

Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, September 24, 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 September 24, 2025. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. (Absent: Carle)

Legislator Buchanan delivered the prayer and Pledge of Allegiance.

Chairman Chagnon: Next on our agenda is approval of the minutes of the Legislature meeting on August 27, 2025 Legislative meeting. Do I have a motion to approve the minutes?

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson and duly carried the minutes were approved. (8/27/25)

1st Privilege of the Floor

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

No one chose to speak.

Chairman Chagnon: That brings us on the agenda to a Commendation to be presented by Legislator Penhollow and County Executive Wendel.

COMMENDATION:

Jason Beichner,
Chautauqua County Sheriff K-9 Deputy

By
Legislator John Penhollow &
County Executive Paul M. Wendel, Jr.

PRESENTATION:

**2026 CHAUTAUQUA COUNTY
TENTATIVE BUDGET**

By
COUNTY EXECUTIVE PAUL M. WENDEL, JR.
<https://youtu.be/qURjIUcGRfw>

Clerk Lee: There are no veto messages from County Executive Wendel from the August 27, 2025 Legislature meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 08/27/2025**

Clerk Lee: There are 4 communications listed on the agenda. If you would like a copy of any of these items please let our office know.

COMMUNICATIONS:

1. Letter – County Executive – Director of Real Property Tax Services III – Reappointment
 2. Memorandum – Kristen M. Wright, First Assistant Attorney re: Proposed Sales Tax
 3. Letter – Ana M. Morgan, Esq, Chautauqua County Attorney re: Legal Services for the County Legislature - 2025
 4. Letter – Affidavit or Publication (2) re: Resolution 207-25 Airport Public Hearing (Post Journal and Observer)
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Opened 7:04 P.M.

PUBLIC HEARING

**A Public Hearing Regarding Lease with the Federal Aviation Administration
for Antenna and Equipment space within Terminal Building at
Chautauqua County Jamestown Airport**

Chairman Chagnon: I will now open the public hearing. Is there anyone to speak to the public hearing? Is there anyone to speak to the public hearing? Hearing none, I will close the public hearing.

Closed 7:05 P.M.

RESOLUTIONS:

226-25 Confirm Re-Appointment – South & Center Chautauqua Lake Sewer District Board, by Public Facilities Committee - UNANIMOUSLY ADOPTED

227-25 Confirm Reappointment – Chautauqua County Board of Health, by Human Services Committee - UNANIMOUSLY ADOPTED

228-25 Confirm Appointments - Chautauqua Opportunities Board of Directors, by Human Services Committee - UNANIMOUSLY ADOPTED

229-25 South & Center Chautauqua Lake Sewer Districts Review of Wastewater Treatment Plant Capacity Study Grant Authorization and Appropriation of Local Match, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

230-25 Authorize Lease with the Federal Aviation Administration for Antenna and Equipment Space within the Terminal Building at Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to block resolutions 231-25-25 through 235-25 – Unanimously Carried to block

231-25 Amend 2025 Budget for CARTS to Reflect 5311 Grant Award, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

232-25 Amend 2025 Budget – Occupancy Tax Funded Projects, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

233-25 Amend 2025 Budget for the Chautauqua County Attorney Office, by Administrative Services and Audit & Control Committees– UNANIMOUSLY ADOPTED

234-25 Amend 2025 Budget for the Chautauqua County Department of Emergency Medical Services Fly Car & Ambulance Services by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

235-25 Amend Chautauqua County Department of Mental Hygiene and Social Services 2025 Budget for Increased Safety Net Costs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

236-25 Adjust D.5112-Capital Improvement Accounts, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

237-25 Amend Capital Project Accounts, by Administrative Services and Audit & Control Committees - **Jamestown Community College** – UNANIMOUSLY ADOPTED

238-25 Authorize Acceptance of the Victim Assistance Program Funding for 2025-2028, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

239-25 Amend ~~2026~~ 2025 Budget for OES and Authorize Acceptance of FY2022 Technical Rescue and Urban Search and Rescue Grant, by Public Safety and Audit & Control Committees

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Amend the Title of Resolution 239-25 from 2026 to 2025 – Unanimously Carried to Amend

RES. NO. 239-25 – UNANIMOUSLY ADOPTED AS AMENDED

240-25 Authorize Execution of NYS Office of Homeland Security Funding Grant Explosive Detection Canine Team FY 2022, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

241-25 Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY 2026, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

