

Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, April 23, 2025 6:30 p.m.  
Mayville, N.Y. 14757

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

Chairman Chagnon: Good evening. I will call to order the meeting of the Chautauqua County Legislature on April 23, 2025. Would the Clerk please call the roll?

Clerk Zink called the roll and announced a quorum present. (Absent: Bankoski, Buchanan, Carle, Penhollow)

Legislator Proctor delivered the prayer and pledge of allegiance.

Chairman Chagnon: And I will point out for the body that our Parliamentarian is not able to be with us physically tonight because he is incapacitated but he will be joining us on Zoom if we need him. And at this time on our agenda, we have the approval of the minutes of the last meeting of the legislature on March 26, 2025. Do I have a motion to approve the minutes?

MOVED by Legislator Gustafson, SECONDED by Legislator Nelson and duly carried the minutes were approved. (3/26/25)

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

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

Carol Wynham: Carol Wynham, West Ellicott, 92 Elmwood Avenue. I actually oppose the 1% increase. I understand that we have some, I know you don't like the word slush fund, but we have like 40 million already in there. And I just think that it would help the residents if we didn't increase of 1% for sales. Thank you.

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

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

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL**  
**NO VETOES FROM 03/26/2025**

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Clerk Zink: There are 9 communications listed on the agenda. If you would like a copy of any of these items, please let our office know.

**COMMUNICATIONS:**

1. Letter – Assemblyman Andrew M. Molitor – Acknowledgement & Support of RES. NO. 114-25, 113-25 and 90-25
  2. Minutes – Conewango Watershed Commission – March 12, 2025 Meeting
  3. Affidavit of Publication (2) – Legal Notice – Publication of Local Law Intro 1-25 (Post Journal and Observer)
  4. Affidavit of Publication (2) – Legal Notice – Extension of Center Chautauqua Lake Sewer District Bounds from Midway State Park through Point Chautauqua (Post Journal and Observer)
  5. Affidavit of Publication (2) – Legal Notice – Notice of Estoppel – RES 102-25 (Post Journal and Observer)
  6. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Upgrade Wastewater Treatment Plant Infrastructure NCLSD (Post Journal and Observer)
  7. Affidavit of Publication (2) – Legal Notice – Public Hearing re: 2025 Community Development Block Grant Application (Post Journal and Observer)
  8. Affidavit of Publication (2) – Legal Notice – Public Hearing re: 2025 Inclusion Requests for Chautauqua County’s Agricultural Districts (Post Journal and Observer)
  9. Affidavit of Publication (2) – Legal Notice – Publication of Local Law 1-25 (Post Journal and Observer)
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Chairman Chagnon: And tonight, we are privileged to have three Public Hearings on the agenda. And after each of the presentations, each of the Public Hearings, if anyone wishes to ask a question or make a comment, we’ll ask that you step to the microphone in the back so we accurately record the questions and comments.

**PUBLIC HEARINGS**

***Opened***  
***6:35 P.M.***

**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**

Chairman Chagnon: So, I’ll ask Rosie Strandburg, from the IDA to step forward and speak to it.

Rosie Strandburg: Good evening. My name is Rosie Strandburg and I am the Project Manager of the Chautauqua Region Economic Development Corporation. This public hearing is being held pursuant to the requirements of the Community Development Block Grant program.

We are required to compile a list of people attending the hearing, so we ask all members of the public who are attending the hearing to please identify themselves. The Community Development Block Grant (CDBG) Program is a federally funded program authorized by Title 1 of the Housing and Community Development Act of 1974 and administered by the United States Department of Housing and Urban Development (HUD). Funds are provided directly by HUD to large municipalities (generally over 50,000 in population for cities, villages, and towns and 200,000 for counties) through the Formula Entitlement program. For all other municipalities, the New York State Office of Community Renewal (OCR) is New York State's designated agency for distributing CDBG funds through the Small Cities program. The CDBG program provides grants to municipalities in order to ensure safe, decent, and affordable housing; assist businesses and activities that will create and retain employment opportunities; and provide improved public facilities and services. The OCR generally only funds projects or activities where at least 51% of the activity beneficiaries are low- to moderate-income persons (LMI). A low- or moderate-income person is one who is a member of a family whose income is at or below 80% of the area median income established by the U.S. Department of Housing and Urban Development. Municipalities intending to apply for CDBG funding are required to hold a public hearing prior to submitting the application. The hearing is for the purpose of (i) soliciting public input regarding community development and housing needs in the municipality; and (ii) soliciting public comment regarding any specific activities proposed for submission. If funding is awarded, a second public hearing will be required during the implementation phase of the project or activity the CDBG funds are supporting. The Chautauqua Region Economic Development Corporation has asked Chautauqua County to apply for a grant in an amount not to exceed \$100,000 from the OCR that will be provided as a grant to CREDC, which will use the funds to provide a grant to Tulip's Brunch House LLC to assist in financing a portion of the costs for furnishings, fixtures, and equipment and working capital expenses associated with a project in Mayville, New York. Tulip's Brunch House LLC is proposing to reopen the House on the Hill restaurant located at 186 S. Erie Street, Mayville, New York and purchase furnishings, fixtures and equipment and incur working capital expenses in connection with the project. The project is expected to create an estimated 4 full-time equivalent jobs, the majority of which will be held by or made available to low- and moderate- income individuals. Any person wishing to make comments regarding community needs or the proposed project is now invited to do so. Please state your name prior to making your comments.

*Closed*  
*6:39 P.M*

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*Opened*  
*6:39 P.M*

#### **REGARDING 2025 AGRICULTURAL DISTRICT INCLUSIONS**

Chairman Chagnon: I invite Lauren Sharp from the Planning Department to join us.

Lauren Sharp: Thank you, good evening. My name is Lauren Sharp, I am a Junior Planner with the Chautauqua County Department of Planning and Development. I help to facilitate the Chautauqua County Agricultural District Program. The Chautauqua County Legislature is responsible for the Chautauqua County Agricultural Districts numbered 1, 7, 8, and 11. In accordance with New York State Department of Agriculture and Markets, the annual yearly inclusion period was held from January 2<sup>nd</sup> to January 31<sup>st</sup>. Landowners submitted requests for land to be added to the Ag. District during the month of January. The Chautauqua County Agricultural and Farmland Protection Board reviewed the requests and recommended for the seven requested parcels to be added to the existing Ag Districts. .Thank you.

Chairman Chagnon: Is there anyone wishing to address the Public Hearing in this regard? Anyone wishing to address the second Public Hearing? Seeing no one I will close the Public Hearing.

*Closed*  
*6:40 P.M*

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Chairman Chagnon: And that brings us to our longest Public Hearing – no, sorry Matt – that brings us to our third Public Hearing.

*Opened*  
*6:40 P.M*

**PURSUANT TO COUNTY LAW §268 UPON A PROPOSAL TO  
UPGRADE WASTEWATER TREATMENT PLANT INFRASTRUCTURE IN THE NORTH  
CHAUTAUQUA LAKE SEWER DISTRICT**

Chairman Chagnon: I'll introduce Matt Zarbo, the engineer for this project from Square Engineering.

