

Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, March 26, 2025 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on March 26, 2025. Would the Clerk please call the roll?

Clerk Zink called the roll and announced a quorum present.

Legislator Penhollow delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson and duly carried the minutes were approved. (2/26/25)

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**1<sup>st</sup> Privilege of the Floor**

Chairman Chagnon: Next on our agenda we have the first privilege of the floor. Members of the public may comment on any subject relating to any local law, resolution or motion appearing on tonight's agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. Anyone wishing to address the first privilege of the floor?

Jim Wehrfritz, President of the Chautauqua Lake Property Owners Association, the CLPOA. I see Resolution No. 113-25 on tonight's agenda "Urging the New York State Department of Environmental Conservation to Pause Implementation and Reverse the Freshwater Wetlands Regulations". The CLPOA supports this resolution and appreciates that the County Executive and Legislature Chairman requested it and that Chairman Harmon and the P&ED Committee supported so it can be voted on tonight. Others and I, ultimately what became of the Chautauqua Lake Property Owners Association, the CLPOA, started raising concerns about the wetland's regulatory situation in mid-2023 and more loudly in early 2024. Some in this body said nothing would change and we were accused of spreading misinformation and raising undue alarm. We took our concerns directly to the public with the first in a series of nine wetlands-focused public meetings that began in April, 2024. In retrospect, your support and that of our state representatives would have been more effective if you would have heeded our calls and acted much sooner. We wish Senator Borrello and Assemblyman Goodell would have proposed their Lake-exempting legislation before the last three days of the 2024 session. Now, with its introduction once again in the 2025 session, we will wait until at least mid-May, 2025, five months after new regulation implementation, for a vote. We wish County Executive Wendel and Chairman Chagnon and the Legislature would have passed a resolution actually opposing the regulations not just requesting an implementation delay and all before October, 2024. We wish

the New York State Association of Counties, NYSAC, Legislative Conference would have passed a resolution requesting a regulation reversal, impact analysis, and collaboration before 2025 after regulation implementation began on January 1, 2025. And we wish County Executive Wendel and Chairman Chagnon/Legislature would have considered tonight's resolution or one similar much sooner. But, as is said, if wishes were horses, beggars would ride. It is obvious begging has not worked. The CLPOA appreciates all these efforts in hope they will be more than superficial actions months, and for some, a year or more after we consistently raised concerns. We support them, including tonight's resolution No. 113-25. The damage from the flawed regulations, their overly aggressive interpretation, the lack of a comprehensive impact evaluation, and the DEC's obvious lack of preparation, is now being felt after only 3 months. And, the clock is ticking with only 35 days remaining to challenge the process used by the DEC to formulate and implement the regulations. So, after watching the DEC aggressively move forward through 2024 and into 2025 without seriously considering the public and elected representatives' concerns and comments and the DEC and Governor ignoring pleas to delay implementation, the CLPOA announced on March 15<sup>th</sup> that it would file a lawsuit challenging the regulations and their implementation. It appears litigation is the only action the Governor and DEC will pay serious attention to and the only real opportunity for mitigation of the damage to our Lake, our properties, and the economy of the Chautauqua Lake area and the entire County. In addition to the lakes-only Borrello/Molitor legislation, and that is just about lakes, it's not about on-shore properties being considered at the State level and the resolution being considered tonight, we hope the County Executive and Legislature will, in parallel, join in the CLPOA's litigation and support our efforts in word and in deed at this time and before action is too late to be effective. Thank you.

Chairman Chagnon: Jim, if you would do me a favor and share your notes with the Clerk so we make sure that our minutes are accurately reflected. And I'll ask that same request of all the speakers to the privilege of the floor.

John Jablonski: Hi, I am John Jablonski, I live at 213 Spruce Street, Lakewood, NY. I own a property with lake access in the Town of Ellery, and I am a wetland owner who lives about ¼ mile from Chautauqua Lake in Lakewood. I strongly support what the State legislature did as the will of the people protecting more wetlands across New York State. I urge you to vote against the resolution on your agenda tonight requesting the State reverse the implementation of its updated wetland regulations. It is important to the health of our lakes and economy to protect these wetland habitats in our lakes, along our lakes and in our drainage basins. They are the flood storage areas protecting our properties and public infrastructure from damage. Lakefront property owners must realize that protecting these areas helps protect their valuable lakefront properties from flood damages. They are the first people who will be hurt with these wetlands being filled in and not protected. These wetlands around the lake are the flood storage areas protecting our properties and public infrastructure from damage. The proponents of the resolution on your agenda tonight want you to falsely believe the opposite. I am sure that the Village of Lakewood and 20 or so landowners downstream from my wetland property would be very unhappy if I filled in or trenched my wetland, so that the several thousand cubic feet of water that is stored on my land during heavy rainstorms was not stored, but cascaded across the

top of my street and down through the properties below, rather than slowing and storing those waters. If I was a city of Jamestown resident or legislator from the city, I would certainly want all the wetlands in the 180 square mile Chautauqua Lake watershed above the City of Jamestown to be protected to avoid Chadakoin River flooding. Please vote no on this resolution tonight. Thank you.

Jeff Molnar: Good evening, I am Mayor Jeff Molnar from Bemus Point. I am here in support tonight of County Executive Wendel and Chairman Chagnon's Resolution No. 113-25. You should have received the letter, it's a copy of Bemus Point Village Board of Trustees resolution that was passed last week urging you to approve this and pass it along. We feel that it's time to pump the breaks a little bit and take another look. Thank you very much.

Vince DeJoy: I'm Vince DeJoy, I live at 98 Forrest Avenue in the City of Jamestown. Full disclosure, I am the Director of Planning and Development for the City of Dunkirk and served in that same position for the City of Jamestown for about seven years. I want to first say that since I've been in this position, I've enjoyed collaboration and support from the county IDA and Planning Department as we've tried to transform our economy in the North County. I also want to commend the leadership and support that I have received from County Executive Wendel especially to when it comes to planning and working to transform and reimagine what that former NRG power plant site can be because it's caused devastation to our city finances. So, I'm here tonight to comment on Resolution 90-25 Authorizing the 1% Additional Sales Tax. Now I can see and fully understand the rationale for keeping the 1% or some number – whether it's .75 or 1, but the one area that I would like to comment on is the municipal share. I see that in the resolution it's 3/20ths go to the cities, towns and villages. As you know our, especially our two cities are hurting. And quite frankly, the big cost drivers are public safety, having a paid professional fire department and police department. And we have no other recourse to keep up with those costs, but to raise property taxes. And none of us like that, including myself. Whether in the City of Jamestown or what the people of Dunkirk are enduring with nearly an 85% increase in the City's property tax levy. What I would recommend and suggest an amendment to perhaps this is an opportunity to share just a little bit more of that 1%. Instead of 3/20ths shared amongst all the towns, and two cities and the villages, keep that 3/20ths for the towns and villages and carve out an additional 3/20ths for the two cities based on population. This is an opportunity to help those cities. We don't have many other recourses in terms of raising revenue to meet all of our obligations and expenses. And it still eaves the county with 70% of the 1% increase in sales tax. So, again thank you very much and I hope you take that under consideration.

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

**COMMENDATIONS:**

**Ethan Vebosky**  
**Cross-Country All-American Athlete - Maple Grove**  
**By**  
**County Executive Paul M. Wendel, Jr.**

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**Holly Keppel, Kelly Dalton & Francis Martinez**  
**Recognition of County Employees**  
**By**  
**County Executive Paul M. Wendel, Jr.**

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**STATE OF THE COUNTY ADDRESS**  
**BY**  
**COUNTY EXECUTIVE PAUL M. WENDEL, JR.**

<https://chqgov.com/county-executive/news/county-executive-wendel-marks-50-years-leadership-inspires-growth-state>

Clerk Zink: There are no veto messages from County Executive Wendel from the February 26, 2025 meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL**  
**NO VETOES FROM 02/26/2025**

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Clerk Zink: There are 6 communications listed on the agenda. If you would like a copy of any of these items, please let our office know.

Legislator Bankoski: Would you please read Communication #2 and Communication #4?

Clerk Zink: This is from the City of Jamestown, Mayor, Kimberly Ecklund regarding consideration of additional sales tax revenue for local municipalities. This is #2 on the agenda. Dear County Executive Wendel, Chairman Pavlock, Vice Chairman Niebel, And Honorable Members of the Legislature. I would like to take this opportunity to thank you for your continued leadership and commitment to strengthening our communities. The work you do to ensure Chautauqua County remains financially stable while supporting the needs of its municipalities is truly appreciated. As discussions move forward regarding the County's sales tax structure, I want to express my support for exploring an adjustment to the distribution of the additional 1% sales tax revenue to provide more resources to local municipalities. The cities, towns, and villages within Chautauqua County are on the front lines of delivering essential services, maintaining infrastructure, and supporting economic development.

A modest increase in the share allocated to municipalities would provide a much-needed boost to help us continue serving our residents effectively. We recognize that these conversations must balance the fiscal needs of the county with those of local governments, and we greatly appreciate your willingness to take a closer look at how these funds are allocated. By working together, we can ensure that all levels of government remain strong and well-equipped to meet the needs of our communities. I look forward to further discussions on this important issue and appreciate your time and consideration. Thank you again for your dedication and service to Chautauqua County. Truly yours, Kimberly Ecklund, Mayor.

This is #4 on communication from the City of Dunkirk by Nick Weiser. Dear Members of the Chautauqua County Legislature, I am writing on behalf of the City of Dunkirk to formally request that the Chautauqua County Legislature review the distribution of sales tax revenue to municipalities as part of its upcoming discussions on the additional 1% sales tax. As you are aware, the current allocation structure designates 85% of this revenue to the County and only 15% to local cities, towns, and villages. In recent years, the financial burden on municipalities like Dunkirk has grown significantly. Despite our best efforts to manage expenditures, rising costs driven by contractual obligations, state mandates, and essential public services have placed an increasing strain on our city's taxpayers. The additional revenue that could result from an increased municipal share of sales tax would help alleviate this burden while allowing us to maintain critical services and invest in our community's long-term sustainability. We stand in solidarity with the leadership of Jamestown and Fredonia in advocating for an equitable adjustment to the sales tax distribution. As the County weighs its options, we urge consideration of a formula that provides a greater share to local municipalities, recognizing the essential role cities like Dunkirk play in driving economic activity and providing direct services to residents. We welcome the opportunity to discuss this matter further and appreciate your time and consideration. Thank you for your service to the County and for your attention to this critical issue. Sincerely, Nick Weiser, Councilman-at-Large & Chair, Finance Committee, City of Dunkirk.

