

Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, May 28, 2025 6:30 p.m.
Mayville, N.Y. 14757

Chairwoman Gustafson called the meeting to order at 6:30 p.m.

Chairwoman Gustafson: Good evening. I will call to order the meeting of the Chautauqua County Legislature on May 28, 2025. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. (Absent: Chagnon, Heiser)

Legislator Scudder delivered the prayer and pledge of allegiance.

Chairwoman Gustafson: I will now entertain a motion for approval of the minutes from the April 23, 2025 Legislative meeting. Do I have a motion to approve the minutes?

MOVED by Legislator Bankoski, SECONDED by Legislator Proctor and duly carried the minutes were approved. (4/23/25)

1st Privilege of the Floor

Chairwoman Gustafson: Next on the agenda, we will have the 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? Is there anyone here to speak to the first privilege of the floor?

Legislator Carle: Thank you madam Chairwoman. I wanted to talk a little bit about public transportation today. The route that use to cover Buffalo to Jamestown over to Olean but goes through Fredonia and Dunkirk it's been – I've been advised by the ticket office that SUNY Fredonia –

Legislator Bankoski: (*Inaudible*) second privilege of the floor.

Chairwoman Gustafson: I'm sorry, Mr. Carle we'll be holding that to the second privilege of the floor if that's okay.

Legislator Carle: Okay.

Chairwoman Gustafson: Thank you. Seeing no one else to speak to the first privilege of the floor, I would like to now welcome the County Executive, Legislator Dalton Anthony and

Legislator Nelson to come up for the first commendation. It will be for the Frewsburg Girls Basketball Team. If there are any members here from the Frewsburg – okay.

County Executive Wendel: Actually, there is another event this evening and the girls were unable to attend so we will be traveling to Frewsburg to present their commendation and certificates but we will read their commendation this evening.

COMMENDATIONS:

Frewsburg Girls Basketball Team

State Champions

By

Legislator Dalton Anthony, District 16

&

County Executive Paul M. Wendel, Jr.

Panama Boys Basketball Team

State Champions

By

County Executive Paul M. Wendel, Jr.

Frewsburg/Falconer/Southwestern/Jamestown - Swim Team

Conner Dean, Miles & Grady Moore

Landon Frederes & Daniel Peterson

State Champions

By

County Executive Paul M. Wendel, Jr.

PROCLAMATION:

Proclaiming May as

“CSEA Member Appreciation Month”

By

County Executive Paul M. Wendel, Jr.

Jim Quattrone, Chautauqua County Sheriff: Good Evening. So tonight we're going to present our PowerPoint of the Chautauqua County Jail Analysis. Just – where's Greg? There he is. I thank the Post Journal for the editorial today because – I know, I already called John. But what it did is it helped me to be able to see- maybe I either misspoke or it was misinterpreted that New York State has not been on our tails about doing anything about the Jail. My concern is that they will be. I try to be proactive before the State comes down and says we have to close this down because I'm sure once we are forced to close down any part of the Jail, the cost of any building project goes up. So, the goal here and the goal for the Jail analysis and the end product is really to eliminate the 1939 section of the Jail which is really decrepit. Its been operating for over 80 years and 365 days a year, 24 hours a day, 7 days a week with tenants that aren't always the most respectful of the property. It's starting to fall apart, it's starting to nickel and dime us. We have to go to machine shops, fabricators in the County to get parts to keep the Jail functioning, keep locks running and quite frankly I think its important that we treat everybody, not only our employees, but those who are incarcerated with the dignity and respect that they deserve and that's – the punishment should be losing their freedom, not being in a housing facility that's subpar. We want to be able to improve the program space to really keep up with the correctional needs and correctional programs suggestions that we do. Ideally, with these programs we have, we can send the people leaving the Jail which is 90%-95% go back to the same communities that they're in currently that they come from. And we want to send them back more productive members of society. This will also increase officer safety and effectiveness and as I mentioned reduce the maintenance cost. So this has been a project that we've been working on for a couple of years with LaBella Associates and Justice Planners. I know LaBella has worked on our Jail in the building projects in the past as well as many Jail projects around the State. Justice planner, Alan Richardson, is somebody I've met through the National Sheriff's Association and he has a wealth of experience in running Jails and doing Jail analysis who has done a wonderful job of projecting our needs moving forward. Just to put it out there, because it was mentioned, I do torture myself and read Facebook posts after the article was in the paper just to see what the public is really viewing and it's good to hear from what the public wants or doesn't want and we have – there's different options we can have. I am concerned about kicking the can down the road back in, I think 2005- 2006 the past Sheriff, Sheriff Gerace, I think was trying to prevent what we're doing now. He wanted to add 2 additional floors to the last project at a cost of 5-7 million dollars and the Legislature said lets wait. Now to do that same project it's going to be about 73 million dollars. So, we would like to prevent having this happen to us again in just a few years. So, I'll turn it over to LaBella.

