

Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, October 22, 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 for its monthly meeting on October 22, 2025. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. (None absent)

Legislator Carle delivered the prayer and Pledge of Allegiance.

Chairman Chagnon: And at this time, I'd like to take a moment to honor the memory of Richard Clark Babbage. A man whose life reflected a true spirit of public service and dedication to his community. Dick passed away on September 26<sup>th</sup> at the age of 92. Dick's passion for politics and civic involvement began early and continued throughout his life. After a long and successful career as an educator, he was one of the most influential teachers in my high school education, he turned his attention to public service. First, as a village trustee, then deputy mayor, and later as mayor of Bemus Point. After retiring from teaching, Dick continued his commitment to his community by serving as a Chautauqua County legislator from 1992 to 2011 where he was deeply engaged in county government. During this time, he served on the Personnel and Governmental Affairs, Environmental, Public Works, Human Services, and Administrative Services Committees as well as serving as chairman of Public Facilities Committee. He approached his work with thoughtfulness, integrity, and a genuine desire to improve the lives of others. His contributions to this legislature and to Chautauqua County, will not be forgotten. We extend our sincere condolences to his family and friends, and express our gratitude for his many years of dedicated service. Thank you.

Chairman Chagnon: And at this time on our agenda is approval of the minutes of the Legislature meeting on September 24, 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. (9/24/25)

---

**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 which appears on the agenda tonight. 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? Seeing no one, I will close the first privilege of the floor.

No one chose to speak.

Chairman Chagnon: And turn it over to Olivia.

---

Clerk Lee: There are no veto messages from County Executive Wendel from the September 24, 2025 Legislature meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 09/24/2025**

---

Clerk Lee: There are 8 communications listed on the agenda. If you would like a copy of any of these items, please let our office know.

**COMMUNICATIONS:**

1. Letter – Colleen Meeder, Mayor Village of Sherman re: Paint CHQ Initiative
  2. Email – North Short Arts Alliance re: Paint CHQ Initiative
  3. Email – Stephanie Banaszak re: Paint CHQ Initiative
  4. Certified Mail Receipt re: Res. No. 248-25
  5. Letter – Certificate of County Equalization Rates for 2025 Assessment Rolls for Municipalities in the County of Chautauqua
  6. Minutes – Conewango Watershed Commission – September & October, 2025
  7. Affidavit or Publication (2) – Legal Notice – Public Hearing re: Chautauqua County 2026 Tentative Budget
  8. Affidavit or Publication (2) – Legal Notice – Notice of Estoppel
- 

*Opened 6:35 P.M.*

**PUBLIC HEARING**

**2026 Tentative Budget**

Chairman Chagnon: I will now open the public hearing on the 2026 Tentative Budget. Is there anyone wishing to address the public hearing regarding the 2026 Tentative Budget? Anyone wishing to address the public hearing? Seeing no one, I will close the public hearing.

*Closed 6:37 P.M.*

---

**Renew & Amend 139-25** – Amend 2025 Budget to Implement Waterway Hazard Removal Using Interest Earnings from American Rescue Plan Act (ARPA) and 3% Occupancy Tax Reserve

*MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Renew Resolution 139-25 – Unanimously Carried to Renew*

*MOVED by Legislator Nelson, SECONDED by Legislator Vanstrom to Amend Resolution 139-25 by substitution – Unanimously Carried to amend by substitution (New version shown below)*

WHEREAS, Chautauqua County (the County) received an award of \$24,649,420 in American Rescue Plan Act (ARPA) funding; and

WHEREAS, such funds have been invested on an interim basis; and

WHEREAS, the interest income earned from the invested ARPA funds is available to be utilized by the County and a procedure has been established for the ARPA working group to review the remaining project requests; and

WHEREAS, The Chautauqua County Department of Planning and Development, in partnership with the Department of Public Facilities, Division of Parks, seeks to fund a capital project for Waterway Hazard Removal; and

WHEREAS, this project will enable the completion of the Marden Cobb Waterways hazard removal project, leveraging additional tourism potential, and aligning with other planning and development goals of the County; and

WHEREAS, the Chautauqua County Parks Commission and Chautauqua County Planning Board have reviewed this request and recommended its approval; and

WHEREAS, the Waterway Hazard Removal project has been reviewed by the ARPA Working Group and the County is pursuing the use of ARPA interest earnings to fund the project; and