242-25 Authorize Regional Partnership Agreements with Municipalities for the Tactical Team Program, by Public Safety Committee – UNANIMOUSLY ADOPTED

243-25 Authorize Office for Aging Services to Submit Application for Medicare Improvements for Patients and Providers ACT (MIPPA) Funding on an Annual Basis, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

244-25 Authorize the Chautauqua County Department of Mental Hygiene to Provide Clinical Supervision and or Mental Health Related Trainings to Chautauqua County Public Schools, by Human Services Committee – UNANIMOUSLY ADOPTED

245-25 Authorizing and Approving Settlement Agreement in Action Relating to the Opioid Crisis (Purdue Pharma L.P. and the Sackler Family), by Human Services Committee – UNANIMOUSLY ADOPTED

246-25 Authorizing Execution of County Infrastructure Grant Program Agreement for the Homesteads at Dunkirk Landing and Welch’s Building, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

247-25 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings On 2026 Tentative Budget & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman, by Audit & Control Committee

RES. NO. 247-25 - R/C Vote: 18 YES; 0 NO: 1 Absent (Carle) UNANIMOUSLY ADOPTED

248-25 Resolution of the County Legislature of the County of Chautauqua Imposing General Sales and Compensating Use Taxes, Pursuant to the Authority of Section 1210 of Article 29 of the New York Tax Law, by Administrative Services and Audit & Control Committees

Legislator Larson: Mr. Chairman, as you know, some of us made an effort on this latest, every two-year request for sales tax more than 7 percent. Some of us made an effort to either reduce the sales tax rate to 7.75 % for the next couple years, sort of an experiment to see if that would provide an incentive for more retailing in Chautauqua County since we are the only New York County that is surrounded by Pennsylvania on two sides. Pennsylvania with a 6% sales tax. Now the effort to convince both the majority who asked for 7.75% rate was defeated. Now there also was an effort to give slightly more of the extra 1%, I believe 85% of the 1% currently goes to the County. And that notion also was rejected by the majority. So, I voted against the request to Albany to continue the current plan to be consistent, I'll be voting against this tonight. And, I make a pledge that if the good people on the Northside of Jamestown send me back here for two more years, on the next two-year extension of the sales tax I'll again make an effort to reduce it to 7.75% and to give some greater percentage to our towns, villages and cities. Thank you.

Legislator Nelson: Thank you Mr. Chairman. I'm also voting "no" on the resolution. I agree with Legislator Larson that a reduction of the sales tax is warranted and a greater share going to municipalities, I think is necessary at this time (*inaudible*) are on the front lines of delivering essential services. So, I think our cities, Dunkirk and Jamestown especially would benefit from that, so, I am voting "no". Thank you, Mr. Chairman.

RES. NO. 248-25 - R/C Vote: 14 YES; 4 NO: 1 Absent (Carle,) ADOPTED

249-25 Setting the Salary for Digital Forensic Investigator, by Administrative Services, Public Safety and Audit & Control Committees

RES. NO. 249-25 - R/C Vote: 18 YES; 0 NO: 1 Absent (Carle) UNANIMOUSLY ADOPTED

MOVED by Legislator Gustafson, SECONDED by Legislator Bankoski to bring EMERGENCY RESOLUTION 250-25 to the floor –

EMERGENCY RES. NO. 250-25 A Resolution in Support of Congressman Nick Langworthy's Energy Choice Act ((H.R. 3699, S. 1945) and in Opposition to Government-Mandated Natural Gas Bans – R/C Vote: 16 YES; 2 NO (Larson, Nelson); 1 Absent (Carle) – Resolution is brought to the floor

Legislator Nelson: Thank you, Mr. Chairman. While I appreciate and understand some of the concerns in the resolution with respect to the increased costs and the strain on the grid, I cannot support this resolution. I don't agree with the statement in the resolution that says "Natural gas is clean burning". In my opinion, the *(inaudible)* sets some impressive goals and it may feel out of reach sometimes but I think that it's a worthy cause and I think its worthy of our best efforts. The CLCPA will reduce greenhouse gas emissions and improve air quality. The CLCPA will reduce pollutants like sulfur dioxide which will help reduce the rate of asthma and other respiratory illnesses. So, while natural gas produces less harmful pollutants then coal and oil – it still contributes to air pollution. Thank you.

Legislator Bankoski: Yes sir. My only concern with this, I guess. I don't know how many new houses are being built in Chautauqua County, but the point that you are building a new house that you are going to have to have electric when we have an abundance of natural gas in our area – I think that should be a choice left up to the person building the home if they want to be hooked up to electric or gas. I don't think we should dictate to them what they should have to do.