PRESENTATION:

Jail Needs Study

By

Sheriff Quattrone and LaBella Associates

The presentation can be viewed at
<https://www.youtube.com/watch?v=lzEnl9BhUqM>

Chairwoman Gustafson: Are there any other questions? Okay at this time we'll take this back to our committees for further discussion and determine the next steps if any. Thank you very much for your time. I will turn it back over to Mrs. Olivia.

Clerk Lee: There are no veto messages from County Executive Wendel from the April 23, 2025 legislature meeting.

VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 04/23/2025

Clerk Lee: There are 8 communications listed on the agenda. Our office has also received an additional communication that was received after the agenda was finalized. This communication will be #9. Its an email containing a resolution, a map and an affidavit of publication from the Town of Chautauqua regarding Notice of Designation of the Town of Chautauqua Source Water Critical Environmental Area. If you would like a copy of any of these items, please let our office know.

COMMUNICATIONS:

1. Minutes – Conewango Watershed Commission – April 9, 2025 Meeting
 2. Letter – NYS Department of State – Acknowledgement of Local Law 1-25
 3. Affidavit of Publication (2) – Legal Notice – Notice of Estoppel re: NCLSD Upgrade of Wastewater Treatment Plant Infrastructure Project (Post Journal and Observer)
 4. Affidavit of Publication (2) – Legal Notice – Notice of Estoppel re: Increase and Improvement of the North Chautauqua Lake Sewer District (Post Journal and Observer)
 5. Affidavit of Publication (2) – Legal Notice – Notice of Estoppel re: Increase and Improvement of the Portland Pomfret Dunkirk Sewer District (Post Journal and Observer)
 6. Letter - Chautauqua County Board of Elections, Re: Early Voting Poll Sites
 7. Report – Finance Director Kitty Crow, Re: March 2025 Investment Report
 8. Email – Lauren Sharp, Junior Planner, Re: 2025 Ag. Inclusion Materials submitted to the State – RES. NO. 141-25
 9. Email – Resolution, Map & Affidavit of Publication – Town of Chautauqua re: Notice of Designation of the Town of Chautauqua Source Water Critical Environmental Area
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LOCAL LAW INTRO. 2-25 - A Local Law Regulating the use of Public and Private Sewers and Drains in Sewer Districts Established by the County of Chautauqua

Chairwoman Gustafson: Are there any questions or comments on the local law? Seeing none, would the clerk please call the roll?

Local Law Intro 2-25 - R/C Vote: 17 YES; 0 NO: 2 Absent (Chagnon, Heiser) -
UNANIMOUSLY ADOPTED

LOCAL LAW INTRO. 3-25 - A Local Law Continuing an Additional Mortgage Tax

Chairwoman Gustafson: Are there any questions or comments on the local law?

Legislator Larson: Chair, some of the room seem to appreciate the history I can bring to these items, some don't and that's life. In order to pay for the big court project that gave us that lovely entrance to our building and got us to occupy whatever percentage of the old Mayville school building, that was a true state mandate, this Legislature got a letter from the Chief Administrative Judge of the Courts saying that if this Legislature that particular night didn't pass – I think it was a \$17,000,000 bond issue, the court administrator was going to direct the New York State Comptroller to withhold \$17,000,000 in State Aid to this County, true story. So, we did vote – we, I was County Attorney not a Legislator then but the Legislature voted, I guess it had to, to borrow all that money for a court expansion. But, the Legislature at that time did a very responsible thing. It looked for revenues to pay off these bonds and one of them was this local law continuing, this says continuing an additional mortgage tax. So the origins of this mortgage tax as well as an additional one that we got through home rule was to pay the then cost of the mandated court work and essentially mandated Jail work of \$16,000,000 20 years ago by the corrections commission of the State of New York. The people that stood up and made a wise decision were not always rewarded. One of these quarter percent mortgage taxes to cover the request for home rule 207-04 (*inaudible*) resolved the County request the State Legislature to amend the law to allow the County in its discretion to impose an additional mortgage tax of 25 cents per 100 of principle. That reason being the County must undertake various capital projects including expansion of court facilities and the Jail, both of which are also a result of obligations mandated by the State of New York. So, I'm happy to support this mortgage tax and if our other mortgage tax continues to be an every 2 year home rule request, I will do that. Having done real estate law for 38 years, these mortgage taxes are one shot so when you take out \$100,000 mortgage from our Chair at M&T Bank, no charge for the commercial - the quarter percent on \$100,000 mortgage is only \$250, right?