WHEREAS, the ARPA Interest Earnings Account has a minimum balance of \$87,000, and the 3% Occupancy Tax Reserve has a balance of \$716,631.86 as March 26, 2025; and

WHEREAS, \$87,000 in ARPA Interest Earnings and \$63,000 in 3% Occupancy Tax Reserve Funding is being sought for this project, for a total project cost of \$150,000 for this phase of work; and

WHEREAS, a budget amendment is necessary to authorize spending for the project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into any necessary agreements for the above-named project; and be it also

RESOLVED, That Capital Project HH.257110.25300 The Waterway Trail Hazard Removal Project closed by Resolution 89-25 be reestablished; and be it further

RESOLVED, That the A fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A. ----, ----.883.0000	Reserved Fund Bal-Reserve for Occupancy Tax	\$ 63,000
------------------------	---	-----------

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2025 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

HH.257110.25300.4	Contractual-Waterway Hazard Removal	\$ 150,000
A.9950. ----.9	Interfund Transfers-Transfer to Capital	<u>\$ 150,000</u>
	Total	\$ 300,000

INCREASE REVENUE ACCOUNT:

HH.257110.25300.R503.1000	Interfund Transfers-Interfund Transfer	\$ 150,000
A.9950. ----.R240.1REG	Transfer to Capital-Int & Earn: Regular	<u>\$ 87,000</u>
	Total	\$237,000

**UNANIMOUSLY CARRIED as AMENDED**

---

**RESOLUTIONS:****251-25 Amend Resolution 139-17 – Government Reduction Initiative (GRI) Plan for Chautauqua County, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

Legislator Niebel: Mr. Chairman. Just a reminder that two towns received funds under the legislature's original GRI Plan – the Town of Hanover for the dissolution of the Village of Forestville. They received \$50,000 and the Town of Cherry Creek received \$36,303 for the dissolution of the Village of Cherry Creek. Just a historical note.

Legislator Larson: Mr. Chairman. I believe this resolution involves the PowerPoint presentation last month about a \$500,000 county funded initiative. When I got to the Planning & Economic Development Committee meeting last week and made reference to this \$500,000, I was corrected that there was no money in the 2026 Tentative Budget, no \$500,000, no dollars for this initiative, program that was in the Power Point presentation. I felt surprised to find out that a \$500,000 program in fact had no money behind it. I feel better when I stumbled upon a Post-Journal editorial Monday, October 6, 2025 talking about shared services. "Wendel is proposing a \$500,000 line item in the budget for a government efficiency fund to support local municipalities that pursue emergency consolidation and shared services". It goes on to say in the editorial, "this is the type of funding, whether it comes from the County surplus or the budget itself, that could do a lot of good." So, I felt better, I wasn't alone in understanding that there would really be \$500,000 available in the 2026 Budget in a fund that could be drawn upon without further action by the County Legislature to find money on a case-by-case basis. So, just so the press and the public are clear on this – is it in fact correct, Mr. Chairman, that there are no dollars in the 2026 Budget for the \$500,000 initiative that was in the Power Point presentation on the Tentative 2026 Budget?

Chairman Chagnon: The 2026 Tentative Budget includes no proposed appropriation for this fund.

Legislator Larson: Thank you.

**252-25 Amend 2025 Budget for Department of Public Facilities – Engineering, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED****253-25 Amend 2025 Budget for the Chautauqua County Landfill Household Hazardous Waste Program, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED****254-25 Amend 2025 Budget for the Department of Building and Grounds for Build Out Costs for County Law Department Office at 95 E Chautauqua, Mayville NY, by Public Facilities, Administrative Services and Audit & Control Committees –**

UNANIMOUSLY ADOPTED

**255-25 Authorize Agreements with the Village of Brocton and Town of Portland for Operation and Maintenance of District Facilities**, by Public Facilities Committee – UNANIMOUSLY ADOPTED

**256-25 Authorize Standardization of Neptune Water Meters for the North County Industrial Water District No. 1**, by Public Facilities Committee – UNANIMOUSLY ADOPTED

*MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to block resolutions 257-25 through 261-25 – Unanimously Carried to block*