**COMMUNICATIONS:**

1. Letter – NYS Agricultural and Markets – Acknowledgement of Resolution 362-24
  2. Letter – City of Jamestown Office of the Mayor (Re: Consideration of Additional Sales Tax Revenue for Local Municipalities)
  3. Affidavit of Publication (2) – Legal Notice – Extension of CCLSD (Post Journal and Observer)
  4. Letter – City of Dunkirk (Re: Request for Review of Sales Tax Distribution to Municipalities)
  5. Village of Bemus Point Trustees in Support of RES. NO. 113-25
  6. Letter – Assemblyman Andrew Molitor – Acknowledgement & Support of RES. NO. 25-25
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**Opened**  
**7:27 p.m.**

## **PUBLIC HEARING**

### **A PUBLIC HEARING Pursuant to County Law §254 Upon a Proposal to Extend the Center Chautauqua Lake Sewer District from Midway State Park through Point Chautauqua on the East Side of Chautauqua Lake**

Chairman Chagnon: And next on our agenda we have a Public Hearing. This will be a Public Hearing pursuant to County Law §254 Upon a Proposal to Extend the Center Chautauqua Lake Sewer District from Midway State Park through Point Chautauqua on the East Side of Chautauqua Lake. At this time, I will invite the engineers for this proposal Matt Zarbo from Square Engineering to come down and make a presentation.

**Matt** Zarbo: Thank you. So, I am Matt Zarbo, I am from Square Engineering. This is Andrew Meyerhofer. And we worked with the County and the County Planning Department on reviewing a potential Sewer District along the eastern side, northeastern side of Chautauqua Lake. Our company, Square Engineering, specializes in municipal infrastructure projects. We've worked with probably about a dozen of the communities within Chautauqua County and are very familiar with the area. So, we appreciate being here. So, today we are going to discuss a lot of different items including the location of the project, the purpose, the boundary, the proposed infrastructure, and EDU assessment, which we'll get to what that is, capital costs, potential grant opportunities, and estimated user costs. This is kind of a broad overview of a very detailed study that we undertook with the County to evaluate a significant amount of different options for sewerage this area, including going North with the sewer to the North Chautauqua Lake Sewer District as well as going South to the sewer to the South and Center Chautauqua Lake Sewer District. Ultimately selecting that as the most preferred alternative. So, a very, very detailed engineering report was done. We are going to give you the results today for your consideration of formation of this district, I see there's a lot of resolutions to not only go after grant funding with (*inaudible*) to form the district today. So, after the presentation if you do have any more questions, we are happy to answer. For the residents that are here, we don't have details on how this is going to impact your individual property in regards to where would sewer be, specifically installed on your property. This is a study that reviewed the whole area. After this, if the project does move forward and the legislature does choose to move forward with the project, there will be a very detailed design phase where those things would work themselves out. So, location itself, I would encourage the legislative board, I'm sure you've seen it, but any residents, there is on the County website, I believe it's under forms and documents, there is a detailed report that you can actually look at this and actually zoom in on these maps. Because I know looking in the audience, these are going to be hard to see. But, the location itself is the northeast side of Chautauqua Lake. It's the only area, and on that map on to the left, it's the only area that's not seweraged right now. The entire rest of the shoreline is either seweraged or Phase 2 project has started which is going to sewer the remainder of the west side. So, it's the northeast side of the lake. And the purpose of this sewer extension, as many of you may know, is water quality driven. Chautauqua Lake is subject to harmful algae blooms, it's impaired per New York State

DEC section 303 D regulations. And DEC has actually created what is called a total maximum daily load for phosphorus. And what that really is, is saying how much phosphorus loading can that lake take without it impacting water quality. And one of the things that loading found is a great percentage, you know sewers are not the only thing that's causing a phosphorus loading on the lake, but a large percentage of the problem is from municipal sewers. And they found this years ago and I know the County has had the historic initiative for decades now of sewerage the lake. And this is really the last piece of the puzzle. So, the ECA identified wastewater plants and failing septic systems. And I say waste water plants along the lake, as there is, in this service area, there is privately owned plants. But what a lot of privately owned plants don't do and what septic systems, even if operating as designed, don't do – is they don't remove phosphorus and they don't remove it from the lake of where they're discharging into the nearby, into the lake itself or nearby streams that directly go into the lake. And ultimately these pollute the lake. So, the (inaudible) that the DEC set, requires a significant reduction in phosphorus from this wastewater loading and the only way to do that effectively is public sewers and ultimately what we are recommending is sending, you know, the sewage from this area to the south, which would effectively remove it from the Chautauqua Lake water body itself. So, lastly, the purpose of this extension is obviously to finish a major County objective of extending public sewers to lakeside communities. So, the boundary itself, and I know again, this is being small for you guys to see. But it's basically from the Chautauqua Lake Estates which currently has sewer on the eastern side of the lake, down through Point Chautauqua all the way down to the Viking Lodge which is just north of Midway State Park. And it effectively extends from along Route 430 to the west to the lake. It does come off the lake a little bit in a few locations like the KOA Campground is included in with the district boundary, but large and in part outside of that and a little bit in Dewittville, it is a long that lakeside corridor which is fairly heavily developed in multiple areas. So, what we are proposing, and this was, we did an alternative analysis that looked at a bunch of different technologies and treatment alternatives along, is basically a combination gravity sewer system that works by gravity, that's your traditional manholes and gravity pipes, as well as pressurized sewer system which has been more common in these lakeside areas especially with your Phase 1 and Phase 2 projects uses a low-pressure sewer system. So, it's a combination where it makes sense to do gravity sewer like through Point Chautauqua, where gravity we can use gravity as our friend, and save on-going operation and maintenance costs and electric costs from dealing with things like pump stations and grinder pumps we are going to do that. But where we can't, which is a lot of areas where topography is, or site conditions aren't conducive to gravity sewers, it would be a pressurized sewer system. And that is outlined in the map on our board if you are looking for specific locations of where we primarily have slated gravity versus grinder pumps you can look at that. Ultimately, as I've said a few times, the sewer will be transported to the south and utilized. We do have to more or less bypass a portion of the center, I guess its part of technically the Center Chautauqua Lake Sewer District, but we'll utilize a significant amount of existing infrastructure to convey it down to the plant down in Celoron. The capital costs broken down, and you know when we estimate capital costs at this level based on the actions, the legislature has to take, you have to authorize a maximum amount not to exceed. So, it's not an estimate of hey, this is where we, this is the best guess of where the project cost is going to be, this is a realistic guess of what the maximum amount that the County should budget for it. It is inclusive of 25% contingency and that's nearly over six million dollars' worth of

contingency on this project with a total maximum amount not to exceed of 35.59 million dollars to sewer the entire area. There is a significant amount of funding opportunities currently available for infrastructure projects as you guys are aware of with your Phase 1 and Phase 2 projects. And I know many of the communities are aware of with their infrastructure projects. For this project specifically, I think there is three main target areas, three main large program target areas that we see applicable to this project. One of them being is the New York State Environmental Facilities Corporation. They are a clean water state revolving funding. And they manage three pools of money I'll say within those programs. And the County has been very successful in obtaining these for other projects. One being the water infrastructure proven act which can provide 25-50 % grant for the project. That can be combined with a bipartisan infrastructure law funding which was passed a few years ago at the federal level administered through EFC which also could provide a 50% grant funding and then the remainder would be a 0% interest loan. Those are our targets, doesn't mean you are going to get all that funding, but we will certainly attempt to get that funding. Additionally, New York State DEC has a water quality improvement project grant which can provide up to 10 million dollars in grant funding and then lastly Congressional Appropriations which my personal opinion is they are probably going away, could be a target source at one to two million dollars. I think obtaining 50-75% grant is likely under the current programs. It is feasible to obtain more grant than that, but we are providing a very realistic scenario for you guys to evaluate. An EDU assessment. So, and EDU assessment and the reason it's important, is and EDU or equivalent dwelling unit, is basically the unit at which sewer is charged to individual residents. And what it really does is it relates when your paying debt, everything to a single-family home. So, this, you know, when I use the word EDU, think of one single family home, a multiple family property would be one EDU per dwelling unit. So, a two-family duplex would count as 2 EDU's so they would be assessed double the sewer debt as a single-family home. As far as commercial, the County standard is one EDU per 17,500 gallons of water used with a minimum of 1 EDU. And then vacant parcels, they are typically charged a 100 dollar per property benefit charged to go to sewer debt. So, this is how debt is broken up. So, when I give you numbers in a second of what annual debt is going to look like – it's based on one single-family home 17,500 gallons of maximum use for a commercial property. As far as other places like campsites it's .5 EDU's is generally what they are using right now. So, we are following the standard county EDU schedule that they have implemented on past projects. So, an annual cost for sewer, like what is this going to cost, you know, your residents is really broken down by two charges. One is, I'm not going to say it's fixed because operation and maintenance charges will go up year after year as inflation goes just naturally progressing. But one is, an ONM Charge so is, which is \$354.00 per year. It doesn't matter if the project is 100% grant funded – you are still going to have to pay \$354.00 per year if that's the current ONM charge for the South and Center Chautauqua Lake Sewer District and that's going to pay for you know, maintenance, infrastructure replacement, you know, just to keep the system operational and going as well as all the treatment expenses that this project will cost at the plant treating additional flow. The next, we can't give you an exact number today, is capital debt right. The capital debt is largely going to be dependent on hey, how successful is the county at obtaining some of this grant funding. We have estimated that between about \$457.00 and \$914.00 per year based on 50-75% grants. It is our understanding that the County is not going to move forward with this project or how it is being proposed right now, unless a

minimum of 50% grant is received. So, the \$1,268 per year – that’s 50% grant of that 35.5-million-dollar project. Keep in mind that 35.5-million-dollar project does have a lot of contingency in it. The hope would cost would be less than that and if costs are less than that 35.5 or more grant is received, you are going to get closer, costs are going to go down from that \$1,268. So, that is a maximum amount. That is a maximum figure based on what is being proposed and the hope is costs will certainly be less. There is other one-time costs that residents have to be aware of on this project. So, what the project will not pay for – it’s going to pay for the entire publicly-owned system. While it won’t pay for the privately-owned aspects of a sewer system. And homeowners are generally responsible for – who have septic systems or existing treatment systems – is the decommissioning and abandonment of no longer used facilities as well as the connection to the piping provided or the you know, the grinders or the gravity connections, provided to the individual units. Now, the exact cost of that work is certainly going to vary from property to property but generally speaking, is estimated at \$5-7,000 as a one-time connection cost. You know, the one question we often get on these projects is you know, the people who financially can not afford those connections and what I will say is there are several programs, particularly for low-income and seniors, that can help pay up to 100% of those connection costs where financial considerations are an issue. So, that’s kind of the rough overview of what we’ve reviewed and the results of what we have and you know, now I can take any questions.