Matt Zarbo: Thank you for having me. Alright, yes, my name is Matt Zarbo. I am an engineer with Square Engineering and we did an evaluation on the North Chautauqua Lake Sewer District Plant which is the plant right here in Mayville - it services Mayville, as well as parts of the Town of Chautauqua. So, today we are going to talk about where the project is, our objectives to the studies, the capacity of the plant, as well as the condition and some proposed alternatives to the plant and estimate any user costs. As I said, I know these pictures up here are small, but the plant is right in Mayville, it discharges into a creek which blows right into the north end of Chautauqua Lake. And largely services from the Institution north and then all the way out just north of Chautauqua Point on the east side along the lakeside areas. It's one of the County's two major County sewer plants. It currently is an RVC plant and our evaluation basically moved to assess the current capacity of the plant to plan for future expansions potential in the area, identify necessary improvement alternatives to accommodate any future expansions as well as improvement alternatives that are just needed due to deficient infrastructure. And then

we were also looking to evaluate alternatives to the Chautauqua utility district as a service area of the North Chautauqua Lake Sewer District that goes to CUD, the treatment plant for the Chautauqua Institution and we were looking to evaluate opportunities to maybe send that to a County-owned plant. But, in review of those alternatives, it didn't make a whole lot of sense, so I'm not going to focus on that today. So, a little bit of summary on the existing flows to the plant. The average day flow is about 320,000 gallons a day, where it is rated for about 550,000 gallons per day. Where the maximum gets about 550,000 gallons per day, being rated for only about 500,000 per day. The recorded max flow is 2 million gallons a day but we assume that the actual max flow is higher than that because the flow meter does cap out. As you can tell, there is a wide range of flows and the biggest time of flow of the year is when it has a foot of snow on the ground and it rains. So, it's all clean water getting into the sewer system which the County is currently involved in a project to hopefully correct some of that. We looked at the capacity of each and every unit process of the plant starting at the front end all the way through disinfection and I won't bore you with all the details by reading all the numbers. But, one thing I will note is the current plant is at or over capacity for nearly every major unit process. There is codes that specify redundancy for critical items like influent pumps that convey sewage in – if one goes down you should have enough capacity with one out of service to convey flows through the plant – and the plant doesn't. And that's basically from the start to the finish it basically does have capacity issues all the way through. So, some notable existing conditions: the current flows essentially exceed design capacities for several unit processes. This does not mean the plant doesn't work, it does not mean it is sending improperly treated sewage into the creek and ultimately into the lake. What it means is, compared to what it was designed to do and compared to current regulations it does not meet them. So, the plant is still able to handle, operators still make due with what's there, although it's undersized. The actual peak flow to the plant is unknown because the flow meter does cap out, so we had to make some assumptions there of how large to size it. But we are recommending that an influent flow meter is properly installed that can service the highest flows. The biggest issue that we saw with the existing plant is at the influent pump station. It is undersized, there is capacity issues there where operators there have struggled to convey flows through the plant. There are also various components of the unit processes that are just antiquated and need to be upgraded. And then a portion of the processing in dealing with the actual solids part of the wastewater treatment is unsustainable and noncompliant with current codes that actually requires several trips a week from your operators to liquid haul essentially sludge to the Village of Westfield which is not really conducive long-term of how the process works. Another notable existing condition is – last time I was here we talked about a sewer expansion down the east side of the lake and inclusive in that sewer expansion there may be a development at the golf course. These things were when the study kicked off, these were some of the things we were looking at under this study to say hey, could we take some of that sewage ultimately as we discussed last time I was here, it was recommended for those to go south. But there is still development in or around this district that may occur. There is a new housing development on Mandolin Ridge that eventually will get built out, and flows to this plant are going to increase. In addition, the Town of Chautauqua is expanding their service area right now, which will flow to this plant. So, flows to this plant are going to go nothing but up. So, when we looked at alternatives, we looked at realistically four things. We looked at although the wastewater treatment plant does not meet code, the plant

generally meets permit. So, we looked at an option saying okay if we didn't want to really expand the capacity of the plant but we did want to upgrade it – what would that look like? We considered that upgrades are necessary for this plant to remain viable in the future. We also looked at expanding the capacity of the plant under a few different scenarios. One is keeping the unit process, the RVC unit processes you have there now and the equipment associated with that. Another is adjusting to a better more flexible treatment technology that is more flexible for future permit limits which would be an activated sludge technology. So, our study realistically it outlined three major things. Just like I said it did. One, just improved the existing plant, not capacity upgrade. Two, it outlined keeping the existing RVC's and upgrading capacity. And then lastly, it outlined going to that activated sludge technology. And what we, the highlights are, if you are just going to upgrade in kind, its' going to be just south of 4 million dollars – 3.75 million dollars. If you wanted to keep the existing technology and upgrade the plant it would be about 8.1 million dollars, where if you wanted to change the technology for something more suitable for the long term you are just north of 10 million at 10.1 million. We ultimately recommended moving forward with the more expensive project for various reasons. One is the size of that plant site is very small. If you were to upgrade the capacity now with the current technology, you would be capping it for the future. There is nowhere else to build any other tankage or anything else on that site. And it would be very difficult. Two is, permit limits just continuously get stricter and stricter in the wastewater process. Every few years they add a new requirement and the RVC technology is not as flexible. It will not provide as high quality of treatment as an SVR alternative. So, if you are going to do a major upgrade for the modest increase in cost, we just felt it would be a better suit the plant to go with a larger more robust treatment system. So, the project essentially includes upgrades to the influent meters, replacement of the main pump station, replacement of the current biological treatment process, converting as much tankage – reusing as much things on site as we can to save costs – and then ultimately increasing the capacity of the plant to take on not only your current flows because you are undersized under current situations – but also take on modest increases for future flows. So, what we've found when we estimated the cost out assuming a 50-75% grant scenario, which we feel is very reasonable that you are going to see an annual increase per user of \$60 to about \$121 per year depending on how much grants. This is going to be combined with a potential increase from the project that you guys are underway right now which is an (*inaudible*) reduction project of about estimated \$76 per year. So, it would entail an estimated future annual sewer cost of about \$676 to \$737. Again, this is assuming at least 50% grant is received. It is my understanding the County is not looking to move forward with this project, in speaking with the district itself, unless at least 50% grant is received. So, there is one other potential thing that we did not consider. We did not consider when we were initially doing the study, we did not consider that if the whole sewer district, if a new sewer district on the east side of the lake is constructed, and that connects to South and Center, there is a very short branch between now, North Chautauqua Lake Sewer District infrastructure and South & Center Chautauqua Lake Sewer District infrastructure. What was not evaluated was could we decommission the North Plant and send all the flow down south? And that would have some benefits. It would remove the discharge from the north end of the lake which the lake flows from North to South. So, it would remove phosphorus and nutrients from the lake water body and obviously it's been a major goal of the County to improve water quality. It would consolidate two County plants into one major

plant. The plant is reported to have capacity. But there are some significant unknowns with this. Will that eastside district, will it get funded, will it ultimately happen? I know that's the hope, but it still needs a lot of funding to happen. Is the South plant, operators do report capacity, but does it actually have capacity to take on such a large user up to 2 MGD, 2 million gallons a day, during time? And how much work along the way would that take with their existing collection and conveyance systems? So, that wasn't analyzed, that's a more in-depth study that would have to be done separately. But the County has just applied for a grant funding to do that, that would hopefully will bring a \$50,000 grant probably awarded later this year to look at that potential alternative. So, our suggested next step is to proceed as if that's not happening, but remain flexible. Because if conditions change, this project could change. So, one thing is today on the agenda is to complete the environmental review, which is SEQR, evaluating the environmental impacts. That is needed to do to pursue grant funding, so is the bond resolution that is being considered today. So, we would, due to the uncertainties and how slow the funding process is, which does take 1-2 years to get a project like this funded, we would say pursue grant funding now, even though something else might be evaluated that could impact that plant. And then if conditions change in the future, remain flexible. You can always pivot and change gears before significant capital outlay is done on any project. And, one thing to mention is I think if the County does get grant funding for the proposed project right now which is inclusive of upgrading the North Chautauqua Lake Sewer District plant and they do decide to change courses, I think the grant funds that they receive will be reallocated and you'll be able to keep them based on my experience with the funding agency that would provide them. So, by continuing to move forward with this process even though there is this other alternative that may come in the future, by continuing to move forward with the process I think you are putting the County in the best position, the most flexible position and not delaying critical improvements to a plant that is there and does need improvements to remain viable. Does anyone have any questions?

Legislator Larson: What are the projected reductions in maximum flow rates with these efforts to reduce infiltration and inflow if they are successful?