Chairwoman Gustafson: That is correct.

Legislator Larson: It's a one shot. Nobody stops buying their home. They don't come for their closing at M&T and say "Oh no, I'm not going to go through with this because there's a \$250 special mortgage tax." Anybody ever walked away from a mortgage for that? No. I'm happy to support this and when the home rule request comes up for the other quarter percent, I'll be happy to support that. It was the right thing to do 20 years ago, to pay for these, essentially State mandates, and it's the right thing to continue them. Thank you.

Chairwoman Gustafson: Thank you, Mr. Larson. Is there anyone else?

Legislator Niebel: Madam Chairman, the mortgage tax is a source of revenue for the County but because we share it, it's also an important source of revenue for the cities, towns and villages.

Chairwoman Gustafson: Thank you very much.

Legislator Johnson: I, on the other hand, will be voting "no". Money is fungible; it is the most fungible of commodities. I accept what representative Larson had to say, its factual but, the money is fungible and we need to start thinking about what goes out of the tax payers pocket and into the Counties pocket. So I'll vote for the \$250 to stay in the tax payers pocket, of course if your signing a big mortgage, \$250 doesn't sound like much which means its easy tax because nobody really notices it but just because they don't notice it, doesn't mean it's any less than \$250. So I will be voting "no".

Legislator Larson: In support of Fred (*inaudible*) in analysis in this Legislature, of course moneys fungible, well most of it is unless it's dedicated to a reserve or something. Most money in County Government is fungible, no question about it. However, what the reality is, the 2005 bond issue this Legislature passed, not unanimously, for the \$16,000,000 jail work 20 years ago - those bonds were 25 year bonds so by my mathematics, 25 minus 20 leaves 5 more years that needs revenues from somewhere to pay off those bonds and the additional mortgage tax continues to be a relatively smart way to do that, thank you.

Legislator Carle: Does anybody have the information about how much this actually amounts to in the course of a year?

Kitty Crow, Finance Director: Between 1.6 and 2 million dollars.

Legislator Carle: Thank you.

Legislator Johnson: Is that for the whole 1 and a quarter percent or is that just for the 25 basis points?

Kitty Crow, Finance Director: That would be – I believe the entire amount because that's the total amount that's recorded in our mortgage tax revenue account and that's the County's portion that doesn't include the portion that is shared with municipalities.

Chairwoman Gustafson: So you would divide that by 5 and that would be the 25%.

Legislator Johnson: I think so.

Chairwoman Gustafson: And then divide the 25 by the municipalities that receive it and –

Steve Abdella, Legislature Parliamentarian: Madam Chair, Steve Abdella here. Just to clarify, the total 1.25% mortgage tax in our County, the first .50 cents, that's what goes to all the cities, towns and villages and that is a State mandate and we have no control over that one. Similarly, the so called special mortgage tax, which is the next 25 cents, all of that goes to SONYMA the State of New York Mortgage Agency. Again, that's a mandate. As to the remaining 50 cents which is 2, 25 cent taxes as Mr. Larson referred to, one of them is required is that that be used for courts and jail projects and that one is optional. It could be suspended at some point. However, that one is in place actually does not require any further home rule for extension, I don't believe at least- has not for many years and that remains in place and it is not the one up for extension tonight which is the last 25 cents and that one which is also optional. All of that revenue goes to the County for general purposes. That's the one up tonight. So of the dollar and a quarter, it's 50 cents that comes to the County, half of it for courts and jails, half of it for general purposes and in all of those cases, the County Clerk's office is entitled to retain its expenses in administering the mortgage tax. I'm not sure to what extent that's done or what those numbers might amount to but I just wanted to give that clarification.

Chairwoman Gustafson: Thank you, Mr. Abdella. Mr. Larson, this is your third time.

Legislator Larson: Madam Chair, well if my comments are not related to the resolution you'd rule me out of order. If they are, we don't have a three intelligent comment rule or even a three unintelligent comment rule. I didn't want to quibble with my Legislator from the Forestville area because there's no need to quibble but, Attorney Abdella has clarified for all of us the split of the mortgage tax, and I think we have a resolution tonight to share a mortgage tax, that mortgage tax is from the base amount mortgage tax which Abdella's explained. The .25 tonight is all to the County. The .25 the other special that he mentioned, that's all to the County so as long as Attorney Abdella wanted to clarify, see I didn't need to. But, one of these is dedicated to courts and jail bonds that are still out there. The other quarter and Abdella has indicated that it goes to the general fund and that is truly fungible as Legislator Johnson says.