**257-25 Amend 2025 Budget for the North County Industrial Water District No.1**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**258-25 Amend 2025 Budget for the North Chautauqua County Water District**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**259-25 Amend 2025 Budget for the Medical Examiners & Coroners Department**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**260-25 Amend 2025 Budget for Environmental Health Department**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**261-25 Amend Board of Elections 2025 Budget for Equipment Purchase**, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**262-25 Authorize Acceptance of a 2025 Vote By Mail Grant for Board of Elections**, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**263-25 Authorize Acceptance of a 2025 Election Grant for Board of Elections**, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**264-25 Authorize Acceptance of New York State Unmet Needs grant for 2025/26 Funds for Chautauqua County Office for Aging Services**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**265-25 Authorize Rabies Reimbursement Contract**, by Human Services Committee – UNANIMOUSLY ADOPTED

**266-25 Amend existing Lease Agreement with City of Jamestown for Additional Office Space for Chautauqua County Health Department**, by Public Facilities, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

Legislator Nelson: Thank you Mr. Chairman. This may appear to be just another routine lease agreement between for office space between the County and the City of Jamestown. However, I want to highlight that this particular space will house the New York State lead rental registry program. A program that will be critically important to all the residents of the County. Especially for those that I represent in District 13 in Jamestown. The new Lead Registry law which takes effect on November 1<sup>st</sup> is designed to address lead paint hazards in rental housing. Lead poisoning possesses a serious and entirely preventable threat to young children. There is no safe level of lead exposure. Once it enters the body it can cause irreversible brain damage and lifelong disabilities. The primary source of lead exposure is older housing – specifically homes built before 1980. Nearly all the housing stock in my District falls into that category which makes this issue especially urgent for the people that I represent. So, for those reasons, I strongly support this resolution.

**267-25 Authorize Lease of Taylor Training Center (240 Harrison Street, Jamestown) , by Public Facilities, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**268-25 Authorize Lease Renewal with Jamestown Board of Public Utilities for 240 Harrison Street, Jamestown, by Public Facilities, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**269-25 Authorize Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation, by Administrative Services and Audit & Control Committees –**

*RES. NO. 269-25 - R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**270-25 Authorize Transfer of Tax Foreclosure Property to the County of Chautauqua Industrial Development Agency, by Administrative Services and Audit & Control Committees**

*RES. NO. 270-25 - R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**271-25 Quit Claim Deeds, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

*RES. NO. 271-25 - R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**272-25 A Resolution Authorizing \$1,000,000 Bonds of the County of Chautauqua, New York, to Finance the Cost of the Purchase of Various Items of Equipment for Construction and Maintenance in and for said County, by Public Facilities and Audit & Control Committees**

*RES. NO. 272 -25 R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED*

**273-25 A Resolution Authorizing \$1,224,675 Bonds of the County of Chautauqua, New York, to Finance the Cost of the Construction of a New Buildings and Grounds Maintenance Building at the Mayville Office Complex in and for said County, by Public Facilities and Audit & Control Committees**

***RES. NO. 273-25 - R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED***

**274-25 A Resolution Authorizing \$7,226,730 Bonds of the County of Chautauqua, New York, to Finance the Cost of the Reconstruction of and Improvements to and Replacement of Certain Buildings at the Falconer Department of Public Facilities Transportation Highway Facility in and for said County, by Public Facilities and Audit & Control Committees**

***RES. NO. 274-25 - R/C Vote: 19 YES; 0 NO: UNANIMOUSLY ADOPTED***

**275-25 Consider 2026 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action, by Audit & Control Committee**

Legislator Larson: Mr. Chairman, I move to Amend the increase of use of fund balance in account A.917 unassigned fund balance to instead of \$168,100 to make it \$2,168,000. Total use of Fund Balance then would be \$2,176,000 and then in the Resolved, that the Real Property Tax Levy be \$72,961,000 instead of \$74,961,000 and amend the full value rate of \$6.17 a thousand in this resolution, amend it down to \$6.00 per thousand full value rate. I make that motion to AMEND.