Matt Zarbo: Well, I am not the engineer for that project but I was involved by a previous employer on it. And the one thing I will tell you is whenever I sit in front of a community and talk about INI improvements is you have to look at it two ways. What they are going to do on those INI improvements is they are going to line and place sewer piping, they are going to fix manholes, they are going to protect and preserve that infrastructure. But, in general, you are not necessarily going to see massive decreases in flow events because the private side infrastructure that the project is not touching is still likely has issues. Some pumps are connected, all the private work. So, if you don't do private work, you are probably only going to see about a 10% or 15% reduction.

Legislator Larson, So, do some of these homes have their downspouts from their gutters in fact run into the sewer line and that's part of the inflow that winds up going, clean water going to the sewage treatment plant?

Matt Zarbo: I don't know of anyone for sure that has their downspouts, particularly connected, but I would assume there is private side issues. Some pumps connected to sewer lateral, so unless the County got in, did basement inspections, looked at that holistically, you're not going to necessarily solve that problem. And then enforcing that is another issue. It's very difficult, even if someone would disconnect the sum pump from the sewer system that is pumping all their basement water into the sewer, they might disconnect it then reconnect it because it has nowhere to go. So, it's very difficult to control private side INI. The reason I personally would recommend what the County is doing in proceeding with that INI project, is because you are protecting your infrastructure regardless if you are holding out INI or not. Your clay piping should be lined to protect its longevity because it will crack, it will collapse, and then you have to open cover replace it. And I know right now it is in a condition from my previous employment, I know right now it is in a condition where it can still, most of it can be spared without open cover replacement. So, I think when you look at an INI project its very critical to try and reduce INI at the same token the major benefit of it is preserving that infrastructure so you don't have to do something more expensive later on.

Chairman Chagnon: Anyone else wishing to address the public hearing?

Karen Engstrom: Could you clarify what amount, what volume, goes into the lake now and what volume would go in to the lake from any of the projected proposals that you have enumerated for us?

Matt Zarbo: So, when you say what volume goes into the lake, all of the flow eventually goes into the lake. It is just treated and there is a limit that they have to treat to, to discharge it into the creek before it goes into the lake. So, all of the flow goes into the lake. I am not aware of any raw sewage that overflows into the lake without receiving some level of treatment. I am not aware of that. There is online if there is sewage overflows, the operators are supposed to report it and its actually online, public information for every plant across the State.

Karen Engstrom: So, the ultimate goal of all of the projects that we've seen progress recently, is to not have flow into the lake? So, the ultimate goal for the future would be to hopefully connect – is that what would happen if you were to connect to the east?

Matt Zarbo: So, if you connected to the east and eventually to the South & Center the South & Center District does discharge right at the very southern point of the lake but it takes it out of that – most of the lakes flow of water. So, that is a benefit of that project. The financial feasibility or the design feasibility that's what will come out during that study and I am sure in about a year from now I or somebody else will be standing here presenting to the public on the findings from that study.

Karen Engstrom: But you are unable to assess actually what the impact is of current flow into the lake on the concerns that we've all been expressing for the benefit of our lake and the prevention of alien species?



Matt Zarbo: So, there's two types of technical professionals you are looking at. You are looking at a water quality scientist who would analyze impacts on the lake from flows from wastewater plants, something that the Army Corps of Engineers, the DEC and everything. I am an engineer proficient in wastewater treatment. So, what we treat to and what we do is the permit limits that are set by the regulatory agencies, the DEC and what have you, EPA, and what have you, to treat plant water to go into it. So, I hope that answers the question, but I am not proficient in that lake exact water quality.

Chairman Chagnon: Anyone else wishing to address the Public Hearing?

Legislator Larson: Just as a point of information, I represent much of the northside of the City of Jamestown and the fact of the matter is that the South and Center Sewer District Treatment Plant many years ago carefully, carefully placed their outfall right at the Jamestown City line. So, there is an old saying about sewage – that it flows downhill. Well, this sewage, however much you all collect to protect Chautauqua Lake is deposited at the Jamestown City line. And so, whatever symbolically that says about some attitudes toward our City of Jamestown, so be it. Thank you.

Chairman Chagnon: Anyone else wishing to address the Public Hearing? Anyone else?

*Closed*  
*7:00 P.M.*

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### **RESOLUTIONS:**

**119-25 Confirm Appointment – North Chautauqua Lake Sewer District by, Public Facilities Committee – UNANIMOUSLY ADOPTED**

**120-25 Confirm Appointment – County of Chautauqua Industrial Development Agency Board of Directors, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**121-25 Appointment to the Chautauqua County Agricultural & Farmland Protection Board, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**

**122-25 Amend 2025 Budget for CARTS, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

Legislator Larson: On the subject of CARTS, it's interesting that legally we are still referring to it as CARTS, which is fine with me. The resolution alleges some increase in ridership undefined for our May legislature meeting, Mr. Chairman, I would request we get a report on what was the ridership in the year before this advertising and what has the ridership been since. On the subject of CARTS, I would request that by next month's meeting we all be

given a report on the total amount of County, or wherever the money comes from, how much money is being spent on the CARTS hub in downtown Jamestown. I believe, and my memory is the acquisition cost of this small lot, with an abandoned gas station was something like \$130,000. It was public that the intent was to renovate the abandoned gas station and that would be the CARTS hub. I'd like to know the cost of the consultants that have been hired, whether for asbestos, structural engineers, or whatever. Somebody made a determination that sadly the abandoned gas station could not be renovated and we have paid for the demolition of that building. I'd like a report on how much that demolition has cost us. Then there has to have been a design of a new building. I'd like to know those costs and what is the construction cost to be of the new building. We need to know all of this to understand how much money we paid to wind up with a small vacant lot in downtown Jamestown. That would be the acquisition cost, and the demolition cost and the consultants involved. It's important that we have full disclosure for our public of what this project is winding up costing us. I have a feeling on the construction cost of whatever small building it's going to be, my seatmate here could build it for a lot less money than is being estimated for this little place for people to wait for a bus driver to hand out a little bit and maybe an office for some manager or CARTS employee to occasionally be there. The public is entitled to know how much money is winding up with a new building instead of a renovated building. Thank you.

**123-25 Approves New York State Environmental Quality Review Act (SEQRA) Findings for the North Chautauqua Lake Sewer District Wastewater Treatment Plant Expansion Project**, by Planning & Economic Development Committee –  
UNANIMOUSLY ADOPTED

**124-25 North Chautauqua Lake Sewer District Determinations in Relation to the Upgrade of Wastewater Treatment Plant Infrastructure**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**125-25 North Chautauqua Lake Sewer District Capital Account Establishment in Relation to the Project to Upgrade Wastewater Treatment Plant Infrastructure**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**126-25 A Resolution Authorizing the Issuance of \$10,147,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North Chautauqua Lake Sewer District Upgrade of Wastewater Treatment Plant Infrastructure Project, by Public Facilities and Audit & Control Committees**

*MOVED by Legislator Nelson, SECONDED by Legislator Gustafson to Amend by Substitution – UNANIMOUSLY CARRIED to Amend (as shown below):*

**TITLE:** A Resolution Authorizing the Issuance of \$10,147,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the North Chautauqua Lake Sewer District Upgrade of Wastewater Treatment Plant Infrastructure Project

**BY:** Public Facilities and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr. and Legislature Chairman Pierre E. Chagnon:

WHEREAS, Resolution 37-76 established the North Chautauqua Lake Sewer District (NCLSD) in accordance with County Law Article 5-A; and

WHEREAS, some portions of NCLSD infrastructure were constructed in the early 1980s, and other portions acquired from another party date as far back as the 1950s; and

WHEREAS, the engineering firm Square Engineering, duly licensed in the State of New York, was engaged to perform a study of the Wastewater Treatment Plant (WWTP); and

WHEREAS, several treatment process components at the WWTP are reaching the end of their useful lives and some are capacity-limited; and

WHEREAS, upon conducting a comprehensive analysis of essential WWTP upgrades, Square Engineering has developed a Map, Plan and Report detailing recommended WWTP improvements (the Project) along with estimated Project costs; and

WHEREAS, all conditions precedent to the financing of this capital project, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to provide for the financing and undertaking of the WWTP improvements authorized pursuant to the Local Finance Law; now, therefore,