Legislator Niebel: For the record, I'm from the Town of Sheridan, not Forestville.

Chairwoman Gustafson: Thank you, I appreciate that.

Legislator Larson: And for the record -

Chairwoman Gustafson: It's your fourth time.

Legislator Larson: Forestville voted their Village out of business.

Legislator Niebel: Yes, they did and they've received money from the County once they dissolved.

Chairwoman Gustafson: If I hear nothing else, would the clerk please call the roll?

Local Law Intro 3-25 - R/C Vote: 15 YES; 2 NO (Carle, Johnson): 2 Absent (Chagnon, Heiser) - ADOPTED

LOCAL LAW INTRO. 4-25 - Residency Requirements for Assistant Attorney Titles in Chautauqua County Government

Legislator Johnson: I will be in favor of this however, as we discussed this in committee and then outside, an issue that needs to be discussed outside of this and understood better is the role of remote work or working from home and what policies, procedures, systems we have to permit that or not permit it and how all that all fits because as was mentioned, working from home may enter into this and properly administered, that's absolutely fine but it's a subject for further discussion, thanks.

Chairwoman Gustafson: Thank you. Are there any more questions or comments? Would the clerk please call the roll?

Local Law Intro 4-25 - R/C Vote: 17 YES; 0 NO: 2 Absent (Chagnon, Heiser) - UNANIMOUSLY ADOPTED

RENEW & AMEND RES. NO. 179-24 - Authorize Agreement with NY State DOT for Performance of Project PIN 5764.99

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom to Renew Resolution 179-24 - Unanimously Carried to Renew

MOVED by Legislator Nelson, SECONDED by Legislator Harmon to Amend 179-24 - Unanimously Carried to Amend (as shown below)

RENEW AND AMEND
CHAUTAUQUA COUNTY
RESOLUTION NO. 179-24

TITLE: Authorize Agreement with NY State DOT for Performance of Project
 PIN 5764.99

BY: Public Facilities and Audit & Control Committees:

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

WHEREAS, a Project for the Replacement of the Central Avenue bridge, County Bridge 382 over Crooked Brook in the City of Dunkirk, Chautauqua County, PIN 5764.99 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$561,335 to be borne at the ratio of 100% State Bridge NY funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Project PIN 5764.99 cost; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the Project; and be it further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Project cost or portions thereof; and be it further

RESOLVED, That in the event the Project cost exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

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

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program \$561,335

INCREASE CAPITAL REVENUE ACCOUNT:

~~D.5112.389.R458.9002 Federal Aid – Surface Transp Program~~ ~~—————~~ ~~\$561,335~~

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R359.7000 State Aid – Transp Capital \$561,335

DECREASE CAPITAL REVENUE ACCOUNT:

D.5112.389.R459.9002 Federal Aid – Surface Transp Program \$561,335

UNANIMOUSLY CARRIED as Amended

RESOLUTIONS:

147-25 Confirm Appointment – Parks Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED

148-25 Confirm Re-Appointment – Off Track Betting, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED

149-25 Confirm Reappointments – Chautauqua County Soil and Water Conservation District Board of Directors, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

150-25 Authorize Extension of Lease Agreement with Town of Chautauqua for Office Space For Chautauqua County Department of Mental Hygiene, by Public Facilities, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

151-25 Authorize Renewal of Lease Agreement with Jamestown’s Rental Properties, LLC for Office Space at 333 East 5th Street in Jamestown, New York, by Public Facilities, Human Services, and Audit & Control Committees

Legislator Nelson: *(Inaudible)* This is probably not a surprise that I’m supporting this resolution and resolution 152. I’m glad to see that we are continuing to renew our lease agreements for the Mental Health Hygiene Office and the Department of Motor Vehicles for the next 2 years, keeping these offices in the City of Jamestown until 2027 and I hope that we can continue this for long after 2027. We all saw a presentation on the possibility of moving the County offices to the Chautauqua Mall and I know its 2 years away, possibly, but I just want to go on record, representing Jamestown, that I would be opposed to that idea. We need to consider the people who we are serving and do what’s best for them and also consider the negative impact that moving those offices and their staff would have moving them out of the City. I won’t speak for the other Legislators from Jamestown but I would hope that they would also have this on their radar and would support keeping these offices in the City of Jamestown for a long time, thank you.

