels. Which brings me to the governor's budget. The 2025 budget of the governor proposes in section 01 page 128, the rapid act which allows for eminent domain over our western counties. There is a resolution that's been circulated throughout the western counties and a number of counties have passed it and that includes Cattaraugus, Oneida, Schenectady and Herkimer. They are opposing the rapid act because it and I will read part of the WHEREAS and the RESOLVED. Strongly oppose this county, this town – strongly oppose is the passage of part (*inaudible*) contained in the governors article 7 revenue bill, related to the expedited siting of major electric transmission facilities in the use of (*inaudible*) and the extinguishing of the conservation easements. This is a threat to (*inaudible*) the rapid act (*inaudible*) it is based on broad science, it is not based on the facts, it is not based on the figures and the data and the logic of good energy policies or is it based on reality. So we are sharing this, and I will send it to the clerk via email, the resolution, there are very many variations of the resolution by the number of towns and counties but the governor is doing what she often does, she places something in her budget and she enacts it as law without going through the legislature process. We find this is going to be a threat to our quality of life, all of our towns need to have the right (*inaudible*) to decide and the right to question where and when and how renewable projects are placed in our county so as 1 elected official said in Cattaraugus County "We will be the energy colonies of downstate" and if we don't take a stand and stop the rapid act, thank you.

Yes good evening, I'm Justin Gould and I'm the County's Media Information Officer. The comment on the eclipse, brought it to my mind and I just want to give a shout out to our Emergency Services, our Health Department and our Planning Department for their great work on trying to advertise the eclipse. We've been working nonstop over the last well, since December really to try to push this up and I want to direct everyone if you don't already know, I'm sure you get my emails but our county has a special web page it's chqgov.com/eclipse. We have a lot of great safety information that our Health Department has put together and also information on how you can pick up your free eclipse glasses so if you don't have some, please make sure you check that out and pick them up. They're at Libraries, Fire Halls, Town Halls and we have them here in the office. I think it's going to be an incredible event for our County. So many people are excited and I believe we are one of the most prepared counties in New York State to welcome visitors here so thank you.

Chairman Chagnon: Thank you, Justin and thank you for your nonstop work.

Good evening, my name is Greg Raider (?) I own about 126 acres of land here in Chautauqua County I use part of this property for my compost business. I have been dealing with the DEC since 2008, to try to enhance my compost business to include recycling food waste. That's a whole long saga, so I won't go there tonight. Suffice it to say, I know how the DEC operates if Chautauqua County allows DEC to designate part of Chautauqua County as wetlands, and assure that the employees from the DEC know what they are talking about, don't believe everything you're told but be very careful about what you get into. An article on March 12th, 2024 issued by the Post Journal, Representative Andy Goodell said he had been told by the DEC attorneys that I quote "major changes won't be forthcoming on Chautauqua County". Further in this article of the Post Journal, Senator Borrello echoed "DEC says Wetland regulations won't hurt property owners" but in my personal experience designating a portion of Chautauqua Lake as wetlands, will indeed have profound and irreversible changes attached. Furthermore, once that designations becomes a reality, there is nothing anybody can do to make it go away or change anything. The DEC has absolute power in control and all Chautauqua County residents should be concerned and for property owners trust me when I say it hurts. If you want me to inform or assist in any way, I believe we could prevent this from occurring, thank you.

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

Unanimously Carried (7:38 p.m.)

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