BE IT RESOLVED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of improvements ~~in~~ **to** the North Chautauqua Lake Sewer District's WWTP, ***including original furnishings, equipment, machinery, apparatus, appurtenances and incidental improvements and expenses in connection therewith,*** in and for the County of Chautauqua, New York, ***a specific object or purpose,*** is hereby authorized at a maximum estimated cost of \$10,147,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$10,147,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell ~~the bonds and~~ bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. *The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Director of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Director of Finance shall deem best for the interests of the County, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, the Director of Finance shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Director of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.*

Section 6. *Such bonds shall be in fully registered form and shall be signed in the name of the County of Chautauqua, New York, by the manual or facsimile signature of the Director of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.*

Section 7. *All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of its Director of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Director of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges*

*for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Director of Finance shall determine.*

Section 8. *The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Director of Finance. Such notes shall be of such terms, form and contents as may be prescribed by said Director of Finance consistent with the provisions of the Local Finance Law.*

Section 9. *The Director of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the said specific object or purpose.*

Section 10. *The intent of this resolution is to give the Director of Finance sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this County Legislature.*

Section 11. *The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from assessments within the Extension NCLSD or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.*

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 12. *This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.*

Section 8.13. The validity of such bonds and bond anticipation notes may be contested only if:

- ~~1-~~ **1)** Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- ~~2-~~ **2)** The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty ~~(20)~~ days after the date of such publication, or
- ~~3-~~ **3)** Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. ~~This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.~~

Section 10.14. No expenditure shall be made or contract let for the purpose authorized by this bond resolution unless and until the State Comptroller shall consent to such expenditure.

Section 11.15. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of Chautauqua County, together with a notice of the ~~clerk~~ **Clerk** of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

*RES. NO. 126-25 - R/C Vote: 15 YES; 0 NO: 4 Absent (Bankoski, Buchanan, Carle, Penhollow) UNANIMOUSLY ADOPTED as Amended*

**127-25 Authorize County to Apply for Grants on Behalf of the North Chautauqua Lake Sewer District for Upgrade of Wastewater Treatment Plant Infrastructure, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**128-25 Amend Capital Project Accounts—Jamestown Community College, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**129-25 Amend 2024 Budget for Year End Reconciliations – Miscellaneous Department, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**130-25 Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2024 to 2025, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

Legislator Larson: The next two resolutions dealing with the American Rescue Plan I gather that basically wraps up the use of the \$26 million we received plus the interest we've earned on the money since we've received it. I just want to point out that this was \$26 million from the Biden administration. Why do I say Biden administration? I double checked today. The Senate passed it 50 to 49 with no Republican senator supporting sending \$26 million to Chautauqua County. The House passed it 220 to 211 all Republicans voting not to give \$26 million to Chautauqua County. The President signed it into law March 11, 2021. In my opinion, Chautauqua County has benefited greatly from this \$26 million plus interest. As I've seen the program there were almost no strings attached. Anyone that served in the Legislature for more than a couple or three years knows the local officials restrain condemning unfunded state mandates. And there is a lot of truth to that. Not 100% but there is a lot of truth to it. This was a rare case where basically this \$26 million came from the Biden administration to Mayville, the Chautauqua County government, and trusted this government to make a decision as to what is of value long-term for this County and allow this body and Executive to decide where to put \$26 million bucks. It was very good. It's my impression that this County has done a very good job of using that \$26 million plus the interest on it. And I commend all of those that have been involved. My City of Jamestown got \$28 ½ million. Sadly, I cannot compliment their decision-making in the same way as I just complimented the decision-making here in this chamber. Thank you.

Chairman Chagnon: Any other comments or questions on the resolution?

**131-25 Amend Spending Plan and 2024 Budget for Chautauqua County Projects funded by the American Rescue Plan Act (ARPA), by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

Legislator Larson: As you know, from the Economic Development Committee meeting last week, I'm old enough to confess when I don't understand something. This resolution on the face of it says decrease appropriation contractual promotion of industry \$1,500,000. I don't know what the overall impact of this resolution I'm being asked to vote on tonight really has in terms of the funds that we're making available for the promotion of industry. Perhaps someone from Budget or Finance could explain the mechanics of this resolution and the net effect of it in terms of is there a million and a half still going for promotion of industry or not. Thank you.

Chairman Chagnon: Would you please clarify your request?

Legislator Larson: Yeah, on the face of it, it says decrease contractual promotion of industry a million and a half. Whatever is going on here, this was not discussed at the Planning and Economic Development Committee meeting last Wednesday where we deal with the County

economic development, we oversee the County Industrial Development Agency. I just like a plain English explanation of what this resolution does.

Chairman Chagnon: Legislator Larson, if you would permit me, I believe I can give you a plain English explanation.

Legislator Larson: Thank you.

Chairman Chagnon: We had allocated ARPA funding for a broadband expansion project and when we did a solicitation we hired a consultant, developed a plan, we did a solicitation, we chose contractors to implement the plan, and then the State changed the rules of the game and requiring requirements that were not in the original plan. So, one contractor that had gotten the largest portion of the project backed out. So, that was the million and a half dollars of ARPA funds that had to be at the last minute reallocated to other projects.

Legislator Larson: Thank you. So, it was the concept of the County somehow being involved in the broadband business and now we won't?

Chairman Chagnon: Not to say we won't long-term.

Legislator Larson: But not at the moment?

Chairman Chagnon: Not at the moment.

Legislator Larson: That doesn't bother me at all.

Chairman Chagnon: A small portion of that project is being implemented.

Legislator Larson: As a legislator fellow, Fred Johnson has complimented me as a fiscally conservative legislator. While I understand that, there are challenges with broadband internet in every square inch of any County in upstate New York probably. Where the private sector is active and can provide services such as Verizon, such as DFT, such as Spectrum, such as Kinetic, Windstream I don't think it would be high on our priority list to get this County government involved where the private sector hopefully will continue to service the needs of our population. Thank you.

Chairman Chagnon: If you would allow me to continue – the project that is going forward is being done by DFT. The contractor that backed out was I believe Spectrum. This will not be a County project; this would be projects that are implemented by current providers, internet service providers.

Legislator Larson: Beautiful. Thank you.

Chairman Chagnon: You're welcome. Okay. It's not my custom to speak that much from the Chair, but I thank you for allowing me.

**132-25 Supporting Passage of A.7251 & S.7149 - "AN ACT to amend the tax law, in relation to extending the authorization for Chautauqua County to impose an additional one percent rate of sales and compensating use taxes.", by Administrative Services and Audit & Control Committees**

Legislator Nelson: Thank you Mr. Chairman. Last month I supported lowering the sales tax and I still believe that it is the right thing to do for our County residents. Lowering the sales tax even just a small amount can have several benefits. First, it will lead to increased consumer spending thus stimulating the economy, more sales for retailers, potentially leading to job creation and economic growth. Secondly, it will increase our competitiveness because we border Pennsylvania on two sides lowering the sales tax will encourage our residents to shop within the County rather than drive to just a few minutes to Erie or maybe Warren, PA. Third, the sales tax can disproportionately affect lower income families who spend a larger percentage of their income on taxable goods. So, I will be voting against this resolution. Thank you.