Resident: *(Question could not be reproduced)*

Matt Zarbo: So, if I recall your actual plant, if I recall the location, I believe you already have kind of a collection system within your system. So, not to get too far into the weeds, but we would evaluate the condition of that collection system because you are already sending it to a centralized location and then we would connect there. The county historically, and Pierre correct me if I’m wrong, would review the infrastructure and if it’s in acceptable condition, they would take ownership of that but we would connect at the plant. There is no sense of installing additional infrastructure that’s not needed to transport your sewage to Celoron to the South.

Resident: *(Question could not be reproduced)*

Matt Zarbo: So, there is not differentiation and I’ll explain why. So let me, that was kind of a two-part question. One is, seasonal vs. full-time. When you design a sewer system, the infrastructure you’re paying for is that, largely it’s the infrastructure you’re paying for. When you design it doesn’t matter if you’re there just for the fourth of July weekend or your there all year. I mean, and along the lake, these lakeside areas your peak flows, your peak loading, a lot of times is in the fourth of July weekend or it’s in the middle of March when you have a big snowfall and it rains and nobody is there. That’s what we have to design for. So, the infrastructure costs for servicing a seasonal resident is not any less than serving a full-time resident. And for those reasons, as a typical precedent, not only in the county but across most municipalities, that seasonal residents are charged the same. Because additionally, how are we supposed to monitor how many days a year you are there or you’re not there. And how are we supposed to monitor if a seasonal resident doesn’t become a full-time resident. As far as a 5–10-bedroom place, I mean, I don’t know of many 10-bedroom places, but if there is a 10-bedroom

place, if it's a duplex or something, a multiple dwelling unit, apartment places, they would be assessed more. A single-family dwelling unit would not be assessed more. One thing I'll mention with sewer costs, is a vast majority of sewer costs are fixed. It's not, although there is a flow-based system when you come to commercial, that is just to assess it, to compare it to a single-family home. But the vast majority of costs are fixed and it doesn't matter if you flush your toilet or not, the district expenses are nearly going to be identical.

Legislator Johnson: District 19 here. You said something about March and high flows. That made me ring a bell. When reporting something new, and we're not mixing storm water and sewage water are we?

Matt Zarbo: You are not. And you know, the newer construction has significantly cut down on inflow and infiltration. But, you know, we have done some studies across the County, not the new infrastructure that you are putting in but you know, I would be remiss if I said your only highest flows are in July when I've seen some pretty high days when nobody is there. So, the older infrastructure, the clay tile piping with that snow melt, a lot of water winds up in its way into the sanitary systems.

Resident: *(Question could not be reproduced)*

Matt Zarbo: So, the timeline is going to be largely based on obtaining grant funding. So, let's just say high level, and this would be the fastest this project in my opinion could move is, this year 2025 is a funding year. If they secure funding at the end of this year the county and go and procure a design consultant to do the final design of the project. Depending on that time frame, the fastest a design consultant could do it would be into 2026. Likely, that would extend somewhat into 2027 and then the project would go out to bid. So, I would say the earliest construction could start would be sometime in 2027 likely it would be later 2027 early 2028. The project, based on even Phase 2, which Northrup has estimated, they are our contractor, about 18 months to complete it, would also take about 18 months to complete – it would be in that neighborhood. So, you can figure construction between mid to late 2027 and late 2029 would be realistic as far as a time frame. But obviously that's going to be very fluent. The County does have to secure that grant funding that we discussed before the project in their eyes is fiscally feasible.

Resident: *(Question could not be reproduced)*

Matt Zarbo: So, typically speaking, a single-family home with a septic connection, is you are going to connect to the piping on the house side of the septic, the dwelling side of the septic, and you are going to transition it over to the new infrastructure. The septic tank itself, naturally would have to be pumped out and then generally speaking it's either holes are drilled in the bottom or a lot of times they are just hitting it with the excavator they have to dig out your other connection, breaking it so it doesn't trap water, and then filling it in. So, they usually do not remove the tanks themselves. I do not believe the county has any special regulations for that, but

there is usually an inspection process during that connection. But, filling them in is more of a long-term safety issue as making sure they are property abandoned.

Resident: In regards to the septic system, are we allowed to use someone of our own choosing or will it be delegated by someone from the State?

Matt Zarbo: Tom, does the County district, I mean you guys have probably a licensure requirement for – is there a requirement for plumbing?

*(Inaudible)*

Matt Zarbo: So, to answer that question fully, it will not be delegated. You won't have to use a specific person but you will have to use someone that's qualified and approved.

Legislator Carle: Can we share the information that you're sharing with us tonight with the affected and designated communities that are going be there and have we polled them for favorability and is it mandatory or is there an opt-out?

Matt Zarbo: So, the two communities that are involved are the Town of Chautauqua and the Town of Ellery. And both supervisors were on the Board and so both communities are very well informed of what's going on and, in my understanding, supportive of expansion of sewers at least I didn't, they didn't mention anything during our meetings that they weren't.

Legislator Carle: So, when I see the finances of it, I can see there might be opposition when someone sees that, you know, they are going to pay 5-7 for the hookup and \$1,200 a year and then whatever contingencies could be placed on that and maybe we don't get all the grant funding we want, some prices could go up. And it just seems like we would probably have to have informational sharing meetings and make sure those communities know all the opportunities - do they have an opt-out or are they expandatory for them?

Matt Zarbo: If the County does move forward with the district, it's going to be mandatory within the district. And I think County regulation right now is if you are, if sewer fronts your home, you must connect its the County law. So, that's what would happen. Ultimately, there is a process for residents to protest it back against the district. There is a referendum period in items like that, that allow, and part of the purpose of this public hearing, is to be transparent with the public and the reason, and we've been transparent with the towns – the communities themselves – by including them. This is not the first time they are being presented this information. And the Map Planner Report and everything that we've done sharing these numbers has been publicly available and obviously there's been the requisite notices and stuff has gone to the proper places to show that the County legislators is looking at this.

Resident: *(Inaudible)* ... areas where there are multiple units so are we saying for example: our property is in Chedwell, and we have 14 unites, so we are going to have 14, basically 14 hookups, correct?

Matt Zarbo: So, and I can't speak exactly to – we did look at – we requested from the Health Department all the information and DEC, all the information we could have on individual systems, and we also did reach out during our study to all the major individual property owners – Chedwell being one of them. If we got contact, we reached out and discussed it. I can't recall exactly how it was on your property. I would encourage you to look at the Map Planner Report. What I will tell you, do you remember exactly Chedwell?

Andrew Meyerhofer: Yeah, I think you guys, you go to a central location right now. Everything kind of flows there, and I think we had preliminarily thought about putting a pump station there to take them all similar to Crosswinds. But again, that's going to be decided once we get a more detailed design.

Resident: *(Inaudible)* ... so the hookup would be the individual homeowner's responsibility.

Matt Zarbo: So, in Chedwell's location, as you guys are a community, and when we talk about hookups in general, we are talking about a single-family home. As you guys as a community, your hookup would probably just be to one location. It would be to one pump station because all your sanitary flow is coming to a centralized location now. So, that's likely, but again, during the design phase, you know, I can't speak to the consultant that will end up ultimately giving that design project. But when our firm does it, we attempt to meet with every single property owner so they can understand individual property impacts. You know, at this level, we have done some very good due diligence to understand and price this project. But I can't tell you definitively exactly how we are going to hookup anyone's property, home. But there is going to be more coordination on. But I think the hookup for the places like Chedwell where they are going to a central location will be fairly simplistic. And it's not going to be 14 hookup charges, you know 14 times five to 7,000, it's going to be way less because of how your system is already plumbed.

Resident: *(Inaudible)* ... would it be \$1,200 per unit then or would it be just \$1,200 for that one hookup then per year?

Matt Zarbo: So, the, it's \$1,200 per equivalent dwelling unit. So, if you have in Chedwell, let's say there is 14 dwellings or 14 condos or whatever, each individual condo or it's going to be each individual condo's going to be assessed one EDU. So, it will be \$1,200 per resident or per prop dwelling in there.

Resident: *(Question could not be reproduced)*

Matt Zarbo: No, so the project and anything disturbed by the project is going to be restored by the project. So, you know, restoration is inclusive in that cost and if we go down the center of a private road and rip it all up, the paving of that road or restoring it to existing

condition of its gravel, it's just going to go gravel back. We are not going to improve on existing condition but we are going to restore to that condition.

Matt Zarbo: Well, I appreciate everyone's time.

Chairman Chagnon: Matt, thank you. Andrew, thank you.

*Closed*  
*7:57 p.m.*

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**LOCAL LAW INTRO. 1-25 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (Re: Director of HR/Compliance Officer for Chautauqua County Human Resources Department)**

Chairman Chagnon: Are there any comments, any questions on the proposed local law?

Legislator Larson: Just a very brief one, Mr. Chairman. Back when Andrew Goodell was County Executive, he was a big proponent of very wide ranges of a management salary plan. For folks here that maybe were schoolteachers or whatever or looking at our CSEA contracts. We have relatively small steps. It might be 2 or 3 percent for each step. All those twenty-some years ago I understood the logic of what those wide ranges for management were. But it did strike me that this is one huge range. And again, I'm going to vote for it, but I would hope that one of our committees someday would reexamine whether a range of \$20,000 or \$30,000 or some cap might be appropriate. Yes, you might hire somebody right out of Fredonia with a bachelors' degree for a good important job and the next person might have twenty years of experience at MRC Bearings in that field. So, you want a good-sized range. But this is huge. And I know that's not being very analytical or specific, but it is huge. And I think something smaller would be something that the appropriate committee, I don't know if it would be Administrative Services or who Mr. Chairman, look at the logic of such a wide range. We don't have such a thing with our bargaining unit with employees. Thank you.