Legislator Dickey: Madam Chairwoman, I want to thank the workers of both Jamestown and Chautauqua County for collaborating on this issue as Legislator Nelson made the comments that this would be devastating to Jamestown. There was quite a bit of discussion about it and I was very happy to see the collaboration in the work among our leaders in both the County and the City to work out this issue, thank you.

RES. NO. 151-25 – UNANIMOUSLY ADOPTED

152-25 Authorize Lease Agreement with Jamestown’s Rental Properties, LLC for Office Space for the Jamestown DMV, by Public Facilities, Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

- 153-25 Authorize Public Hearing on Ground Lease with The Aerie JHW LLC at Chautauqua County Airport Jamestown,** by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 154-25 Authorize Acceptance of Criminal Justice Discovery and Bail Reform Funding FY 2025,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 155-25 Authorize Acceptance of Health Equity Innovation Grant from Univera Healthcare for Local Roots Program,** by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 156-25 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction 2025-2026,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 157-25 Authorize Agreement with Various School Districts for School Resource Officer Services 2025-2026,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 158-25 Authorize Agreement with Clymer Central School District for Special Patrol Officer Services 2025-2026,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 159-25 Authorize Regional Partnership Agreement with the City of Dunkirk Police Department and Southern Tier Drug Task Force,** by Public Safety Committee – UNANIMOUSLY ADOPTED
- 160-25 Amend 2025 Budget – Enhance Programming for the Chautauqua County Visitors Bureau,** by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 161-25 Amend 2025 Budget for Repairs to and Replacement of Fire-Damaged Equipment Environment – Landfill,** by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 162-25 Amend 2024 Budget for Year End Reconciliations – Various General Fund Departments,** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 163-25 Amend 2024 Budget for Year End Reconciliations – Various Enterprise Fund Departments,** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

164-25 Amend 2024 Budget for Year End Reconciliations – Workers Compensation Fund, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

165-25 Authorize Payment of \$132,500 for Settlement of Claim of the Estate of Gregory Gallaway, by Administrative Services, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

166-25 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS

Chairwoman Gustafson: At this time do we have any announcements from legislators?

Legislator Vanstrom: With great enthusiasm, I invite you all to beautiful and scenic Celoron, the 4th, 5th, 6th and 7th of June for Rib Fest.

Legislator Nelson: The Jamestown Tarp Skunks open tomorrow night at Russel Dietrick Park at 6:30 and they're playing the Batavia Muck Dogs so come on out and watch some good baseball.

Legislator Harmon: Before the evenings over with I want to make sure that we all wish Bob Bankoski a very Happy Birthday today.

Chairwoman Gustafson: Awe, Happy Birthday. That's the best announcement.

Legislator Scudder: I'm going to invite everyone to the Village of Fredonia starting Saturday, May 31 through Thursday, June 5th. They are celebrating General Lafayette's visit to the Village of Fredonia. So it's a Bicentennial Jubilee. There's a lot of different things going on. They're even going to have the chair at the museum that he actually sat in so if you're interested and you're going to come over, I printed off some handout that show the schedule of events so come on over and check it out. Thank you.

Legislator Anthony: June 19th through June 22nd starting Thursday from 5:00 p.m. to Sunday at 2:00 p.m. is the Town of Carroll's Bicentennial and there's different things going on all different days so come on down.

Chairwoman Gustafson: Any other announcements? Okay that brings us to the second privilege of the floor.

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.

Chairwoman Gustafson: Please introduce yourself and give your address.