Legislator Larson: Again, last month I sponsored the resolution that would have asked the State to increase our base sales tax to 7% but to increase it to 7 ¾% instead of 8%. Unfortunately, we couldn't muster 10 votes to give the taxpayers that break. I did more research on the origins of the extra 1% - the stated reasons for it over the years. The resolution of this legislature back in 2007 for example asking for the extra 1% "will help pay for Medicaid". I continued to do research on the Medicaid justification throughout the 8 years of County Executive Goodell, I'm sure each of his State of the County messages blamed the increase in the County share of Medicaid for all of our financial problems. The 8 years of Mark Thomas following Executive Goodell - here's what I found that I didn't know last month. Mark Thomas's second year in office - 1999 - the County share of Medicaid was 13 million dollars. Six years later - 2005 - the County budget 33 million as the local share of Medicaid. (*Inaudible*) County Executive Thomas had the local share of Medicaid go up 20 million dollars in six years. The State then capped the County share of Medicaid. I only learned last month that while County Executive's Thomas's 2005 budget had 33 million dollars for Medicaid - County share - 20 years later in our 2025 budget we only have 32 million. So, a million less in unadjusted Medicaid for inflation. Adjusted for inflation folks, the 33 million of 20 years ago would be 55 million dollars today. So, Medicaid 20 years later is no excuse for continuing the added 1%. Then, I didn't have all the documentation on our sale of the County Home. You've heard me say a couple three times but I'll say it two or three times more. I was the deciding vote in early 2014 to sell the County Home. It takes a 2/3 vote. I was the deciding vote that night to sell the County Home. I found a newspaper clipping this week from The Post Journal in March 2015, three months, two months after the sale had closed. The County announced that it netted at least 16 million dollars from getting rid of the County Home. Netted at least 16 million dollars. I won't go into the County continued to receive some federal assistance for our public nursing home. As much as two budget years after we got rid of the thing. Let's just with the 16 million bucks. I wasn't around here to ask questions about what are we doing with that 16-million-dollar one-shot



profit? Because I went on the Jamestown City Court Bench. I don't know what happened to that 16 million I have a feeling it may linger on 9 years later 10 years later as part of the 35-to-40-million-dollar fund balance. But, the County Home not only did it stop being a loser of 3 million a year these last 11 years, which accumulatively would be 33 million, it deposited a net of 16 million bucks into the County coffers by March of 2015. So, the County Home drag on this budget is no longer any reason for the 1% extra sales tax on our people. Medicaid is not growing and is no excuse for this extra 1%. The other thing that I did learn as of last month, this extra sales tax has to be requested by a County legislature every two years. So, even if we had followed The Post Journal's suggestion of just drop it to 7, it would be a two-year experiment. If sales didn't grow, if sales tax receipts didn't grow, if retail didn't grow, two years from now we could say the 7 didn't work we've got to go to 7 ½, 7¾, 8 whatever. So, I will obviously be voting against this tonight. I didn't ask for this State legislation last month. Unlike our prior, two prior ago assemblyman, Assemblyman Parment one year, the County legislature asked for 8 from the State and our Assemblyman wrote back and said I am not going to carry that bill. I will carry 7¾ I believe, with the Assemblyman indicating a division of the extra¾ with municipalities or else he wouldn't carry the Home Rule Request. We made a mistake last week. If we don't act tonight, I guess our sales tax would go back to 7% for two years. That would be good news for consumers – our people. And if it didn't work out financially, in two years we would ask for something more. So, that's where we are tonight. I think it's unfortunate and it's not justified. The 1% is just not justified looking back at how the extra 1% ever started and was justified on the basis of Medicaid, and secondarily by the 3 million dollar a year loss of the County Home. Thank you, Mr. Chairman.

Legislator Niebel: Mr. Chairman. It's true that we did receive 16 million dollars for the County Home but the net profit from the County Home was far less than that. We had construction bonds that we had to pay off, we had retirement costs, we had legacy costs associated with the County Home. So, I'm not sure exactly how much we profited by the sale of County Home, but it was far less than 16 million dollars. Also, as far as losing 3 million dollars a year – my analysis at the time showed that we were losing roughly about a million dollars a year instead of the 3 million. Now look, as far as the sales tax here this evening – the reason we should not lower or alter the sales tax or its distribution is because of uncertainty. We have uncertainty as to our federal funding, our state funding, even our sales tax, our mortgage tax and also the occupancy tax all of which contribute to the County's revenue sources. The prudent thing I think to do is to go through the budget process which starts in about three months, see where we are at then and then hopefully, we can reduce the County property taxes. Thank you.

Legislator Larson: What I said about the 3million was true and what Legislator Niebel said about the 1 million is also true. It was the County leaders at the time that kept telling the public that the Home was costing us 3 million a year. The night I made my vote to sell, which my friend Legislator Niebel still holds against me, I said in my prepared statement that my analysis was the same as Legislator Niebel's. That after the special federal aid for public nursing homes was factored in, we were losing a million dollars a year that we couldn't do anything about. The New York State pension amount Legislator Niebel, Mr. Chairman, we had to pay on those County employees, the private buyer of the home came in and said unlike our 10% roughly

for the New York State pension on our people, his operation would pay about 4% into a 401k. So, I agree with Legislator Niebel. He and I now disagree with what the leaders of this County said for a long time - to encourage the County government to get rid of the County Home. But I reported what they claimed the loss was. Legislator Niebel and I agree that the real loss was about one million dollars a year. Nevertheless, it was a million dollars a year that we weren't going to be able get rid of other than by doing what many other Counties had already done and that is go ahead and sell it to a private operator. I commend Legislator Niebel's memory and analysis and I agree with him. Thank you.

Legislator Niebel: Mr. Chairman. I'd like to say that I appreciate the comments of the good legislator from District 12 and wonder if he'd like to retract his vote from 2015?

Legislator Larson: No.

Legislator Niebel: I didn't think so.

*RES. NO. 132-25 - R/C Vote: 13 YES; 2 NO: (Nelson, Larson); Absent (Bankoski, Buchanan, Carle, Penhollow) - ADOPTED*

**133-25 Supporting Passage of A.7256 & S.7195 - "AN ACT to amend the chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions; and to amend chapter 335 of the laws of 2023, amending the tax law relating to the allocation of revenue from the hotel and motel taxes in Chautauqua County, in relation to extending the expiration of such provisions", by Administrative Services and Audit & Control Committees**

Legislator Larson: I apologize if I voted earlier this year on a resolution asking the State to extend the occupancy tax law for us just as we last month you all asked the State to extend the 8% sales tax. I didn't but. Did we pass a resolution that I just don't remember asking the State to do this resolution?

Chairman Chagnon: No, we did not.

Legislator Larson: And do you know why?

Chairman Chagnon: Perhaps our Parliamentarian Steve Abdella can enlighten us on that. Steve, are you there?

Parliamentarian Abdella: Yes, sorry about that. Yeah, it was not informally asked for through a resolution. It's not actually required that it be although we typically do that. When there were conversations with our State Legislators they offered to go ahead and create bills for the occupancy tax extension with the original 3% and the 2% for waterways. And so, we did not

move forward with the informal resolution knowing that bills would be created. And so that's how this is before you right now.

Legislator Larson: Mr. Chairman, you no doubt recall that either on the floor of the legislature or at our Economic Development Committee meeting some months ago, we established that the last action by the State Legislature on our 3% occupancy tax to Assemblyman Goodell I guess, wrote in the Home Rule that we had to give half of the 3% to a private organization – I'm please to serve on its board since you asked me to. But the Chautauqua County Visitors Bureau for the first time as a result of the last Home Rule, by law gets 50% of whatever we bring in on the 3% occupancy tax. I call it – they are an entitlement entity as a private entity of government money. Money that we raise through our decision to tax. I don't like that. I made that clear some months ago and I was told that well, we'd have the opportunity to review that language when we next asked for the occupancy tax to be continued. So, unfortunately, I assume and maybe attorney Abdella knows, does this extension still entitle the Chautauqua County Visitors Bureau to 50% of our 3% occupancy tax revenue? Is that unchanged?

Parliamentarian Abdella: That would be unchanged, yes.

Legislator Larson: Well, I'm afraid, Mr. Chairman, the CCV Board will be unhappy with me but I want to make it plain that I think the Chautauqua County Vacations Board is doing a great job with the money they get. I was County Attorney when we first established the occupancy tax and the very first year, we wound up giving by our own decision of the legislature and executive, we wound up out of the occupancy tax giving the CCVB more money than they had every gotten from the County before. I think they are doing a great job. I want to make that perfectly clear. But I cannot sit here as an attorney/legislator and say I didn't have a chance to see if this legislature wanted to ask for us to go back to where this body decides where all the 3% goes. Where the CCVB had to apply every year and justify themselves to this body. I want to see if at least you all would go along with that. I've been denied that opportunity. This is the senate and assembly bills that are sitting there here mid-April and I'm being asked to vote for something that I never got a chance to change. So, I'll be voting "No". Thank you.