Chairman Chagnon: Thank you. Any other comments, questions on the proposed local law? Hearing none, would the clerk please call the roll.

*LOCAL LAW INTRO. 1-25 – R/C Vote: 19 YES; 0 NO – UNANIMOUSLY ADOPTED*

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**RENEW & AMEND RES. NO. 128-24 – Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.84**

*MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Renew Resolution 128-24 – Unanimously Carried to Renew*

*MOVED by Legislator Nelson, SECONDED by Legislator Vanstrom to Amend 128-24 by substitution – Unanimously Carried to amend by substitution (as shown below)*

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

*UNANIMOUSLY CARRIED as Amended*

## **RESOLUTIONS:**

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

Legislator Scudder: Thank you Mr. Chairman. Before I read my discussion here, there is going to be a couple of examples of two municipalities. These are just examples; I am not being negative towards these municipalities. They were just the two that came up and one of them happens to be where I live in Fredonia. So, there is no malice here. I’m just using them for examples. Tonight’s discussion of our sales tax rate and distribution can be debated many ways. I will base my discussion on facts with the suggested unknowns looking toward the future. Chautauqua County at 8% is at the same sales tax rate as 41 other Counties in New York State. Five Counties in the State are 7%, one at 7 ½% and the other ten are above 8%. Chautauqua County is clearly among the overwhelming majority of counties – 51 in total – with an 8% or higher sales tax rate. Chautauqua County is also the eleventh in New York State of all the Counties in our sales tax distribution as a percentage of total sales tax revenue. 39.94% - almost 40% of our sales tax revenue in Chautauqua County was distributed to our municipalities in 2023. Twenty counties in New York State don’t even share any sales tax to their municipalities. In 2024, the municipalities in Chautauqua County were projected to receive \$37,404,924.66. 2025 numbers are \$38,562,882.63. That’s an increase of \$1,157,957.97. Now for those examples I was speaking of, in 2024, the City of Jamestown was projected to receive \$8,427,020.52. 2025 should see an increase of \$350,526.50. To increase the sales tax revenue to \$8,777,547.02 total. In 2024, the Village of Fredonia was projected to received \$2,122,125.24. 2025 should see an increase of \$86,150.30 to increase the sales tax revenue to \$2,208,275.54 total. The same results are realized across the county by all the municipalities. The preliminary financial results for 2024 show a reduction of the unobligated Fund Balance of \$8.3 million in Chautauqua County. That’s an 18% reduction from 2023. So, looking to the future. Federal Aid anticipated to the County in 2025 totals more than \$38,000,000 – 17% of the General Fund balance. Anticipated Aid – will we receive it? The State has not approved their budget. Will there be cuts in aid to the County? Will Medicaid expense increase to the County? These are facts and concerns that will make my vote a “Yes” to the 1% increase and the 15% distribution as stated in the resolution. Thank you.

Legislator Larson: Thank you Mr. Chairman. I respectfully am asking at least 10 of the 19 of us here tonight to vote “No” on this resolution so we can at least have a discussion about

resolution 91-25 authorizing an additional  $\frac{3}{4}$  of a percent sales tax instead of 1%. Reducing the County sales tax rate from 8% to  $7\frac{3}{4}$  % under my resolution is a win-win proposal. Our residents get a tax break and our cities, towns and villages will be held harmless. Starting in 1968 for over 30 years Chautauqua County made do with a 7% sales tax. For the last 10 years the County government has repeatedly asked the State Legislature every two years, to raise our sales tax to 8%. Some in Mayville now want to continue the 8% rate for the next two years. It is time to give our residents a tax break and reduce the sales tax to  $7\frac{3}{4}$  % for at least three reasons. First, there was a time in the 1980's and 1990's when Chautauqua County government was burdened by an ever-increasing local share of Medicaid. For 16 straight years Republican County Executive Goodell and Democratic County Executive Thomas annually reported on the uncontrolled hikes in the County share of Medicaid. Towns, villages and cities have never shared in the local Medicaid cost. Medicaid, for example, pays for the vast majority of the nursing home patients in the County. The State, about 20 years ago now, effectively capped the total local share of Medicaid. Second, prior to the 2014 sale of the County home in the town of Dunkirk, the leadership in Mayville claimed that the County home was costing taxpayers about 3 million dollars a year. The County no longer has that annual loss. Third, Chautauqua County is the only New York County surrounded on two sides by Pennsylvania where the sales tax is only 6%. A reduction in the County's sales tax rate would strengthen retailing here and the number of retailing jobs in our County. The County is approximately \$40,000,000 slush fund (unappropriated Fund Balance) is largely the cumulative result of the local share of Medicaid being capped and the sale of the money-losing county home. Under the County Legislature's own policy, we could be satisfied with a \$15,000,000 slush fund. The County can afford to sharpen its pencils and live with a  $7\frac{3}{4}$  % sales tax. The average price of a new vehicle in our Country now is \$40,000. Reducing the County's sales tax to  $7\frac{3}{4}$ % saves the vehicle purchaser \$100. Who can better use that \$100? Our residents or the treasury here in Mayville? Lastly, a county similar to ours – Ontario County – makes due with a  $7\frac{1}{2}$  % sales tax and yet has a full value property tax rate a dollar less than ours. It only takes 10 votes this evening out of 19 of us to give our residents and retail businesses a much-deserved tax break. Again, if I can get 10 of us to reject the first resolution, we can discuss the second one. That resolution can be amended. You can amend it to a different share of the  $\frac{3}{4}$  with the towns, villages and cities. You could amend it to be  $\frac{7}{8}$  of a percent. But if 10 of you pass the first resolution, the discussion about why are we continuing at 8 and why do we keep 85% of the additional 1% will end the discussion for two years. I have a trivia question for you tonight. And I would have guessed wrong and I'm going to guess that 18 rest of us would guess wrong. True or False: The County's local share of Medicaid in 2024 was less than it was in 2005? And budgeted for 2025 the local share of Medicaid is still less than the County budgeted 20 years ago. True or False? False, yeah, I would have guessed false. Well, it's true. So, why could we go down to  $7\frac{3}{4}$  % now? Well, Medicaid costs for this County government in 2005 was  $33\frac{1}{2}$  million dollars. Medicaid costs local share last year was 32 million. And this year it is projected to be 32 million again. Forget inflation, these are just out-of-pocket dollars. Unadjusted dollars. I was acting County Executive, I'm sorry. But I was County Attorney in the 1999 through 2005 period and I don't want to throw out so many figures that your eyes are going to glaze over, so I'll give you the dramatic ones only. 1999 this County budget local share of Medicaid was 13 million bucks. Five years later it was 33 million bucks local share. Now there was a time when County Executive Thomas and the Legislature had a true

tough situation. Can you imagine 20-million-dollar local share increase in just 5 years? Simple old inflation for medical costs like Medicaid, that 33 million twenty years ago today on the just plain consumer price index, we would be paying 56 million as our local share of Medicaid. If the State had not capped Medicaid, we would be looking just on simple inflation at 56 million bucks. Not 32 million. So, can we afford to sharpen our pencils and reduce the sales tax on our people by  $\frac{1}{4}$  of a percent? Absolutely. The sale of the County Home, my fellow County legislator Terry still is mad at me for being the deciding vote that night to sell the County Home.

Legislator Niebel: And I will be. Till you die.

Legislator Larson: But we're still friends. It was a Republican County Executive and a Republican majority legislature that told our public week after week, month after month, that the County Home was costing our County taxpayers at least 3 million dollars a year. So, that night I was the deciding vote to sell the thing. After by the way, the owner had wisely promised to recognize the civil service employee's association at the County home that would be private. That was an important factor for me. So, assuming our leaders were telling the truth back in 2014, that we were looking at an annual 3-million-dollar loss, we've had a cumulative savings these eleven years of 33 million dollars on not being responsible for a County home anymore. So, Medicaid costing this budget less than it did 20 years ago, with the County Home 3-million-dollar local tax loss off the books now for eleven years, we can afford to give people a break when they go buy a car, or a \$1,200 nice GE refrigerator/freezer or whatever. We can give our retailers a break who compete against Pennsylvania with a 6% sales tax. The last thing, Mr. Chairman, I'm going to walk you through very quickly. What is the recent history of this 8% sales tax business? Well, it all started with 1999, when the legislature adopted resolution 160-99 enacting a permanent exemption on the local sales tax on clothing and footwear. There was some mention in the press that at some point there had been a year or period where we collected sales tax on clothing and footwear. That is not true. Again, I was County Attorney in 1999. We had the option as a County of making that temporary or making it permanent. This legislature made it permanent. So, we had 26 straight years of this County being the only one within 150 miles of here that exempted clothing and footwear from local sales tax. That's something for that legislature and executive back in 1999 to be very proud of. You think of those families over those 26 years buying clothing and footwear for their kids going back to school and we're the only County within 150 miles of here that doesn't charge them local sales tax. Again, we are surrounded by two sides by Pennsylvania. When we went to no sales tax on clothing and footwear, Penney's closed their Warren Mall store and went into the Chautauqua Mall. Because when we charge sales tax on clothing and footwear and most people here in the room tonight know Pennsylvania charges nothing, we had the Warren Mall, most of its shoppers were from Chautauqua County not from Warren. So, eliminating our sales tax on clothing and footwear brought a lot of retail into Chautauqua County and retail jobs. In 2007 this legislature passed a resolution requesting a reduction of the additional sales tax of 1% down to  $\frac{3}{4}$  of a percent. I believe that our State Assemblyman at the time, Bill Parment, wanted to only carry a  $\frac{3}{4}$  % add on not 1. So that was 2007 for the next two years. We charge  $\frac{3}{4}$  of a percent. This is not ancient history at least not to me in 2007. 2009 the legislature, every two years, right, you have to ask for additional sales tax. 2009 this legislature requested a continuation of the  $\frac{3}{4}$  of a percent. There

was an add-on then that for December of 2010 through November of 2011 our County sales tax was reduced to  $\frac{1}{2}$  of a percent. Sharing it with cities, towns, and villages. Things changed politically in 2010 around here and in 2011 this legislature went back and requested the 1% add-on instead of  $\frac{3}{4}$  and established what's gone on through now. Only 15% of that goes to the municipalities, 85% has stayed with the County. So, it's not a radical idea to have a  $\frac{3}{4}$  % sales tax rate. We had it starting in 2007, 2008, 2009, and 2010. Again, we have one of the, that's a weak statement but it'll have to do. You all know we have one of the poorest Counties of the 62 counties in New York State. So, for us not to take into consideration the benefit that even a  $\frac{1}{4}$  of a percent reduction to sales tax would have for a lot of our constituents. That we allegedly are here to represent, I think is not appropriate and given the context that frankly I didn't know until today, that the local share of Medicaid provided by this County budget, is less than it was 20 years ago. So, you can't blame Medicaid for needing the 1%, you can't blame the County Home deficit for needing the 1%, and inconclusion, for the moment anyway, I can tell you from all kinds of experiences, it is fun to have lots of money to spend. It is hard work to be frugal. And even if we had to use 5 million dollars of the Fund Balance, to get through next year and this sales tax reduction doesn't take effect until effectively next year, even if we had to use 5 million to get by, there is plenty left and as some of you have had discussions with me out in the parking lot over the last 15 months, it's not a bad thing to have to sharpen your pencil whether it's a private business or whether it's government. If money is easy to come by you don't work as hard to be responsible with that money. Thank you, Mr. Chairman.