John Jablonski, 213 Spruce Street, Lakewood, New York. Hello Legislators and Executive Wendel. I speak to you tonight as the son of a US Army Korean War combat veteran who proudly served the Country he loved and who was willing to die to protect our freedom. But now our rights and freedom are under daily attack. Our US Justice Department which is tasked with protecting and upholding the laws and constitution has been turned into an operation to illegally investigate and harass those with whom President Trump dislikes and upon those he seeks revenge. January 6th insurrectionists encouraged by Trump violently invaded and ransacked the Capitol Building. Now this Republican administration is destroying billions of dollars of public property: important multi-year science and health research and life-saving institutions are being destroyed. The Republican administration, with the help of the Republican Congress are vandalizing publicly-owned intellectual property and trashing the careers of the scientists and medical professionals who have dedicated their careers to this important research. You Republicans sit and watch this vandalism and take no action. Congressman Langworthy is actively supporting the acts of this administration to illegally harass those whom Trump and the Republicans identify as opponents of their racist, anti-LGBT+, misogynist, and militaristic agenda. You Republicans sit and watch as Republican administrations persecutes media outlets and prominent law firm. You sit by and watch as the administration carries out illegal action violating the independence of our universities. You sit by and watch as our neighbors and visiting scholars are illegally abducted by mass secret police that our tax payers are paying for and deported without just cause and due process as guaranteed by our Constitution. You sit by and watch as Trump violates the emoluments clause of the Constitution and he and his family build an illegal and corrupt cryptocurrency pyramid scheme to enrich themselves. You sit by and watch as this Republican President pardons convicted violent criminals and fraudsters. Trump, the Republican Congress and the Justice Department are following the playbooks of Hungary, Nazi Germany, Mao's Cultural Revolution and Putin's Russia. I can assure you that none of us want to live in a country like any of those. The request to protect our cherished Constitution and our rights guaranteed by the Bill of Rights voiced to Mr. Langworthy by myself and other neighbors are ignored by Mr. Langworthy. He chooses to support this Republican administration's illegal and shameful actions. I urge you, the leaders of this County to work with Mr. Langworthy and other Republican leaders to immediately stop this erosion of freedoms, illegal abductions and deportations to foreign countries, and the destruction of essential scientific and medical research institutions critical to the health and safety of those living here and all in the United States. Don't continue to sit idly by as our democracy is converted to a fascist dictatorship. Those fallen heroes memorialized this past weekend died to ensure our freedom, not so an American-born dictator could rise to power, harass, and jail his political opponents. I urge you to act now and be persistent in protecting our democracy against those who are working

quickly to snuff it out. When it affects you personally, it will be too late. When you lie down in bed tonight, search your conscience and do the right thing tomorrow. Thank you.

Good Evening, Tammy Shack, Bridgeview One Stop Bemus Point. When I last spoke with you I was headed to Assemblyman Molitar's office meeting. The temporary exit 9 ramp was not going to happen and I used the meeting to layout economic damage and financial hardship not to just my business but other Bemus businesses as well and to locate funding. From there, I was sent to the CCIDA. So imagine my surprise when I was told by their (*inaudible*) they cannot help retail businesses and not just them, Empire State Development can't help either. No grants, no relief, nothing that doesn't have to be paid back. You can verify this with the CCIDA directly. Let me assure you, no one I've talked to in the County, State or Governor's office can offer a solution or even knows of one. There are no programs, zero to support existing retail businesses in hardship. It does not exist. Shocking really, especially considering the public celebration of small business week with proclamation read and photo ops with all our representatives but we are more than a revenue stream and tax producers and media props. We are employers and tax payers and community families ourselves. So let's cut to the chase. During our Molitar office meeting, Executive Wendel asked me a critical question. Do you think an account, a funding account should be set up to help? My answer is the resounding, "yes, yes, yes" and Executive Wendel, if I may interrupt you on your phone, thank you for asking. I've looked extensively at your Live Chautauqua and Grow Chautauqua programs. I brought my Grow Chautauqua Seeds with me and let me tell you something about these seeds, Executive Wendel, if you could look at me for a moment? Thank you. If I keep these seeds in the packet, nothing happens. Seeds need nurturing to grow and so do we, the businesses. I believe our County should fill the void with our Counties retail businesses. Executive Wendel, you (*inaudible*) Live Chautauqua and Grow Chautauqua, I propose that our County create a nurture Chautauqua program. A dedicated fund to support qualified existing businesses in times of disruption or hardship through no fault of their own. We can't depend on the State who over looks us entirely which I hope you and your County admonished. Chautauqua County is sitting on a 35-40 million dollar fund in the fund balances. Only a small portion is a enough to plant the seeds for nurture Chautauqua. In 2023 alone, there was over 42 million in visitor spending in this County. Retail sales allow 14% of total County revenue. Executive Wendel, for the retail businesses, that actually do live in Chautauqua, and do the growing of Chautauqua, would you publically commit now to work with me for a Nurture Chautauqua program? Thank you.