Legislator Niebel: Mr. Chairman. Just a technical question. Could we go ahead and vote on this resolution as its written and then possibly later revisit the percentage that's given to the CCV Board?

Chairman Chagnon: I believe as Legislator Larson said, that it is written into the State legislation the split of the 3%.

Legislator Niebel: Okay. Is he sure about that?

Legislator Larson: I would say I am 98% sure that we either ask for this as it's written and printed or we risk the authority running out. We could arguably, we could pass a Home Rule request tonight that we want the mandatory 50% to CCVB to be deleted. I didn't make myself

perfectly clear earlier. When I first got on this board last year, you all confirmed, and I appreciated your confirming it publicly, this legislature did not ask Assemblyman Goodell to put that 50% in the legislation – he did it, as I understand it. You didn't ask for that. The Home Rule you got two years ago was not what you asked for and I think that's unfortunate. So I was hoping for a chance this State legislature spring here, winter, I was hoping that there would be a resolution come up where we asked for the continuation of the occupancy tax and I could see if I could convince you to ask that it go back to what you had always asked for, which is we decide where the million two roughly goes. From 2003/2004, whenever we passed it, first time for almost 20 years, nobody was entitled to get money that this legislature didn't vote on. And all of a sudden, we got mandated to hand over half the money regardless of how much it might be, to a private organization. And I just thought that I'd have a chance to discuss with you all, are you comfortable with that since it was not your idea in the first place or can we change it? And Mr. Niebel brings up a point I hadn't thought of. We could have asked that it be changed that a minimum of a certain percentage go to CCVB if they wanted more than the minimum Legislator Niebel, they could come and ask us and we could give them another hundred grand or whatever for specific projects. We will have no such opportunity apparently for two more years, is that probably right Attorney Abdella?

Parliamentarian Abdella: Yes, this would be a two-year extension.

Legislator Larson: Thank you.

*RES. NO. 133-25 - R/C Vote: 13 YES; 2 NO: (Nelson, Larson); Absent (Bankoski, Buchanan, Carle, Penhollow) - ADOPTED*

**134-25 Authorize Regional Partnership Agreements with Municipalities for the Explosive Detection Canine Program, by Public Safety Committee – UNANIMOUSLY ADOPTED**

**135-25 Authorize Amendment of Lease Agreement with the City of Dunkirk to Increase Office Space for the Office of the Chautauqua County Public Defender, by Public Facilities, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**136-25 FY2024 Hazardous Materials Emergency Preparedness (FY24HMEP) Grant Program, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**137-25 Authorize Standardization of Stryker Equipment for Office of Emergency Services, by Public Safety Committee – UNANIMOUSLY ADOPTED**

**138-25 Authorizing Submission of Application for 2025 Community Development Block Grant Funding through the New York State Office of Community Renewal, by Planning & Economic Development Committee and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**139-25 Amend 2025 Budget to Implement Waterway Hazard Removal Using Interest Earnings From American Rescue Plan Act (ARPA) and 3% Occupancy Tax Reserve, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**140-25 Accept State Environmental Quality Review of Proposed 2025 Agricultural District Inclusions, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**141-25 Determination of Chautauqua County Legislature on Proposed 2025 Agricultural District Inclusions, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**142-25 Accept State Environmental Quality Review (SEQR) Determinations for the New York State Snowmobile Trail Grant-in-Aid Program for 2025-2026 Snowmobile Season, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**143-25 A Resolution Authorizing \$1,612,000 Bonds of the County of Chautauqua, New York, to pay the Cost of the Increase and Improvement of the Portland Pomfret Dunkirk Sewer District in and for said County, by Public Facilities and Audit & Control Committees**

*RES. NO. 143-25 - R/C Vote: 15 YES; 0 NO: Absent (Bankoski, Buchanan, Carle, Penhollow) – UNANIMOUSLY ADOPTED*

**144-25 A Resolution Authorizing \$5,480,000 Bonds of the County of Chautauqua, New York, to pay the cost of the Increase and Improvement of the North Chautauqua Lake Sewer District in and for said County by Public Facilities and Audit & Control Committees**

*RES. NO. 144-25 - R/C Vote: 15 YES; 0 NO: Absent (Bankoski, Buchanan, Carle, Penhollow) – UNANIMOUSLY ADOPTED*

**145-25 Setting the Salary for Chief Paramedic by Administrative Services, Public Safety & Audit & Control Committees**

*RES. NO. 145-25 - R/C Vote: 15 YES; 0 NO: Absent (Bankoski, Buchanan, Carle, Penhollow) – UNANIMOUSLY ADOPTED*

**146-25 Setting the Salary for Discovery Facilitator** by Administrative Services, Public Safety and Audit & Control Committees –

*RES. NO. 146-25 - R/C Vote: 15 YES; 0 NO: Absent (Bankoski, Buchanan, Carle, Penhollow) – UNANIMOUSLY ADOPTED*

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**ANNOUNCEMENTS**

Chairman Chagnon: And that ladies and gentleman brings us to our announcements. Are there any announcements for the good of the order? Any legislators like to share an announcement? Seeing none and hearing none that will bring us to our 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.

Legislator Gustafson: Thank you Chairman. Jamie Gustafson, Shadyside Rd., Lakewood, NY. As many of you heard during the County Executive's State of the County Address on March 26, Chautauqua County has a rich history of pioneering energy production. Starting right here in Fredonia where the first gas well in the United States was drilled in 1825. That legacy of innovation continues to inspire us today. We are excited about the potential energy future of Chautauqua County. Recently our County Executive participated in a roundtable focused on the NRG facility in Dunkirk. The conversation explored the possibility of repowering the plant with natural gas through 2040 followed by a transition to nuclear energy. Executive Wendel proudly joined Senator Borrello, Assemblyman Molitor, Mark Geise from the IDA, representatives from the Governor's office, NYSERDA and regional energy experts in that important dialogue. As our County Executive champions the efforts of Chautauqua County to become a leader in micronuclear energy production, we want to show our support for that forward thinking. Therefore, I respectfully request, that the Legislative Clerk draft a letter of support addressed to our County Executive and New York State Governor endorsing our continued exploration of innovative energy solutions here in Chautauqua County. Before submission, each legislator will have the opportunity to sign this letter as a gesture of approval. Let's honor our past by boldly investing in our future. Thank you.

Legislator Larson: Mr. Chairman, for the record, and I think you were present at that part of our Economic Development Committee meeting last Wednesday, the committee chair, the committee agreed to ask our Planning Department to prepare a memo or report by next

legislature meeting or June at the latest that gives us an overview of the literature the information available at this time on small modular nuclear plants and I think it's not fair to ask 19 legislators to sign some letter about a complicated topic before we have been provided with basic information from our Planning Department on what small modular nuclear technology is at the moment. Who are the major players? What kind of land area might be needed for such a production? And, so I would respectfully submit, request, that we would at least, maybe Chairman Harmon, maybe it sounds like you need to ask the Planning Department to have that little report or memo to us by next month. I will not be signing any letter until I have some basic information about a very important topic. I suspect that a number of us are going to be very supportive of this concept but I for one have not read a great deal about the background. I've read two articles – one CNN one NBC News. I don't know about the rest of you how much reading you've done since the State of the County message on small modular nuclear. I would like to be an informed legislator before putting my name on the line on a major, major topic. We have had, and we will probably have tonight, we have had almost every meeting, members of the public commenting on the downside of wind power, the downside of solar power, the downside of battery storage of solar and wind power. I will be amazed if after we sign a letter to the State saying that Chautauqua County would like to have the State cooperate with us in exploring the possibility of small modular nuclear facilities being built in Dunkirk or anywhere else along the shore of Lake Erie or in Chautauqua County, I would be amazed if there is not one or two people in the back of this room in the months that follow that have some questions about nuclear power. So, let's get some fundamental information in front of all 19 of us from our Planning Department and then let's take whatever action as a group we want to do. Thank you.