Legislator Pavlock: Thank you, Mr. Chairman. Last month we were presented with an opportunity to refer this resolution back to committee. And I supported that because it provided us - there wasn't a notion that we needed to get it resolved that month, that we did have some time. So, in doing so, I thought it gave all of us an opportunity to just research this topic just a little more. It does have to deal with a significant amount of money. And it deals with every municipality within this County and it also deals with everyone's tax dollars. I want to thank all the departments, the finance department, the legislators, the County Executive's office for gathering as much information as possible that I asked for specifically but as any other legislator would have asked for. A lot of great information was shared with us all. I think through that committee process in that time frame, it gave all the legislators opportunity to confer with their districts that they represent. Those communities, those municipalities, I believe that time frame was alright. I did hear from some from my municipalities that I represent. My eyes did get a little glazed over from the history lesson. We, you know, have to look at today and what is best for the County today and what the percentage is that we need. And I think that we did discuss that pretty, in pretty good detail in the committee that it was referred back to. We listened and we researched and we tried to make the best decision. Now the County is faced with some, quite a few unknowns. We are blessed to have a decent Fund Balance that enables us to be able to cover those expenses that are unknown. We have experienced quite a few this year. Our Health and Human Services Department itself is again, an area of concern in this year's budget. There are some areas of concern that whether State or Federal funding that could come through. Debatable what's going to happen with Medicaid - we don't know. An eye-opening event, Ontario County, of which you referred to, has a General Fund Balance of \$78,000,000. If our Fund Balance was \$78,000,000, I would maybe consider a  $\frac{3}{4}$  % because we would have the extra funds. I think that

as of today our rate is okay. I think that the County is looking out when it talks about its distribution amounts to other municipalities. By retaining what we do retain and sharing what we do share, the County is able to save the tax payers money because if we gave more, we would have a hole. And we would have to make up for that hole. If we couldn't have it in savings and we didn't want to utilize Fund Balance, we would have to raise the tax rate. And that would negatively affect every tax payer that is paying property tax. The other thing is, you know one thing after discussing this with a lot of these local municipalities is if we were to share more with them would they be able to relieve some of their tax payers by the excess they would be getting through sales tax. I never did receive a "yes" in any of those that it would really just be an aiding and it would relieve; it would be an addition to the already raised taxes that those individuals are receiving. So, they would actually be getting taxed more if the County had to do so. So, I will be supporting this, this evening, based on today's figures and the discussion we were able to hold in our committee meetings and from some of those municipalities that I did speak with. Thank you.

Legislator Carle: Could I be allowed the same amount of time that Legislator Larson had?

Chairman Chagnon: No. *(laughter)*

Legislator Carle: Well then, I'll be brief. I think it's a great job that the County has done in creating the Fund Balance that you have, whether it's the investments and the good ideas, and the way we've managed projects over the years. I mean, it's all before my time here, but I see how easily we cover budget overages, I see how easily we approve salary increases. I see that we've added employees in the last few years. We move forward on projects prior to the grants and the funding. Especially now in this time, I agree Dan, that we really don't know what money we're going to get. So, I would like to be cautious but, I think we need to send a message to our residents and the businesses of Chautauqua County, that we are with them. And I think that's where a ¼ or and 1/8 of a percent means we are going to head in the right direction. Because one of the knocks on New York State and most of the counties in it, is everyone feels they are overtaxed. And I think that if we want to say we are open for business, we are business-supporting, and we are looking out for the tax dollars that – you know – these sales taxes come from the people who we represent. And, what better way to say "thank you" and to move us forward in a positive direction, then possibly sending them a signal that yes, we are looking at it and we can make a reduction and then be more fiscally responsible with our budgeting going forward and have to make some hard decisions and sharpen our pencil when necessary. So, I'll be voting against the 1% and looking for another option. Thank you.

Legislator Gustafson: First of all, I'd like to commend Legislator Scudder on effectively highlighting how this revenue source supports essential projects, enhances the quality of life, attracts businesses, and sustains growth in Chautauqua County. Given the uncertainty around unforeseen financial obligations, securing a consistent funding through sales tax is a prudent approach. In addition to providing our cities and towns and villages funding, unlike 21 other Counties in New York State, Chautauqua County also holds our local municipalities harmless for their property tax levy. So, when their property tax increases result in residents not paying their property taxes, we make them whole – an unforeseen expense. The sales tax helps allow

Chautauqua County to absorb the unbudgeted expenses without increasing our property tax rates. And I believe Legislator Scudder did a great job of outlining those other expenses and I will be supporting the 1% increase.

Legislator Nelson: Thank you, Mr. Chairman. I do hope we get a chance to vote on Resolution 91-25 and discuss that and the possibility of even amending it. My hope that everyone takes seriously the letters from Nick Weiser from Dunkirk and Mayor Kim Ecklund from Jamestown. Both are urging our support. For a formula that provides a greater share to local municipalities recognizing that cities are on the front lines of delivering essential services, maintaining infrastructure and supporting economic development. So, I fully support resolution 91-25. And I feel that Legislator Larson has come up with an idea to give our County residents some tax relief while at the same time, helping our Cities and Villages. It's already been stated, but when you compare Chautauqua County with other Counties in the State, it's really not fair because I bet most of us, when we go shopping, we typically go to Erie, Pennsylvania. And that's who we are really competing with. And Mr. Chairman, this would give us a chance, this legislature, to answer the criticisms that we've heard from The Post Journal from editor John D'Agostino, who last Friday said, "Chautauqua County government which is expanding by leaps and bounds while the neighborhood population is historically dwindling, last year not only did your elected legislators brazenly vote themselves a more than 60 % pay increase starting in 2026, they also continue to hoard \$40,000,000 in a surplus. Yes, the tax rate went down but a majority of the property owners saw their annual bill increase because the County believes it is doing you a favor by holding on to your money. Republicans run the County government and are consistently winning the majority of elections on a local level. With all the State and national focus on cutting costs to constituents, where do these leaders seem to stand." I would point out to Mr. D'Agostino that myself and other democrats voted "No" on those paid increases for legislators and voted "No" on the last two budgets because they did not include a tax cut. So, I stand with those County residents, both democrats and republicans, who believe that lowering taxes and reducing the size of government are what the County needs to do at this time. Thank you.

Legislator Johnson: I will vote in favor of continuing with the 8 % - the 1 % add on. It's a procedural reason. Yes – I am prejudiced against excessive government spending. And yes, I am prejudiced in favor of lower taxes. However, what I observe at the winery is, and I haven't seen this number, but a great portion of the sales taxes are spent by people who are not Chautauqua County residents. So, if we are going to give money back to the taxpayers, I believe we should do it through property tax – who are all Chautauqua County residents. And I'll leave that to another discussion. As to the 6% in Pennsylvania versus 8 % here – I thought when we went up to 8 % that would cause a problem. You know, I talk to people at the winery all the time, they are coming down the wine trail from 6 % Pennsylvania to 8 % New York. Do I hear any squeaking? No. Are my sales per customer up a lot? Yeah. Maybe it's because our wines are so good, but you know, I just don't think that's a big issue. So, I would vote to go forward with the status quo but I would like to be quite aggressive on the next budget season about expenditures. Because there are two ways to reign in government. The responsible way is to really get involved in what

we are spending and why. Now, if that doesn't work, the other way to do it is just start to cut, (*inaudible*) which is cutting taxes and see what breaks. I would rather not go there. That's all.

Legislator Anthony: Mr. Chairman, I would like to point out that I agree with Mr. Johnson about I feel that lowering our property taxes would beneficially help the citizens of Chautauqua County before we take sales tax away that directly goes back to the County taxpayers. But I do feel that we as legislators are here to do what's best for the County taxpayers and within my district alone going to 7.75 % sales tax would lower the estimated distributed amount by nearly \$439,873 based off the estimated numbers, we have for 2025. Which would be drastic for the towns and the local budgets and let alone our taxpayers who fund that local budget. And I would like to know that two years ago this resolution, which was resolution 238-23 was voted unanimously with one person absent who was a republican. And that meeting was August 23, 2023 and secondly, the Medicaid share at that time prior was split 50/50 prior to 2010. At this day, it currently sits at a 71 % to 29% ratio at the County taxpayers paying 71 % of that – with no choice from the State. The issue that I have at hand right now is, when this resolution was tabled last month, it was tabled to go back to committee to redistribute funds to go back to municipalities and now we are looking to lower it by a ¼ percent which – look at the numbers – it takes money away from the County taxpayers no matter how you look at that. But, long story short, I will be voting for the 1% because numbers across the board just don't make sense to lower this right now. Thank you.