Legislator Scudder: Thank you Mr. Chairman. I am in full support of what this resolution has to say. I think we should have a choice of natural gas, electric, propane – whatever we choice to power our houses, our businesses with. I can speak for a young man – he called me the other day – concerned about – he's thinking about building a new home. He works at a local plant, Purina. He's trying to decide do I stay at Purina and move just over into Pennsylvania or do I build my new home here and if I'm going to build my new home here – what do I have to have done before the first of the year to allow me to use natural gas. I didn't have too many answers for him. Although, the first of the year is when the cutoff is. My struggle tonight is – you'll probably get sick of me saying this – its' a resolution to me that looks like a Motion. I'm not sure how much clout we really have by passing something like this. So, for the reason that it's looking like more like a motion than a resolution to me – I'll be voting against it. But I want to publicly say that I am in favor of everything it has to say. It's the principle of the vote. Thank you.

Legislator Larson: Thank you Mr. Chairman. Legislator Scudder is absolutely one hundred percent correct. This is a motion disguised as a resolution. Resolutions are actions of the County Legislature over things that we have legal control or responsibility for. This is a motion and I will be voting against it for the same reason Legislator Scudder is.

EMERGENCY RESOLUTION 250-25 – R/C Vote: 15 YES; 3 NO (Larson, Nelson, Scudder); 1 Absent (Carle) – ADOPTED

ANNOUNCEMENTS

Chairman Chagnon: And that brings us to announcements. Are there any announcements in this wonderful season of the year for the good of the order?

Legislator Gustafson: Yes, I'd like to invite everybody to the Town of Busti this weekend for the annual Apple Festival that is taking place on Saturday and Sunday in the Hamlet of Busti.

2nd PRIVILEGE OF THE FLOOR

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

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

Susan Baldwin: Good evening. My name is Susan Baldwin and I live in Villanova. And I've come here again tonight to point out that my electric bill is ridiculous. The delivery fees are about two times as much as my actual use. There is an assortment of mandatory charges that do not have anything to do with my use of electric. Recovery charges, SBC charges, revenue decoupling, MC transmission charges, then that delivery charge thing that includes the subtotal of the electric is \$184.14. That's not what I used – that's the delivery recovery blah blah blah. My actual use was \$111.00. So, \$184.00 more made it over \$300.00 with the assortment of two dollars and three dollars and \$3.79, \$9.13 sales taxes and county sales taxes on delivery charges. My actual, where it shows the graph here, for how much electric you've used in the last year – the comparison – increases continuously. But it's actually not. It's delivery. Not use. And I've got a handful of them they continue to be ridiculous. And, so the electric transition guys, we are all voting for the green stuff. I live in Villanova, green Villanova. We've got the turbines; we've got the solar going around Hanover and all of this stuff. And yet – that's my bill. And that continues to be by bill. And, so, let's not keep moving this green stuff in because we've got people having really terrible water. I have a sign in my front yard that says "danger – dynamite and directional gas drilling equals poison water". It's this big and this high. And the Town Supervisor can't make me turn it down. So, I'm here telling you all too. Please, be aware. They are drilling in Villanova. Thank you.

Legislator Bankoski: Yes, Mr. Chairman. I think I can cover both these topics in 3 minutes or less. I was cornered by a city resident of Dunkirk today, and they were concerned with why is the price of gasoline so much higher in certain sections of Chautauqua County where in other areas it's 20 cents cheaper, 30 cents cheaper. I didn't have an answer for the guy. I said I don't know but I can bring it to the light of the Legislature and I don't know, maybe we can research that moving forward, I don't know. And then my second topic was battery storage facilities seems to be a hot topic issue bouncing around the county. We did talk about it briefly

today in leadership and we spoke with the County Executive and he was in agreement with us that does Chautauqua County take the lead and put some type of moratorium on it – I don't think that's the right way to go and myself and Legislator Harmon discussed it on the radio this morning too. It's like what responsibility do we have to tell other municipalities on what to do in their area. And I think there is a lot of some of these municipalities that are uneducated on the topic and consequences of these battery storage facilities and I think maybe the county and the County Executive agree that we maybe can take more of a lead on this topic and try to educate other communities on making the right choice. Thank you.