Legislator Gustafson: I respectfully understand your concerns. And I think this is a starting point for the exploration of innovative energy. I don't believe that we have pinpointed any type of specific projects of initiatives but at this point I think its important for this legislature to show our support for that research.

Legislator Johnson: Just for the fun of it. I actually spent a lot of time over the years researching this and I absolutely respect Mr. Larson's concerns of wanting to be well informed – that's a good thing. But, where I sit right now, I'm happy to sign this thing.

Stephanie Nick: Hi, I guess I want to make a comment on. Stephanie Nick, from Falconer, NY. I want to make a comment on resolution 122-25, the CARTS bus amendment. First, I want to say it's not just a bus stop, it's a bus junction. I ride the bus regularly throughout the County. I don't know anyone here who can tell me that they pay \$30 a week to drive between Jamestown and Dunkirk five days a week because that's what it costs on the Chautauqua County CARTS bus. And the junction that is being built and is currently being built, I've seen the progress as I drive by every day, it's there for a reason, it's important, it's a junction that all of the buses come to. People travel from around the County to that junction to get to other places within the County. Which means sometimes, because we are a rural County, that you're waiting 30 plus minutes which is not great but is something that people are accepting of. And I can say in the hot summer months, in the very cold winter months, having an indoor space while you're waiting for a bus from Jamestown to Dunkirk, or Jamestown to Mayville, or Jamestown to

anywhere else in the County, having that inside space is really important. And I would just like to challenge everybody in this room to give the bus a try. Try CHQ Transit. If you haven't it's actually really reliable, it's consistent, and it is something that can save everybody money and is really a positive in this County. And it has grown. Ridership has grown especially with the tourism route in the summertime and I just think people who haven't been on a CHQ Transit bus should try it. Thank you.

Marsha Westling-Johnson: My name is Marsha Wesley-Johnson, I represent the Chautauqua County Democratic Committee. 18% of Chautauqua residents live below the poverty line including 25% of our children, well above the national average of 18%. 10% of those 65 and over, live in poverty facing challenges of aging with limited resources. 14% of people under 65 live with a disability. There is help for these people. But the President and the current administration is planning to drastically cut these programs. There are three areas where the most devastating cuts will be felt. SNAP, more commonly known as food stamps is the first. According to the County's own data from 2022, almost 12,000 households in Chautauqua County were receiving SNAP, nearly 24,000 people. In our congressional district, 45% of households receiving it include children and 27% include people over the age of 60. This would hurt not only the people but our rural economy as a whole. For every dollar spent through SNAP, its' estimated that \$1.70 is generated. And the average monthly benefit is \$180 – just over \$6 a day. What they are not talking about cutting are tax deductions for business lunches, entertaining clients, and golf outings. HEAP – the Home Energy Assistance Program, provides critical support to low-income households by helping pay heating and utilities bills. Shockingly, on April 2<sup>nd</sup>, President Donald Trump, or was it President Musk, fired the entire staff of the federal HEAP office. Gone. Just like that. The same office that oversees assistance to 6.2 million Americans who rely on HEAP to survive bitter winters and scorching summers. The County website doesn't say how many receive HEAP but they did talk about 4,000 families who receive benefits. Vulnerable senior, families with small children, individuals with chronic illness, they all face heightened risk when temperatures drop or spike. Without federal coordination how will the governments do this? It's not about comfort it's about survival. The most important cut comes from Medicaid. According to the, again your website from 2022, 4,000 residents receive Medicaid and another 5,000 receive SSI. For our elderly population, 643 residents were in nursing homes receiving Medicaid, and 190 in assisted living. Trump and the republicans in Congress are pushing to reduce the Medicaid funding. This is a direct threat to the most vulnerable people in our communities. What will happen when this funding disappears? Those in nursing homes could face eviction. Children with chronic illnesses may find their treatments unaffordable, individuals with disabilities rely on Medicaid could lose access to basic health care and medication. It's also a threat to our rural hospitals which are already on life support. According to the Kaiser Family Foundation, 20% of all hospital funding comes from Medicaid payments. Probably even higher in rural areas. Add that 25% come from Medicare which is also being eyed for cuts. It could mean layoffs, complete shutdowns. We will see consequences in Chautauqua County. It could hollow out our rural healthcare infrastructure and leave thousands with nowhere to turn. I want to know what you intend to do about this. Do you have a plan to protect these lifelines? What will you do to make certain these citizens receive care? Will the burden fall on the County taxpayers to help these needy individuals stay alive? Will you stand up



to your party leadership and demand that these cuts not happen? Or will you remain silent, letting ideology outweigh humanity. You have a duty to call out dangerous policies, speak up for your constituents, and bring the fight to Capitol Hill. We need to hear your plans, not after the programs are gutted, but now, while there is still time to act. If you fail to take a stand, the very people who trusted you with our votes, our voices and our futures could die. The people of Chautauqua County deserve an answer. We deserve leaders who will fight for us – not just follow the party line into silence. Thank you.

Legislator Vanstrom: Good evening. I just want to say that I love our CHQ Transit program. It serves so many people in our County and I've known many, many of the riders who have not had a sour word to say about it. And it's nice to have reliable transportation. Thank you.

Bobbie Colt: Yes, good evening. My name is Bobbie Colt. And I'm speaking as a resident of Chautauqua County and an American citizen of this nation. And I'm going to speak in a different way. This is a wording that I have composed and its titles *We Are Still Here. For Chautauqua County, and our nation, in a time of trial.*

*They cut the cords that keep us whole. SNAP, our supper, Medicaid, our soul.  
HEAP once warmed these winter nights, Now cold creeps in, and dims the lights.  
From White House desks with polished hands, They sign away what justice stands.  
But here, the weight is real and near, In every cry, in every tear.  
Marginalized, we face the cost, The rights we fought for, nearly lost,  
Black, brown, poor, and pushed aside, Told to wait or run or hide.  
Our queer kin – LGBTQIA+ -, Brave with colors, fierce with trust.  
Now see the laws turn sharp, unkind, Trying to erase both heart and mind.  
The "SAVE" Act strikes with subtle aim, It plays the part, but rigs the game.  
A woman's name, a changed ID, Becomes a threat to liberty.  
It shames the vote, delays the line, And calls suppression "just fine".  
And now the world looks in dismay, The U.S. Joins a shameful way.  
On human rights, we've lost our place, Added to the watch list's face.  
For speech once free, now met with fear, For truths once loud, now banned our clear.  
They aim to silence one more line, The 988 that saves in time.  
For vets who've served and youth in pain, Their Crisis Lifeline's LGBTQ+ has a name.  
Suicide prevention is about risk, not identity, Cutting this lifeline risks lives, not just dignity.  
For hearts in strife, it stands its ground, A refuge when no help is found.  
To cut this thread is cold, unjust, A blow to those who gave their trust.  
But Chautauqua knows how winds can shift, How voices rise, and spirits lift.  
We've held each other through the storms, We'll shelter still, we will transform.  
For policy may close a door, But love builds windows, even more.  
And when they try to write us out, We'll answer loud! We'll sing! We'll shout!  
We are still here. We will not bend. We stand for neighbors, kin, and friend.  
We won't be silent! Won't retreat! Justice walks on Chautauqua Streets.*