***MOVED by Legislator Larson SECONDED by Legislator Bankoski to Amend Resolution 275-25– RES. NO. 275-25***

Legislator Larson: Thank you Mr. Chairman. This amendment reminds me of the legislator at one time said some of my friends are in favor of this and some of my friends are against it and I don't like to disappoint my friends. And also, the old Miller Lite commercial – Less filling More Flavor or something like that. Some people talk about the County's tax rate. Others talk about the County's tax levy. Well, if we can get 10 votes for this amendment, both the 2026 Tax Levy would be down slightly, about \$300,000 from the 2025 tax levy, and the tax rate, which of course depends on what the State says each year our property is worth throughout the whole County. The tax rate would also go down from \$6.17 to \$6.00. So, if we can get 10 votes for that it is a win-win. We can stop arguing about which is more important – holding the line on the tax levy or holding the line or reducing the tax rate. This reduces both. Now, can we afford it? I'm sure there will be a speaker too that says we shouldn't take any more money out of our unassigned fund balance – undesignated fund balance. Which I have accurately described for many months as a slush fund. Why is it a slush fund? Because the \$35,000,000 or so in our unassigned fund balance can be used for anything. So, it is not a reserve for Capital it's not a reserve for building improvements. Its nothing. That \$35,000.000 can be used for anything. Some of which was used tonight in resolutions we unanimously approved. What's the history of our slush fund, the unassigned or unappropriated fund balance? County Executive Greg Edwards at the end of 2008 had a fund balance of \$13,500,000. County Executive Horrigan, forgive me Legislator Niebel, December 31, 2013 before somebody voted to sell the County Home, County

Executive Horrigan had a Fund Balance of \$12,600,000, less than Edwards had five years earlier. Magically, after the County Homes sale closed December 31, 2014, County Executive Horrigan had an unassigned, unappropriated fund balance of \$19,900,000. So, that was an over \$7,000,000 increase in one year in the fund balance due to the profit from the sale of the County Home. That's a handsome Fund Balance. Now the fund balance hovers around \$35,000,000 not \$19,000,000. Well, some say we've got inflation, we've got to deal with inflation. I took note of our County Sales Tax revenues briefly mentioned in the PowerPoint presentation last month. Just from 2024 to 2026 our County share of the Sales Tax went up from \$54,000,000 to projected to be \$57,900,000. That's an increase of 7.2% in just two years. That's above the rate of inflation last year or two. So, some say, well, we've got to deal with our Medicaid costs. Medicaid in 2004 the County share was \$33,000,000 for County Executive Mark Thomas. Twenty years later, not only didn't it go up, there was deflation. In 2024, last year, our County's actual share of Medicaid was \$32,000,000 – a million dollars less that twenty years earlier. So, unlike the City of Jamestown, if any of you follow the news, I believe the City of Jamestown's government is proposing a 2026 budget using half of their current fund Balance. In proportion, that would be somebody proposing to use \$17,000,000 of our Fund balance to humor the tax payers. Not even close to suggesting that. All this amendment does is use \$2,000,000 of \$35,000,000 to hold the line on the real property tax that we levy. And further reduce the tax rate. This is my third go-around on the Legislature. The first time was forty years ago. Many things have changed. But one thing that hasn't changed for me – tonight, each October when this legislature approves a budget, we have an awesome power to take money out of people's pockets. Whatever the majority votes tonight, whether you vote for \$75,000,000 in property taxes or \$73,000,000, you have the power and the authority under law to take money out of every property owner's pocket in this county. That's an awesome power and a lot of responsibility. And I hope that you, the majority, we only need 10, we don't need 19, or 18, 17, 16, 15, 14, 13, 12, 11. We only need 10 to say a fund balance of \$33,000,000 and who do we think the \$35,000,000 came from? The money belongs to the taxpayers, it's our fiduciary duty to use it wisely. It's not our money. It's the taxpayer's money in this county. I hope 10 of us will give the taxpayers the satisfaction of knowing we held the line on the actual real property tax from 2025 to 2026 and by doing so, we also further reduced the full value tax rate. Thank you, Mr. Chairman.

Legislator Johnson: Mr. Chairman, thank you. In response to my friend to my left, I am sorely tempted to support him but I will not. One, I'm not for a increase in spending and two, the subject of the fund balance, \$35,000,000 or \$36,000,000, to me is something I would like to discuss more at length and in depth going forward, because Legislator Larson is right – this money does belong to the taxpayers. And right now, I do not understand why the fund balance is as big as it is. So, given that I don't understand, I will not support Legislator Larson's motion, but stay tuned.