Legislator Niebel: Yes, Mr. Chairman, there is a number of factors that go into the Fund Balance besides the sales tax. For one, we have a legislature that has been very conservative in our approval of County budgets. We have a County Executive that has brought a fiscal conservative philosophy to County government. And this has filtered down to department heads. We have departments heads who realize that the money in their budgets come from County taxpayers. They spend that money that they have in their budgets prudently. We have an outstanding finance department; Kitty, Jennifer, Blake and the rest of the people in the finance department who have invested County funds wisely and have received awards for those investments. Our healthy Fund Balance has resulted in one of the highest bond ratings that we have had in years. Also, we have a mortgage tax which we also share with local municipalities which contribute to our Fund Balance. Now all of these are things that contribute to the Fund Balance besides the sales tax but really there is a lot of uncertainty. As Legislator Scudder mentioned, we don't know what our sales tax will be this year or our mortgage tax. We don't know what's happening with State or Federal funds. And look, because of this uncertainty, I will not vote to lower our sales tax or change its distribution at this time. The time to talk about reducing taxes is really six months from now when we look at our 2026 budget. Thank you.

Legislator Larson: It's fine to hear a different analysis but it's not good to have a complete misunderstanding or misrepresentation of my resolution. The allegation by our legislator from Carroll that my legislation would take hundreds of thousands of dollars away from municipalities is a mathematical error. My resolution gives 20% of .75 cents to the municipalities – 20 % of 75 is .15 cents. The current law for the last 10 years gives 15% of a dollar to the municipalities. That's .15 cents. My resolution takes nothing away from the

municipalities, it does not increase their total take, but it holds them harmless. And Legislator Johnson on occasion has expressed his observation or surprise that I'm such a fiscal conservative. But from the first time I reached this legislature in 1986 I have expressed the sincere view, that the power we have to take money away from our people is an awesome power. Every year with an adoption of a budget and a tax rate the 19 of us have the power to tell the homeowners in our community that they are going to pay us \$1,000 in County property taxes or \$1,200 or \$800. It's an awesome power. This sales tax is not to be minimized. Some seem to view it, either we get the money or it goes into the atmosphere. And with all due respect to the Johnson Vineyard, any analysis would be that our sales tax is overwhelmingly paid by our residents. Every time you go to Burger King, or if you want to go upscale, you go to Arby's. Really at anniversary time you go to Olive Garden – you pay a sales tax. I don't think we have many people coming from Cleveland Ohio to go to Arby's. Every time you buy a car you pay a sales tax. The illustration I used is not a joke. The average new vehicle last year in America was \$40,000. You are deciding tonight, will that resident pay \$100 more in sales tax or \$100 less. The money doesn't go into the atmosphere – it either comes to our treasury or it stays in the pockets of our residents. So, one last time, it sounds pretty futile, but you never know. I would ask that you vote “no” on the status quo. I apologize that I brought you facts and figures about the last 15 years or so. I guess nobody cares what the truth is about Medicaid costs to our budget. Nobody cares that there were 4 or 5 years that we had 7 ½ % sales tax. If you don't care, I'm not totally shocked. Disappointed but not shocked. I would urge you to vote “no” and then we turn to the “Requesting Legislation Authorizing a ¾ % Additional Sales Tax. Thank you again, Mr. Chairman.

Legislator Dickey: I want to say that this was economically and intelligently reviewed in committee. We voted last month to take it to committee and allow us time to look fiscally, economically and otherwise. I'm not sure what facts Legislator Larson has, but the numbers I have, being a fiscal administrator, over 4.3-billion-dollar operation – the numbers I have suggest that the County has prudently managed the 1%. The towns and municipalities will need to remain steady with their proportionate share. And based on the populations of the municipalities, they are receiving their proportionate share. So, I will be voting “yes” to continue the 1% distribution as Mr. Scudder, Legislator Scudder laid out the exact factual numbers that went to the municipalities. And our City residents are receiving tax breaks year over year. History does matter. But we are in a volatile time and we must look at the current situation that we have at Chautauqua County. Thank you, Mr. Chairman.

Legislator Niebel: Mr. Chairman, this is our 2025 Budget Book. Okay, this is the budget that was approved last October. 189 pages in the Budget it talks about an Assigned Fund Balance and Unassigned Fund Balance but nowhere in this book does it talk about a slush fund. Okay, we are talking about Fund Balance. If anybody could enlighten me to where it says slush fund in here, I would appreciate it. Thank you.

Chairman Chagnon: Legislator Larson this is your third time commenting on this resolution.

Legislator Larson: Well, I was invited. Why is it a slush fund? I answered that question last year. Because we have total power over what to use that 35 – 40 million dollars. We can give ourselves a million dollar a year salary, that's only 19 million, we can repave as many roads in Chautauqua County as 40 million will pay for. It is not obligated for anything. That's not a reserve for a capital project or reserve for health insurance a reserve for anything. When it says unappropriated or unallocated fund balance it means literally that, Legislator Niebel. There are no strings attached. I would call that, and have a slush fund. I put in my written statement "unappropriated fund balance". But the average person working at Wells or working at Cummins would much better understand my calling it a slush fund than an unappropriated fund balance. And I'll stand by that characterization and that's all I've got to say.

Legislator Niebel: Mr. Chairman, a rebuttal.

Chairman Chagnon: This is your third time commenting.

Legislator Niebel: Mr. Larson, check page 53 of the Budget Book. It says Fund Balance. Thank you.

Legislator Anthony: I'd like to call the vote.

Chairman Chagnon: Anyone else with comments on Resolution 90-25? Hearing none, will the clerk please call the roll.

*RES. NO. 90-25 - R/C Vote: 14 YES; 5 NO (Larson, Nelson, Buchanan, Bankoski, Carle)*  
*ADOPTED*

**91-25 Requesting Continuation of State Legislation Authorizing 1.0% Additional Sales Tax**

OUT OF ORDER

**92-25 Confirm Appointments – Traffic Safety Board**, by Public Safety Committee –  
UNANIMOUSLY ADOPTED

**93-25 Confirm Re-Appointment - Chautauqua County Industrial Development Agency**, by  
Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

**94-25 Authorize Lease Agreement with Jamestown's Rental Properties, LLC**, by Public  
Facilities, Administrative Services and Audit & Control Committees – UNANIMOUSLY  
ADOPTED

**95-25 Authorizing Public Hearing Regarding a Potential Application for 2025 Community  
Development Block Grant Funding through the New York State Office of  
Community Renewal and the Uses of Said Funding**, by Planning & Economic  
Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

- 96-25 Authorizing Public Hearing Regarding 2025 Agricultural District Inclusions**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 97-25 Establish Chautauqua County as Lead Agency for North Chautauqua Lake Sewer District Wastewater Treatment Plant Expansion Project**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 98-25 Calling a Public Hearing Pursuant to County Law §268 Upon a Proposal to Upgrade Wastewater Treatment Plant Infrastructure in the North Chautauqua Lake Sewer District**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 99-25 Accept New York State Environmental Quality Review Act (SEQRA) Findings for the Center Chautauqua Lake Sewer District Extension Phase 3 Project**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 100-25 Determinations in Relation to the Extension of Center Chautauqua Lake Sewer District Bounds from Midway State Park through Point Chautauqua on the East Side of Chautauqua Lake**, by Public Facilities and Audit and Control Committees – UNANIMOUSLY ADOPTED
- 101-25 Establishment of Capital Accounts for Center Chautauqua Lake Sewer District (CCLSD) Extension Phase 3**, by Public Facilities and Audit and Control Committees – UNANIMOUSLY ADOPTED
- 102-25 A Resolution Authorizing the Issuance of \$35,590,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of an Extension of the Center Chautauqua Lake Sewer District in and for said County**, by Public Facilities and Audit & Control Committees
- R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*
- 103-25 Authorize County to Apply for Grants on Behalf of the Center Chautauqua Lake Sewer District to Extend District Bounds from Midway State Park Through Point Chautauqua on the East Side of Chautauqua Lake**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 104-25 Authorization for the County to Apply for Grants on Behalf of the South and Center Chautauqua Lake Sewer Districts for Review of Wastewater Treatment Plant Capacity** by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**105-25 Authorize Extension of the Elections Cybersecurity Remediation Grant Program Award from the New York State Board of Elections** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**106-25 Amend 2024 Budget for Year End Reconciliations – Capital and Inter-fund Accounts** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**107-25 Amend 2024 Budget for Year End Reconciliations – Department of Mental Hygiene and Social Services** by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**108-25 Amend Capital Project Accounts—Jamestown Community College** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

Legislator Pavlock: Thank you, Mr. Chairman. Throughout the past history you've asked that committees can report on some positive notes – the work that they've done throughout this last month. The last month we met with Jamestown Community College in regards to Capital Projects. The County all of our tax bills within this County, a pretty good portion of our tax bill has to do with community colleges. Its an important relationship that we've developed there. The County is – it's great to have the community colleges within our County. They promote a lot of different things. We wanted to establish some good information around how the projects worked. We learned some of the projects they are faced with – some of their budget concerns. And overall, it was a good meeting and has brought out some good rapport. So, just as a way that we were able to reach out with one of our community partners and just learn more about what they do and how they do it, and if we could help in any way. So, it was a good meeting and it brought out some good conversation. And I felt that it was a good, prudent way to review our taxpayers' dollars that they are collected for/through the County tax system for JCC and the community college. So, thank you.

**109-25 Amend 2025 Budget – District Attorney** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**110-25 Authorize Acceptance of New York State OASAS 2025 Funds for Substance Use Disorder Prevention and Treatment** by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**111-25 Authorizing Standardization of Viken Detection Pb200e XRF Lead Paint Analyzer** by Human Services Committee and Audit & Control Committees – UNANIMOUSLY ADOPTED

**112-25 Designate Chautauqua County as Lead Agency Responsible for State Environmental Quality Review (SEQR) of State Funded Snowmobile Trail Modifications for 2025** by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED

**113-25 Urging the New York State Department of Environmental Conservation to Pause Implementation and Reverse the Freshwater Wetlands Regulations** by Planning & Economic Development Committee

County Executive Wendel: As a member of NYSAC's board of directors, it's something I brought to the board in December of this year. In Chautauqua County we focused on Chautauqua Lake and that body of water. If you go outside of Chautauqua County – Onondagua County, Orange County, Sullivan County, West Chester County – they face a different set of circumstances. What NYSAC did unanimously in their most recent legislative conference – to pass this resolution unanimously asking the Governor to reverse the implementation of the wetlands district. We are focusing on Chautauqua Lake. A navigable body of water. The intention of the wetlands is not to preserve and focus on the lake. We understand that some in public have said we have to focus on wetlands in adjacent areas to prevent flooding. Understandably so. If the lake floods, does it go into somebody's water retention for flooding. So, again NYSAC has supported this endeavor. It's going to the Governor's office. There are several unknowns to this law that was never implemented responsibly. Again, we need to take a good look at this. It has been gaining traction when Senator Borrello's resolution first was enacted. It was 1,000 acres as the benchmark for navigable body of water. Assemblyman Molitor said that has been reduced to 150 acres. So obviously, we know that the concern is growing across New York State. So, I would ask the legislature support this resolution going forward as to understanding the implications as to what these wetland regulations will impose on our County residents.