Jim Wehrfritz: Good evening. I'm Jim Wehrfritz from the Town of Ellery and President of the Chautauqua Lake Property Owners Association, Inc., the CLPOA. I ask all to please pay close attention to what I have to say tonight. We're at a critical point in Chautauqua Lake, the surrounding County, and across the State relative to the DEC's new wetlands regulations. The harm from the flawed new wetlands, regulations, their overly aggressive interpretation, the lack of comprehensive impact evaluation, and the DEC's obvious lack of preparation, is already being felt after only 3 ½ months. Ask the municipalities dealing with what the DEC has called "their moral obligation" relative to building permits. Ask hundreds of lakeshore property owners who now have wetlands and regulated areas with onerous restrictions along their shorelines. After watching the DEC aggressively move forward through 2024 and into 2025 without seriously considering public and elected representatives' concerns, and the DEC and Governor ignoring pleas to delay implementation, it is unfortunately time for litigation. Last Friday, April 18, 2025, the CLPOA, the Town of Ellery, the Builders Exchange of the Southern Tier, and the Bemus Point Business Association filed a petition with the State of New York Supreme Court in the County of Albany against State of New York and the New York State Department of Environmental Conservation. The petition seeks annulment of the 2022 amendment to the 1975 Freshwater Wetlands Act and the subsequent wetlands regulations developed and implemented by the DEC this year. Although the County Executive and Legislature have failed to join our four organizations in this litigation, we hope you will strongly and publicly support our lawsuit in word and in deed. Your constituents are getting abused by the State and DEC and need you to act on their behalf. Our petition cites noncompliance with the New York State Administrative Procedures Act, deprivation of due process provided for in the New York State and United States Constitutions, arbitrary, capricious, and irrational amendments to the Freshwater Wetlands Act and 6 NYCRR Part 664 the wetlands regulations, improper delegation of the NYSDEC's regulatory responsibilities, and violation of the New York State Municipal Home Rule Law. In his introduction to the petition our legal counsel said, "The timing (of the amendment and the regulations) could not be more revealing. Just as the nation's highest court underscored the constitutional dangers of vague and boundless environmental regulation, New York chose to double down – empowering its environmental agency with the very kind of unfettered discretion the Court explicitly warned against. Where the Supreme Court drew a hard constitutional line to protect landowners from capricious enforcement, New York blurred every line it could find. The DEC's regime now rests not on fixed definitions or clearly drawn jurisdictional maps, but on presumption, abstraction, and limitless agency discretion. In short, while (the Supreme Court's Sackett ruling) reaffirms that there are constitutional boundaries to environmental authority, New York's response has been to sidestep them entirely." Additional information on the petition and the next steps in the process will be presented at "Wetlands" Public meeting #9, Saturday, April 26, 2025 9:30 A.M. – 11:00 A.M., at the Lawson Center, 73 Lakeside Drive, Bemus Point, NY. We hope that several of you will attend to get a more complete story. Thank you.

Carol Wynham: Carol Wynham, West Ellicott. Thank you for the opportunity to discuss the future of energy in our community. I strongly support P.J. Wendel's innovative micro nuclear energy solutions and to explain why I believe wind and solar are not the right path for our area. Let me start with why micro nuclear energy excites me. P.J.'s vision for small, modular nuclear reactors offers a reliable, efficient, and low-carbon energy source that can power our homes,

businesses, and schools without the drawbacks of other alternatives. These micro reactors are designed to be safe, compact, and capable of delivering consistent energy 24/7, regardless of weather or time of day. Unlike traditional large-scale nuclear plants, they require less land and can be deployed closer to where we need the power, reducing transmission losses and costs. Now, let's talk about wind and solar. Wind turbines and solar farms require vast amounts of land, disrupting our landscapes, wildlife, and rural character. They are also intermittent, producing energy only when the wind blows or the sun shines, which means we'd need costly and dangerous storage solutions to keep the lights on. In our region, with its cloudy weather, limited open land, and wildlife concerns, these challenges are even more pronounced. The environmental and economic costs of sprawling wind and solar projects outweigh their benefits here in Chautauqua County. Moreover, the financial picture tells a troubling story. A Forbes magazine article from 2020 revealed that, in 2018, the solar industry received 250 times more federal tax incentives per unit of energy produced than the nuclear sector. Wind wasn't far behind, getting 160 times more. That's \$3.3 billion for solar and \$2 billion for wind, compared to just \$13.1 million for nuclear. And this doesn't even account for the state and local subsidies that further tilt the playing field toward renewables. If wind and solar are as cost-competitive as their advocates claim, why do they rely so heavily on taxpayer dollars? This imbalance diverts resources from technologies like micro nuclear, which could deliver more reliable energy with a smaller footprint. So, I think this offers a path to energy independence, economic growth, and environmental stewardship without the land-use conflicts and grid reliability issues that come with wind and solar. It's a technology that can create local jobs and stabilize energy costs. So, what can we do? I urge all of you, and it sounds like you are already doing it, to explore bringing micro nuclear to our region. Let's advocate for policies that level the playing field, redirecting incentives towards reliable rather than perpetuating the bonanza for wind and solar. Let's engage our community in a conversation about the benefits of micro nuclear, ensuring that our energy future reflects our values and needs. Thank you.

Karen Engstrom: Karen Engstrom. Yes, a legacy of innovation has been articulated several times. NRG, repowering NRG, would help Dunkirk as well as the County and solve a number of the issues we are facing. One of the things that people don't recognize or are not very well aware of, is the advantage of nuclear power in any form, whether it's micro nuclear, small nuclear reactors or even the standard large facility nuclear facilities that are in our State. As I've mentioned before, energy returned on energy invested when it comes to nuclear power is much more of a viable alternative to destroying our forests, our wetlands, and our agricultural heritage in this County. Nuclear power is the greatest power density. It uses the least amount of land. It requires the least amount of the earth's natural resources and it provides continuous, uninterrupted and emission-free electricity. The life expectancy of a nuclear power plant is three-fold that of any renewable project. If you've ever noticed what the navy has done in the last 50 years, it has used nuclear power successfully. Our navy has 72 submarines that contain nuclear power plants, 10 aircraft carriers containing nuclear power plants and one research vessel. These nuclear power plants have visited 150 ports in over 50 countries without incident. 70 ports in the United States enjoy their visits. The nuclear power plants in these naval vessels have never produced any emissions whatsoever, in fact the people who spend their time on them are exposed to less radioactivity than us normal citizens. So, there is not been, it's the very same

reactors that are being proposed and approximately 60% of commercial nuclear plants in the world use the very same kind of nuclear reactor. So, I think the proposal that was offered by P.J. Wendel and Legislator Gustafson is one that should be pursued. And I appreciate very much a positive alternative to some of the very negative things that we have seen through the so-called renewables that have been forced upon us by the state. Thank you.

Jennifer Baker: Hi, my name is Jennifer Baker. I live here in Mayville. I just am going to agree to participate. I want to hear about the nuclear. But I was on a nuclear ship and I know that now they are being decommissioned. There is a lot of issues with figuring out what to do with all the nuclear waste. So, when you are doing a report, I would like everyone to at least consider where does the waste go? Thank you.

Legislator Nelson: For the past few months I have made comments during the second privilege of the floor. This is not intended to start an argument but it's intended to start a conversation with all of our republican and democratic legislators. Because as one speaker noted, we are going to have to make some decisions I think, and tough ones because of the current situation we are in. One of the programs that I am concerned about and one mentioned tonight was USAID, or US Aid for International Development. It is one of the programs targeted for dismantling by the department of government efficiency. Its principal purpose is to provide assistance to Countries experiencing conflict, poverty, or disaster, and to promote democracy and economic growth. The United States has long been one of the largest donors of foreign aid in the world. President Trump has given Elon Musk the task of slashing the federal budget. Charging waste, fraud and abuse, Musk, the world's richest man, is leading a campaign to cut assistance to some of the poorest people in the world. To me, USAID sounds a lot like the Marshall Plan that provided economic aid to Europe after WWII. Despite the war's human cost of nearly a half million American lives and an estimated \$330 million dollars, the United States still provided \$13 billion in aid to help rebuild Europe after the war and to deter the spread of Communism. Historically, it's been recognized as one of our greatest humanitarian achievements. I was always very proud to talk about American generosity after WWII in my US history classes. USAID is only about 0.2% of our total budget. In 2023 Ukraine and Israel were the largest recipients of the USAID programs. What might be the effects of the cuts to these programs? Could the program be more efficient? Probably. But, if we could be that generous after World War II, why can't we show the same generosity today? Thank you.

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

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MOVED by Legislator Proctor SECONDED by Legislator Anthony to adjourn.

*Unanimously Carried (8:21 p.m.)*

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