Legislator Carle: Yes, thank you Mr. Chairman. I am in favor of utilizing the taxpayer's unassigned fund balance to reduce the budget tax levy. I agree 100% with Legislator Larson and I have confidence that in a couple of months we have an opportunity to have a change of leadership that will reduce costs and replenish the fund anything that we take out of it at this time for the taxpayers. Thank you.

*RES. NO. 275-25 - R/C Vote: 5 YES; 14 NO: Motion to Amend defeated*

Chairman Chagnon: Okay, then back to the originally presented Resolution 275-25, are there any other questions or comments regarding the resolution?

Legislator Nelson: Thank you Mr. Chairman. As a member of the Audit and Control Committee I played a very small role in this year's budget process and had the opportunity to see first hand the hard work and dedication of each of the departments as they presented their spending plans. At the conclusion of that process, I did vote to move it out of committee, however, tonight I am voting "no". I feel that we should use more of the Fund Balance to provide tax relief and I think we should have set aside resources for job training and reduce the sales tax while increasing the share that goes to our cities and villages. Thank you, Mr. Chairman.

Legislator Larson: Mr. Chairman, thank you. I too would have voted in favor of this budget if we could have gotten 10 people together to give the taxpayers this additional \$2,000,000 break. But since the majority would not support that \$2,000,000 use of a \$35,000,000 slush fund, I will not vote for this budget. I will second Legislator Nelson's observation though that it's a tribute to the department heads in this government, it's a tribute to our finance people, that there is no disagreement this evening about the size of the budget, the money being provided to run the county operations for another year. The issue for me was, would we give the taxpayers a break, or wouldn't we? Since a majority won't do it, I'll have to vote against this budget. Thank you, Mr. Chairman.

Legislator Dickey: Thank you Mr. Chairman. For those of us who are fiscally intelligent on many of the operational items in the budget, it is clear that these operational leaders have effectively managed their departments. They came forward with the proper budget recommendations that they will be held accountable for – for another year. As an economist, I am actually commending the County Executive and the rest of the department heads within the county for the work that they have done in managing not only their individual department budgets but also keeping the tax rate and the tax levy down. Giving back to the community – they have done that. And when you do the pluses and the minuses, the debits and the credits, it's clear that it has been properly and effectively managed. The Fund Balance is a result of some really good operational management by the County Executive and the fiscal leaders in this department. Thank you, Mr. Chairman.

Legislator Niebel: Thank you, Mr. Chairman. At this point, the Federal government is planning on decreasing the 2026 federal budget by about 1.5 trillion dollars. We really don't know what effect that might have on Chautauqua County. The state comptroller is forecasting a potential 34.3-billion-dollar deficit over the next three years. That's from an August 2025 press release by the state comptroller's office. And again, we don't know what effect state reductions might have on Chautauqua County. The County Safety Net program could be underfunded next year by as much as 3-4 million dollars. And finally, the big issue facing Chautauqua County is the County Jail. Parts of the jail date back to the 1930's. It was constructed under the WPA Program, and as I think the good legislator from District 12 pointed out a few months ago. Also, with the population of Chautauqua County at 120,000, the price tag of \$120,000,000 for the new jail – figures out to be \$1,000 for every man, woman, and child in Chautauqua County. I believe what we should do is see what happens with the state and federal funding, then perhaps six months into next year take another look at things and see where we are at. But I think the prudent, responsible thing today would be to vote for the County Executive's budget and that's what I'll be doing. Thank You.

Legislator Carle: Not that I'm that fiscally intelligent or anything, but I have to say that we may never have another opportunity to return taxpayer monies back to them. Given what Legislator Niebel just outlined, it's something we've talked about the last six months, that there may not be federal or state aid as much as what we are used to. And really, if we were going to give any money back, from this unassigned fund balance – now would be the time to do it.

Because our people may need the relief going forward, and if you reduce the tax levy one year, it compounds each year because you've already reduced it. So, each year they would get that break because we reduced it one year. You did a good job managing, all of the department heads and everybody else – to get us to this point. But now we have taxpayer money that could be refunded. It seems like there is no excuse for us not doing so.