Good Evening, hello, I'm Jim Wehrfritz from the Town of Ellery, President of the Chautauqua Lake Property Owners Association, the CLPOA. I hope you all had a great Memorial Day weekend. The CLPOA was busy with 2 meetings about the wetlands issue with about 175 of your constituents. Very well attended and we're planning another one for the 4th of July weekend. Well, here we are, in May of 2025 with over 3,000 acres of our Chautauqua Lake, I stress "Lake", and hundreds of acres along it shoreline up 100 feet onto private property and under homes restricted as wetlands. And much more to come across the entire County. In the end, it was left to 2 all-volunteer Chautauqua Lake nonprofits and its donors, one municipality, a trade organization and a local business group, to fund and file suits against an uncaring and misguided State Government which ignored all of our and your pleas. You deferred on joining

our litigation. We hope you will not similarly ignore the opportunity to support us as an (*inaudible*) party. Your well-staffed and taxpayer-funded County law department can prepare the brief. You have been well aware of this issue and its impact. It is over two and a half years since the Legislature passed the August 2022 amendment to the Freshwater Wetlands Act, almost two years since we first raised concerns about the amendment, and over a year since the newly formed CLPOA, held the first of twelve “Wetlands” public meetings to help make all aware of the issue. The Jamestown Post-Journal has covered the issue extensively. This is an issue about which the County Executive, despite his “Open Door Policy” has refused to meet with us for over a year. Instead, he relied on discussion with and assurances from the DEC Region 9 Director, no friend of Chautauqua Lake. Or he took faith in the low probability and late-breaking late exempting legislation introduced by our Senator and Assemblymen. Or he relied on advice from Lake organizations supportive of the regulations or with groups focused on their own special interests. It’s apparent he didn’t get the full story until September 2024 when he changed his tune and joined eight of nine lakeside municipalities and several Lake organizations to publicly oppose the regulations. This Legislature, a month later, passed the first of two resolutions, what the Post Journal called “too little too late”. So, here we are, the ninth time we spoken to you in as many months and, once again as is your custom, from the back of the room. We appreciate that most of you have shown us the courtesy of turning around and listening to what we had to say. Not everybody though. Very few others have spoken to you on this important topic. What we have to say would have helped the County Executive and others here fill in the blanks in their understanding of the wetlands issue and its impact. To date, this Legislature, its chairperson, and the Executive have watched without effective as the DEC has abused us and caused us to dedicate thousands of volunteer hours and tens of thousands of donated dollars to researching the regulations and forming, informing your constituents, and taking action. Legislators representing our five Lakeside districts and the other fourteen with districts as far as thirty-five miles away, but benefiting nonetheless, have watched while the County’s Chautauqua Lake “Cash Cow” has diminished. The wetlands Amendments and regulations violate the United States as well as the New York State Constitution. The time for real action is now. Do not ignore the opportunity to support our lawsuits as an amicus party. Please act now and help us stop this abuse before there’s a flurry of individual of lawsuits against the State and others consider federal action. One last point. The lack of effective Lake management is not the fault of Lake organizations diverse opinions as some of you and other elected representatives have suggested. It is not the property owners desire for a “swimming pool quality lake”, untrue and an insult to the lakeside property owners who pay a highly disproportionate amount of taxes in this County. It’s a lack of County leadership, the same malady which has prevented improvement in Chautauqua Lake conditions for decades. Thank you for the chance to speak.

John Jablonski: May I also address the wetlands issue?

Chairwoman Gustafson: I believe you’ve already had your 3 minutes.

John Jablonski: This is a separate issue. I would like to respond to what was – if that’s okay with you.

Chairwoman Gustafson: Go ahead.

John Jablonski: Thank you. John Jablonski, 213 Spruce Street, Lakewood, New York again. I'm a property owner and tax payer in Ellery and Lakewood Busti and I support the States wetland regulations. I've devoted my career to protecting the health and enhancing the health of Chautauqua Lake and the waterways of the County and it is important that we don't let a land owner who owns the land for 7 years or 10 years or 2 years, be able to go in and destroy wetlands which were essential to the health of the Lake. Lakes in Minnesota and Wisconsin and Vermont and other States have shore land protection regulations. This law will ensure that if your neighbor is developing a new home that they will through this regulation in the protected immediate adjacent which is 100 feet. They're not saying that the shore is a wetland, they're saying that the lake vegetation in shallow waters are a wetland but if you're within 100 feet of that, you have to make sure that you undertake development in a way that isn't going to harm the lake. So, let's be clear that the shore land itself, if its not a wetland, is not a wetland, its in the 100 foot buffer area so I think its really important that we protect the most important economic and ecologic asset of Chautauqua County and I would hope that the County does not spend my tax payer dollars on fighting these regulations, thank you.

Jim Wehrfritz: Do I get to speak again?

(Inaudible)

Jim Wehrfritz: *(Inaudible)* The wetlands designations that have been done so far are in areas where the municipalities requested herbicide treatment permits. That's about 600 acres plus 100 feet around it out in the lake. More recently, 70% of the shoreline, in the water out to 6 foot water depth, another 2,500 acres has been designated wetlands and with that goes, restrictions wetland restrictions out of hundred feet upland onto private property. That hundred feet upland onto private property is not wetlands, as John said but there's a whole series of wetlands related restrictions that apply to that hundred feet as well including under people houses, thank you.