Legislator Nelson: Thank you Mr. Chairman. I fully appreciate the concerns that have been expressed by many members of our community about the wetland's regulations. Whether your legislative board is one of our five lakes or not, I think we all agree that our lakes are environmental and recreational treasures that are economically critical to Chautauqua County. However, the resolution states that while the protection of New York's freshwater wetlands is an essential goal, it must be balanced with the needs to support local governments, economic development and affordable housing in a manner that does not disproportionately burden the taxpayers. I feel that calling on the DEC to reverse the proposed regulation tips the balance away from the essential goal of protecting New York's environment in favor of economic development. We don't have to subscribe to the view that the economy and environment are always on opposing sides. Protecting the environment can ultimately benefit the economy by enhancing the quality of life and attracting businesses seeking clean environments. By safeguarding the environment, we can attract tourists seeking outdoor activities like fishing and boating. Clean air and water protected by the DEC can increase property values in a region and benefit real estate markets. So, I am voting "No" on the resolution to pause implementation and

reverse the freshwater wetlands regulation and want to encourage our legislature and community members to work with the DEC to protect our lakes and all of our natural resources. Thank you.

Legislator Carle: Thank you Mr. Chairman. Is there a particular piece of property in our County that is being inhibited by wetland development that makes this an issue for us? Are we blocking some housing or another cottage on the lake or what is the reason why we would not want to protect wetlands when we're really trying to protect Chautauqua Lake and all of our bodies of water and protect water in this County? It would seem like with tourism you'd always want to stand on the side of nature, but I have not heard there is a wetland project, or we're trying to reclaim one and make it a place where we could put a building or something. So, is there something like that that anybody who worked on this would know?

Chairman Chagnon: Legislator Carle, if you would allow me to respond. The biggest issue is the uncertainty. The regulations are not finalized yet. The regulations are still being developed but the uncertainty that this creates in the minds of property owners, in the minds of potential buyers, in the minds of real estate agents, and attorneys without certainty as to what the regulations will allow and disallow, that's the concern, is that these regulations have been put into place before they have been fully worked out and fully thought out and discussed to the not only the property owners but also the local regulators – the local code enforcement agents, local code enforcement officers that have to monitor and regulate these regulations – are completely at a loss as to what to do.

Legislator Carle: Thank you for that. So, what we want to do – this urging – is that we would put a letter together saying that we stand with having a pause on the implementation of this new law?

Chairman Chagnon: This resolution states that if its adopted, that we are urging the governor to do this and it suggests a letter be sent to the Governor for the effect.

Legislator Carle: But basically, we want to make a stand on something that isn't spelled out yet.

Chairman Chagnon: Correct.

Legislator Carle: Thank you.

*RES. NO 113-25 - ADOPTED with Legislators Nelson, Carle, Pavlock voting "No"*

**114-25 Opposition to Executive Order 47.3 Regarding NYS Corrections Employees and Authorize Necessary Steps to Protect the County's Interest by Public Safety Committee – UNANIMOUSLY ADOPTED**

Legislator Bankoski: This is very brief; we've been here a long time. But I sponsored this resolution. I believe the Governor has overstepped her bounds. I understand that if you go on

strike you have to deal with the repercussions of the Taylor Law, but I believe that she has overstepped her bounds with the 2,000 officers that she's terminated that they can no longer seek any employment with any other State agency or government agency. I just think it's a way, way, way overstep on her place. Being a 26-year employee there, I know what these guys have went through and what they were asking for was just a safe working environment. It wasn't about money or benefits or anything like that. So, I ask all my fellow legislators to support me on this. Thank you.

Legislator Carle: I support Legislator Bankoski on his letter and I understand that. I just whenever we are making decisions on hiring for the County, anybody who was involved in the strike – we just have to keep in mind that they did put the public safety at risk. They jeopardized it somewhat by walking off the job and they put National Guard in their place, untrained to do that job. So, I agree 100% that the Governor overstepped her bounds on this one but just if we are making decisions to hire people to support our County, I would just like to make sure that our hiring managers are keeping that in mind. These people did leave us and jeopardize our public safety.

Legislator Niebel: Mr. Chairman first of all I'd like to thank Bob Bankoski and Steve Abdella for putting this resolution together. And it's unfortunate that it was necessary, but as has been mentioned, I think the County - the Governor did have an overreach as far as this Executive Order. Now it is my understanding that she is going to rescind this order sometime in April. If she does so, I would thank her for doing so – reluctantly – but I would thank her. But I would like to see us vote on this just to go on record. So, I am in favor of this resolution. Thank you.

County Executive Wendel: Thank you, if I could please. I did receive a communication from Jackie Bray who is the Director of Homeland Security Emergency Services to representatives. It is very likely that this will not get resigned by the Governor. But without certainty I still feel support is what is correct. Surprisingly enough, comments made that the public was in jeopardy was not factual. The prison maintained its operation. No one was in jeopardy for safety outside of the prisons. We understand the Taylor Law in its implementation. We understand the Taylor Law in how it was violated. I was in talks with the governor and Director Bray regarding this issue. But again, supporting the resolution to rescind it is what's right. Because what's happening is they are suspending anyone involved from working in any way. Should this go forward, we will be able to hire anyone who was involved in the strike if those individuals are hired as a peace officer. They have one year to go back and receive that training. Again, but without certainty, supporting this resolution is really a forward-thinking way to move.

**115-25 Setting the Salary for Senior Legal Secretary, by Administrative Services and Audit & Control Committees**

*R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**116-25 Reallocating Salary Grade for Resource Assistant (Crime Analyst) by Administrative Services, Public Safety and Audit & Control Committees**

*R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**117-25 Reallocating Salary Grade for Network Infrastructure Supervisor by Administrative Services and Audit & Control Committees**

*R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**118-25 Reallocating Salary Grades for Storekeeper I, Storekeeper II and Storekeeper III by Public Facilities, Administrative Services and Audit & Control Committees**

*R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

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**ANNOUNCEMENTS**

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

Chairman Chagnon: And I see we're all tired. So that brings us to the Second Privilege of the Floor.

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**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.

Susan Calfas: My name is Susan Calfas. I live on Baker Street Extension in Jamestown. As members of the Chautauqua County Legislature, you have taken an oath to defend the Constitutions of the United States and the State of New York. The United States Constitution is now under attack and in crisis due to the illegal actions of the Trump administration. I am here tonight to ask you, as our elected legislators, to not only defend the United States Constitution and in doing so the people of our County. Also, you need to go on record opposing the drastic and ruthless cuts to our social safety net being implemented by the Trump administration. The United States Census estimates tell us that there are 7,594 veterans in Chautauqua County. Are you okay with the drastic cuts to the VA and veteran's benefits? United States Census estimates indicate there are 16.7% of individuals in this County who live below the poverty line. Are you okay with the drastic cuts to Medicaid, Medicare, Social Security, funds for Federally funded subsidized housing, education, the CDC, the EPA, the list goes on and on? No one in our County

will go untouched by these ruthless and inhumane assaults. I ask you to live up to your oath to defend the United States Constitution and in doing so, protect the people of Chautauqua County against the plutocratic plunder taking place in Washington, D.C. Regardless of your party affiliation, the time has come for you, our elected representatives, to defend the rights, health, safety, and security of the people of Chautauqua County. Thank you.

Susan Baldwin: My name is Susan Baldwin. I live in the Village of Villanova. I am here again to complain about my electric bill. I have monthly bills that are ridiculous. This month my bill was \$494.56. The delivery charge was only \$19.00. No, the basic service charge was \$19.00, the delivery charge however, not the use, was \$212.51. A transition charge again, \$17.04. Revenue decoupling mechanism charge – what? Was \$3.45. The total of the electric delivery subtotal was \$265.84. Now this is \$265.00 is delivery charges and other things. My actual use, supply charge, \$197.64. \$493.72 is what I am going to have drawn out of my account for a month. My propane bill was \$720.00 so we are not warming the house with this. That's just to light, run a television set, dry my clothes. I even have one of the on-demand electric hot water tanks so it's only when I'm using it. I'm not keeping a lot of water warm. And still, almost \$500.00? Another almost \$800 for my propane? I can't afford that but I'm not eligible for HEAP. Go figure. I worked for the County for 33 years so I get a retirement. Now, I'm paying it back, all of it. I'd just like you to know that so that you know the taxpayers that are out there. And I'm certain I'm not the only one in this situation. But a lot of people are tired and they are not here. Just so you know. And then those tariffs. Did you notice we're getting how much from Canada now? I live under a turbine. In fact, so does all of Villanova. Cassadaga – my son lives there. My daughter lives in the ones in Villanova as well. So, anyways the turbines are definitely not helping. And Canada is definitely not helping and certainly I can't wait to see what's going to happen in April if this is my March bill. Have a great day. Thank you. I'm going to go home and turn off my lights.