Legislator Pavlock: Thank you Mr. Chairman. I'll be voting in favor of the proposed Tentative Budget this year. As a member of the Audit and Control Committee I was able to really hear from every County department and thoroughly examine their budgets and ask questions and completely understand the use of taxpayers' dollars. A lot of good questions were made, a lot of good discussions happened, some good amendments throughout that process as well. Also, there are some areas of concern that I have moving forward too. We have some areas of our Safety Net cost has really risen and is on a steady climb forward. And I believe that we still are underestimating it this year and I think that we will be able to utilize some more fund balance directly into that as we move forward through next year. So, we will be using some of that fund balance I have an intuition of. But I think the departments have really put forth a very positive budget and we, I'd like to thank the department heads for their hard work and the County Executive, that they had put into developing it. I want to thank the committees on the legislature for their review and questions during that week and I feel confident that we've put together a good, strong budget that was fiscally in mind for our taxpayers. I am a taxpayer in this county and I'm always trying to make sure that I can afford to live here year after year. And, I am happy with the budget we are putting forward because the bigger picture is – we could double the budget and spend the money effectively – just in programming, infrastructure. Not to forget that we have a county jail that is really again, that has a very steep number that we'll be facing down the road. So, I feel confident that we are doing the right thing and this budget is something I'll be supporting. Thank you.

***RES. NO. 275-25 - R/C Vote: 14 YES; 5 NO (Larson, Nelson, Carle, Buchanan, Bankoski) : ADOPTED***

---

## ANNOUNCEMENTS

Chairman Chagnon: And that brings us on our agenda to announcements. Are there any announcements by legislators for the good of the order? Any announcements in the month of Halloween?

Legislator Larson: It may or may not be an announcement to the nineteen of us, but we have counsel here tonight. Based on the New York Court of Appeals decision as I understand it last week, is everybody running for county legislator getting a one-year term now instead of two?

Nathan Harp: That is correct.

Legislator Larson: That's quite an announcement.

Chairman Chagnon: Yes. Our counsel put out a memo to all legislators explaining that.

Legislator Larson: Well, now everyone can know.

Chairman Chagnon: Yes, thank you.

Legislator Larson: So, the good news for the Post Office and the newspapers and the radio stations is people are going to do this again a few months from now. Interesting, thank you.

---

## **2<sup>nd</sup> 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.

Jim Wehrfritz: Good evening, my name is Jim Wehrfritz a resident of the Town of Ellery, President of the Chautauqua Lake Property Owners Association, the CLPOA. I appreciate the opportunity to speak with you about the lake once again. I think this is the twelfth time we've been here. Our next public meeting, Wetlands Public Meeting #13, our sixteenth, will be held Saturday, November 1, 2025 at the Lawson Center in Bemus Point. With summer now over, and many back at their primary residences or away for winter, we don't expect the 190 participants we hosted on Labor Day. Please join us – I promise we will not put you on the spot. We appreciate that when Assemblyman Molitor gathered eight other Assemblymen and Senator Borrello to file an amicus brief in support of our lawsuit against the State and the DEC in late September. Unfortunately, the County has failed to join the lawsuit or file an amicus brief. We can think of no reason that you individually or as a group did not act and join us and hundreds of our supporters as one local columnist suggested to drive a sword through the new wetlands' regulations. You owe us an explanation. In any case, you have let us down. County Executive recently stated that lake related tourism decreased in 2025 and speculated that negative publicity including many western New York-wide broadcasts contributed to this decrease. We are not surprised. But suppressing negative publicity will not remedy the unacceptable lake conditions. Effective action must be taken. We do not need any more attempts at first aid, on the secretive and most importantly ineffective Chautauqua Lake and Watershed Management Alliance. Several band aids over the last twelve years have failed to fix their problems. We ask that you renew the commitment which you and your predecessors made in 2003, 2017 and 2019 to develop a centralized lake district or authority. So far, failure is your legacy. And it is time to turn it around. Some changes to the Alliance proposed by the County Executive may provide a transition to an authority or district but they will not solve the problem. We do not have another twelve years to waste. Although it will take strong leadership, and good management to pull it off, we ask you to make the commitment to an authority or district now. Take advantage of this strong leadership claimed on signs all over the county to make this happen. The County Executive failed to mention the Jefferson Project when questioned about the lake at last week's debate. We ask that you follow the Chautauqua Institution's lead, terminating the Climate Change Initiative and end County cooperation with the Jefferson Project. You facilitated and funded the Chautauqua Institution, IBM, RPI and the Jefferson Project's unfettered access to our