County Executive Wendel: Thank you. So, we did send a letter to Attorney General Leticia James and we also sent one to the federal attorney in Buffalo. We received a phone call from Leticia James saying they will not pursue the matter. We have yet to hear anything from the Federal government. A lot of questions have been coming around that the Chautauqua County gas tax is higher than anywhere else is – that is not correct. Chautauqua County gas tax is 4%, Erie County's gas tax is 4.75% and yet Erie County's gas prices still remain much lower than ours. I cannot, we've looked, we've asked, we did speak to the owner of United Refinery. There is a lot of assumption that a majority of our fuel comes from United Refinery – that is not the case. About 25% of our gasoline comes from United Refinery which my guess is probably the Kwik Fills, and Red Apple Stores that are directly related. I wish I had a better answer. But I can tell residents that they need to do what's right for their budgets. If you are close and you go across to Erie County, that is your prerogative. But we have explored every opportunity. This is probably the third or fourth time I've looked into this as County Executive. And, had the same comment. There is nothing nefarious. There is nothing wrong. Supply and demand. If they are going to charge it and we are going to pay it. That's where we are. I wish I had a better answer because its again, in New York State I've driven across the state, and Exit 41 the Loves gas station was \$2.74 with your Loves 10 cent discount - \$2.64. Right here in the State of New York. I wish I had a better answer as to why the taxes are so high. We did have a gas tax holiday. If people remember the first two days it went down 5 cents- the next two weeks it went up 25 cents. And that allows the retailer to keep more in-house rather than remain (*inaudible*). So, we've tried that and that wasn't successful. I wish I had a better answer.

Dan Smith: Good evening, my name is Dan Smith, I am a resident of the Town of Ellery. And I am treasurer of the Chautauqua Lake Property Owners Association – CLPOA. I truly appreciate the opportunity to speak with you about the Lake once again. Labor Day was the setting for CLPOA's fourteenth Wetlands Public meeting. We hosted over 190 at the Bemus Point Golf Club and Tap House, twice the previous largest crowd. With over 1,100 attendees at our meetings, the CLPOA has developed a large following of those frustrated with lake conditions and interested in real solutions more than just studies and talk. Your opportunity to be a party to the CLPOA Wetlands lawsuit has passed but it's not too late to support our efforts. Assemblyman Andrew Molitor spoke about the lake at a local meeting last night. We expect Senator Borrello to speak about the lake at his town hall meeting tonight. There is no reason why you, individually or as a group could not take action and join CLPOA and hundreds of our supporters to as one local columnist suggested "drive a sword through the new wetlands regulations" - supporting your constituents in your districts. The County Executive recently

stated that the lake-related tourism decreased in 2025 and speculated that negative publicity concerning lake conditions including many Western New York wide broadcasts, tv and radio, contributed to this decrease. We are not surprised. These conditions cannot continue. We can hope 2026 will be better and that those who stayed away will return. But hope won't remedy the worsening lake conditions which are already a yearly expectation. The lake is certain to get worse due to the new wetland's regulations. That is, unless the CLPOA and other lawsuits challenging the regulations are successful. It's time for a change in the County's approach to the lake. We need a centralized lake authority or a district. A formal New York State entity made up of lakeside town supervisors, and village mayors. People elected by the community accountable to the taxpayers and operating transparently. It must use a professional lake management plan. It's time to lead. So, where are we at with the lake as we conclude another frustrating summer? Obviously, there are the new Wetlands regulations. They will do nothing but accelerate the lake weeds turning many lake areas into swamps if the regulations continue. The Chautauqua Lake and Watershed Alliance – the County Executive has proposed changes of the Alliance structure and bi-laws hoping to make it more effective in its late endeavors. This is at least the third such effort over the Alliance's twelve-year history. None have fixed the problems and although some proposed changes are in the right direction, they will not solve the problem. We cannot wait another several years to evaluate such minor adjustments and then be disappointed once again. We must make a commitment now to develop a centralized lake authority and district with the authority to manage the Lake using a professionally developed lake management plan. The County funded Jefferson Project has already spent 5 million dollars. Only one report issued two years ago and still no actionable recommendations. The County has invested \$1,250,000 into this project and we have very little oversight on this project. We have heard little from the... Okay, I'm going to repeat, it's time for a change in the County's approach to the Lake. We need a centralized Lake authority or District, formal New York State entity made up of lakeside town supervisors and village mayors, people elected by the community. Thank you for your time.

MOVED by Legislator Larson SECONDED by Legislator Anthony to adjourn.

Unanimously Carried (7:39 p.m.)

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