John Jablonski: Good evening again, I am John Jablonski, Spruce St., Lakewood, NY. I am speaking on behalf of the residents of Chautauqua County, regardless of party, who are extremely concerned that this Trump-Musk billionaire administration is daily violating the Constitution and breaking multiple laws to threaten the freedom speech, and is taking illegal actions against individuals, law firms and media, that were and are lawfully protecting the rights of Americans against the illegal acts of Mr. Trump and his team of lawbreakers. Trump and his administration are acting in contempt of judicial actions. Those acting on behalf of this administration are illegally detaining legal residents of the United States. Immigrants are being illegally kidnapped by administration agents, families are being separated and persons are being deported without due process. If you are an immigrant and you walk into a store and somebody thinks – they don't like the way you look – they can call INS and have you deported just because the storekeeper has accused you of a crime that you had no intent of doing. This is not my America. If the Republican Trump administration continues to defy court orders, we are living in a dictatorship, not a constitutional democracy. I ask this legislature, its members, and County Executive, to fight against this establishment of an illegal police state led by Mr. Trump and Mr. Musk, where vengeance and retribution guide the government, rather than serving us to make the lives better for all Americans. The County is taking actions to protect the health and welfare of

its senior citizens. We saw tonight the good things that we're doing to protect the health and welfare of our most needy senior citizens. I ask this legislature and its members to ask Congressman Langworthy to fight to protect and improve the ease of our residents to access the Social Security, Medicare and Medicaid benefits for which they are legally entitled. Not fire the employees who make sure that us and moms and dads and neighbors can get the income and benefits that we are entitled to. Any delays in accessing these benefits inflicts pain and misery on those impacted. We should not have to have two hours waits to access these services or talk to an agent at Social Security. We should not have to go in person if you are 90 years old to prove who you are. Those are ridiculous. It seems that this administration is focused on inflicting pain and misery over service to its citizens. So far, this administration is demonstrating severe incompetence in all subject areas. It is time for Congress to act to end this Executive Branch power grab, and stand up for the programs and funding it has appropriated. I ask you to implore Congressman Langworthy that he and Congress stand up against these attacks on our sacred democracy, and stand up for our Constitution, laws, and freedoms that have made America great for nearly 250 years. Do it for yourselves, your parents, your children and your neighbors. Don't let our democracy die in 2025. Thank you.

Tammy Schack: Good evening, I'm Tammy Schack, business owner of Bridgview One Stop, Bemus Point. On March 9<sup>th</sup> I sent each of you legislators a letter titled "Urgent Request for County Support of the Impact of Exit 9 Closure" which outlines the economic impact the multi-year closure the Bemus Point exit ramp off the I-86 bridge is having on our community. The NYSDOT has, for an indefinite amount of time, I checked today, it's still to be determined, closed the access, the off ramp, to Bemus Point. Which is devastating the local commerce in an already seasonally dependent economy. In the letter, I included only two charts and dollar figures to illustrate the financial toll this closure has already taken on my business. I included #1 the Fuel Sales Loss, which in the first quarter was 10,360 gallons down. And I included for you my dollar amounts of the gross sales impact which was a significant drop in overall revenue. And it's not just my business. Empty store fronts hurt everyone leading to declining property values, lost tax revenue and higher taxes for Bemus and Ellery. The economic stability of our community is at serious risk and immediate action is needed. At his 2025 reappointment, Chairman Chagnon said "I am committed to shifting our focus from merely identifying issues to actively pursuing solutions." In that spirit, I ask you to consider the following request: I would like to request a formal County motion urging the NYSDOT action. An official motion from the legislature calling on the NYSDOT to expedite a temporary exit ramp and/or other mitigation efforts. I'd like to see #2 a temporary County tax relief for impacted businesses – a waiver or a reduction of County property or business taxes to offset revenues lost due to this closure. And #3 exploration of emergency business County relief programs. I have written to and received responses from Assemblyman Molitor, Congressman Langworthy and Senator Borrello's office and have a meeting scheduled with Assemblyman Molitor on April 10<sup>th</sup>. Could you inform your chair, my area legislator, with any County legislative support which I can convey at that meeting? If you would share it with Chairman Chagnon? And additionally, Executive Wendel, I sent on March 5<sup>th</sup> a certified letter to you and an email inviting you to the meeting with Assemblyman Molitor. And I want to respond to his office, I am waiting to hear from you so, since we've shared an evening together can I get a thumbs up or down from you? Okay, I will

add that. Thank you. And thank you all for your attention to this matter. As I wrote in your letters I really - each of you has the unique experience to bring to this. I am open to any suggestions each of you may have. Thank you.

Luke Waygood: Good evening, my name is Luke Waygood. I live at 6180 Baker Road, Ashville, NY. My wife and I started a group called the Concerned Citizens of the North Harmony Wind Project. My wife and I started it because a company approached my mother-in-law who lives about a ½ mile down the road from us, about leasing some of her land for a wind-turbine contract which they wanted to put on our road. The proposed project is being led by Buttercup Wind and Bedrock Renewables. I was there when the salesman came to speak with my mother-in-law. He dangled the prospect of \$20,000 per year for a period of time for use of her land, yet seemed rather sketchy on the specifics. When questioned about sound effects of the turbine he said that it sounded like the hum of a fridge, which is nothing short of laughable. Through her conversations with him and the map which he had of our road, it would appear that their plan is to put about 10 of these in place, each over 600 feet in height. These machines would be directly behind our property. I would hazard a guess that they would be within a mile of our house or less. The Chautauqua County Board of Health issued a memo dated December 9, 2019 that urged local municipalities to pass a proper wind law that restricts IWT's to a minimum of 1/5 miles from any property line and 35 or fewer decibels in sound frequency. This was due to the concerns of health impacts on County residents. There is a study posted in the National Library of Medicine which looks at the risks and hazards posed by wind turbines. It noted that there have been 3,287 reported wind turbine accidents from 2000 to March 31, 2023. I believe those are global numbers. I say reported as the document indicates that the number could be higher as wind turbines are frequently in remote locations so may not catch the attention of local media or the local population. Of the reported accidents, 15% were caused by blade failures, 14% were caused by fire, and the third most common at 7% were structural failures, with fatal accidents occurring 4% of the time. The rest, 60% were classified as "other accidents" but could include things such as environmental damage including bird deaths, transport, ice throw, human injury and human health. 90% of the time, a fire results in the wind turbine being destroyed or at the very least shut down for a period of time. It has been recorded that blades have flown up to a mile away, and blade pieces have gone through roofs and walls of buildings in Germany, for example. All of this to say that, while we appreciate sustainable energy sources, having something in a rural, wooded area is not something we can support. We don't want ice or blades flying. We don't want fires that our volunteer fire department is not equipped to handle. Add to the risk that if there is a fire, what guarantee is there that it would not decimate the woods around our home? Further, a wind turbine can use up to 80 gallons of lubricant a year – we don't want the risk of that much potentially going into well or ground water in the event of a fire or leak. My question is what can we do to stop them, and how can you help us? These companies clearly have hefty backing, I am sure thanks to heavy federal and state subsidies, and small towns like ours are outmatched in financial resources to fend off their predatory advances into our neighborhoods. Thank you for the opportunity to speak.

Karen Engstrom: Karen Engstrom, Town of Chautauqua representing the Chautauqua Energy Watch. Susan Baldwin is paying for wind turbines is what she's paying for with her high

electric bill. This is the energy update for March. And I would like the information I put on your desks to be shared with your townships and your villages because it provides them with some of the tools to fight these and there are now this many towns we verified. 600-foot industrial wind turbines are being proposed the developers were at the meeting in their town just this week – five of them. They are very aggressive; they do have a lot of backing fund wise. The towns include North Harmony, Ellery, Stockton, Sherman, Westfield, Clymer, Ripley and Mina. We are proposing that you share the protection that the Town of Chautauqua has put in place against wind, solar and battery energy storage systems which is a drinking water source protection law which will add another umbrella of protection, another layer to protect us from the waste and destruction of the industrial, wind, solar, and battery energy storage systems. The no PILOT resolution that this body passed in 2018 has also been passed by Oswego, Niagara and Cattaraugus counties. It is strong but you need to strengthen it. You need to tell everyone it exists. No PILOT resolution by this board was instituted because it demonstrates whereas, I'll read it the way it is, "whereas it has been demonstrated that the environmental, economic and community impacts of large wind energy projects will have a net negative effect on the County." They will also - the other thing that was mentioned by the previous speaker was that the Chautauqua Board of Health has issued a letter of concern for the health impacts. The people in Arkwright are engaged in a lawsuit that has been going on for six years because of the physical damage that they have experienced. I don't know if that's true in Ball Hill. So, it happens that all lawsuits for wind experience a gag order. These people cannot speak about the damage that's going on and the list of the grievances is here, I won't burden you because you can read it. Please do. They are serious, very serious. And what we are seeing is that our IDA is encouraging these things. We are seeing the IDA is aiding and abetting the destruction of our County by encouraging PILOT programs for industrial wind. Industrial wind kills jobs. It kills jobs in housing. Who is going to build a house here if you're going to have 600-foot wind turbines? It kills jobs in recreation, in tourism, in agriculture. We are losing our farmland which is now five times as costly as it was a few years ago. This is very important. Our farmland is the most valuable thing we have and we are losing it. And we are losing our ability to maintain residents such as these people here who came here, like the one that spoke at their meeting, from Ohio to get away from wind turbines because the wind turbines were making them ill. They came here and built a home, they didn't, but another person that was at the meeting, built a home here and now they are facing the same problem. So, we are asking that you share these and look for ways to prevent another round of 600-foot wind turbines in our community. Perhaps a regulation that limits the height, perhaps an increase in the stipulation to not issue PILOT resolutions. Or, I'm sure your creative enough to come up with a way to protect our County from 600-foot wind turbines in all of these towns. Thanks.

Legislator Nelson: Thank you, Mr. Chairman. As you well know, it's that time when we as elected officials need to get petitions signed so that we can get out and get our names on the ballot in the fall election. So, it gives us an opportunity to walk through our districts and meet face-to-face with our constituents. In talking with my neighbors, I'm hearing that many of them are very concerned and feel powerless. They are concerned about the drastic cuts of federal employees who provide services to our veterans or handle Social Security claims. Thus, possibly harming access to seniors. They are concerned about cuts to programs that provide support to

food banks, to farmers, for medical research, or for our national parks. They worry about the dismantling of the Department of Education and the impact on programs for rural and low-income schools. They are concerned about a President that they see ignoring court decisions, cares little for due process, and restricts the freedom of speech. They are worried about an administration that demonstrates a total contempt for the system of checks and balances and the rule of law. They are frustrated and they feel powerless because their congressman refuses to hold Town meetings to hear their concerns. Basically, they are fearful about the future of democracy in this County, and honestly, so am I. Thank you, Mr. Chairman.

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

*Unanimously Carried (9:33 p.m.)*

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