Legislator Carle: Thank you Madam Chair. The two things that I wanted to cover today in my – and I'll be brief, is the #1 is public transportation. I don't know how many people know but we've lost Coach USA and then the U.S. Crew Change bus services throughout the County and right now I've been contacted by the ticket manager from SUNY Fredonia and there's an opportunity to show support to the trail ways bus company to try to restore the route. The route from Buffalo to Jamestown, Dunkirk, Fredonia on into Cattaraugus County. It use to run 5 times a day for 6 days a week and holidays and Sundays it would run twice a day but the two previous providers are not there and there's an opportunity to restore the bus route which many people use not only from the College but from the Public to intersect with major transport out of Buffalo. So if anyone would like to voice their support, I could email the contact from trail ways and the person who's organizing this from SUNY Fredonia and any additional support could be helpful in restoring this bus service through our County. The second thing I want to talk about quickly is a public safety issue and we're not immune to the national global epidemic homelessness and transient living and we have a situation developing and its been developed a little in the Fredonia

area and its not unlike something that's happened in the past in Falconer and Jamestown but what it is is we have a hotel complex that's actually also receiving funds to house temporary inhabitants and residents of our community and its causing an issue that I think leaves us with some liabilities if there were to be an incident at site with us being part of what's funding this situation. This could be a liability for the County. I also think we could hurt our reputation as a tourist destination from the travelers that come off the throughway and then seek a room and then don't know who else is being housed at that hotel. I know that some of you in this room have been in contact and worked on this a little bit but I think as a County group we should help municipalities manage through these types of issues. I promised the Mayor and the Chief of Police of Fredonia that I would bring this up tonight and I would seek some help and information and anyone who would like to have me be part of a committee or a task force to try to tackle this issue and resolve for the whole County, I'd be more than happy to do that and anyone who has information could please forward it to me but I think we're in a situation where we we've kind of pushed this around and we don't know who's going to actually stop at that hotel on their way through traveling and there's been over 600 incidents involving emergency services, either police or ambulance at this location in the last 6 months. The night before that I visited the Police Station the other day, there was –

Chairwoman Gustafson: Mr. Carle, you've reached your 3 minutes, could you please wrap it up?

Legislator Carle: Okay, thank you. I just want to say I want to put it on everybody's radar that we need to probably talk about this as a County wide issue and not just cause it's in Fredonia and its my district but we need to put our heads together and resolves these issues once and for all, thank you.

Legislator Nelson: I serve on the Cornell Cooperative Extension Board and at our last meeting we discussed the cuts to funding for SNAP, the Supplemental Nutrition Assistance Program and the bill that was recently passed through the House of Representatives, SNAP funding would be cut 30%. This bill will take away food assistance for thousands of our County residents who struggle with high cost of groceries including families with children, seniors, adults with disabilities and other vulnerable people with low incomes. Also consider that SNAP dollars are spent locally right away so this will hurt local supermarkets and businesses. Also, cuts to SNAP would negatively impact farmers. SNAP provides a crucial source of demand for food produced by our local farms. Additionally, SNAP education would be completely eliminated and this is an initiative that empowers SNAP participants to make healthier choices and promotes better nutritional habits. It also offers employment to thousands of dedicated educators nationwide who are passionate about nutritional literacy and supporting healthier communities. Another critical program that is going to be cut is HEAP or the Home Energy Assistance Program. And this is a program to provide assistance to low income households with heating and cooling costs. Last year there were 3,973 HEAP cases in Chautauqua County. As a County Legislator, I think we should urge out Congressman to oppose these cuts and ensure the continuation for future generations. I hope that you will join me in letting representative Langworthy and Senator Schumer and Gillibrand know that these are programs that are vital to

some of our constituents and to keep food on their tables and their homes warm during the winter. Thank you.

Legislator Niebel: It's late, I'll be brief. Terry Niebel, Route 20, Sheridan. I would just like to respond to some comments made earlier by Mr. Jeblonski. He mentioned the justice department. I'd just like to remind him that President Biden had top secret documents stored in his garage many going back to his time as a U.S. Senator. The justice department declined to prosecute Mr. Biden because they believed they could not get a conviction based on his mental condition so that's the justice department as well, thank you.

MOVED by Legislator Proctor SECONDED by Legislator Bankoski to adjourn.

Unanimously Carried (8:17 p.m.)

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