lake but now in its fifth year, with 5 million dollars spent, only one report issued two years ago and with no actionable recommendations, accept that the project is what it is. A basic research project with recommendations limited to request for more study and funding. And even worse, New York State and the DEC the same organizations focused on regulating the lake as a swamp, are now managing the project and requiring prior approval of reports, presentations and public statements. It's time to wrap up this study and focus county efforts on action. It's time for change in the County's approach to the lake. We need a centralized lake authority or district, a formal New York State entity made up of lakeside town supervisors and village mayors – people elected by the community accountable to taxpayers and operating transparently. Thank you.

Anthony Toda: Good evening, my name is Anthony Toda and I live at 144 Clifton Avenue in Jamestown, New York. I am stating my opinions based in part from media reports. I am stating several improper and unethical issues that have been in the local courts and now have arisen in the Chautauqua County court since I made statements to this legislature in November of 2023. The *(inaudible)* based under Charles Schumer be criminally charged for complicity in crimes upon myself by the FBI. And also comments I made from media reports that led me to the opinion that Israel may have been aware of the October 2023 upcoming Hamas attack on Israel prior to that attack. Since I made those and other comments my drivers license has been suspended in part because of perjured statements by two witnesses. Also, three weeks after that same November 2023 legislature meeting, I was ticketed without cause by New York State trooper Matthew A. Thomas for an alleged traffic infraction. On March 19, 2024 I appeared in the Jamestown City Court for the infraction but because the judges of the Jamestown Court were disqualified, Corporation Counsel *(inaudible)*, was directed to transfer this case. Without my opportunity to be heard, attorney *(inaudible)* prevailed on the two motions to transfer this case to the bias Ellicott Town Court. On January 9, 2025 both judges of the Ellicott Town Court disqualified themselves. *(Inaudible)* to the Chautauqua County DA Jason Schmidt stating that Chautauqua County Judge David W. Foley had ordered a previous case to be transferred from the bias Town of Ellery Court. DA Schmidt's response to my letter was to have Assistant DA Emily Woodard to make a motion to Judge Foley to transfer this case to the same biased Town of Ellery Court. *(Inaudible)* and supported a motion to Judge Foley had ordered that a previous case be transferred from the biased Ellery Court. However, Judge Foley violated his own court order and then transferred this present case, over my objection, to the biased Ellery Court. Bias against myself in court proceedings is now being shown by a Chautauqua County Court Judge David W. Foley. Thank you.

Karen Enstrom: Karen Engstrom, Town of Chautauqua and Chautauqua Energy Watch. On your desk you have some information about better energy storage systems. It has become for our small towns, that are being faced with this onslaught and here is one of the brochures that was given to me by a supervisor – they are seeing 3 and 4 of these coming to them personally because they own property in this township. What it is saying here is please lease your land to the developers and to the speculators who are proposing to place battery energy storage systems throughout the county. Landowners and the elected officials are concerned because of the cost, the dangers, and the loss of control of their communities related to such installations. When real energy production is operating, there is no justification for battery energy storage systems. Hydro

dual cycle gas and nuclear are affordable, reliable, on-demand, safe tried and true. When the grid becomes unstable, the renewables – the battery energy storage systems – the wind and the solar are shut down for safety reasons. They are not a backup situation. Real power sources can be ramped up on demand to prevent grid failure. So, what we are seeing is a very fast tracking by the governor of battery energy storage systems or BESS. In presenting the data that you have attached here, data that includes the safety concerns, fire and explosion risks due to thermal runaway and short circuiting and physical damage that can occur to these and have occurred throughout the world – leading to the release of a highly flammable and toxic gases. The disadvantages of the high costs including installation and management, maintenance, and the limited lifespan as well as the difficulty in disposing of the toxic waste that’s involved. The environmental contamination to all of our water systems and to our drinking water. These safety hazards have been recognized by the many towns that I have presented this data to and when asked if they would be interested in hearing that their legislature could give them some breathing room so that they can perform the task of writing protective laws. I asked them, would you be in favor of a county-wide moratorium to enable your protection of your community? And the answer was always hell yes. Now they are not coming to you. They are very independent, They are very determined to solve the problems in their communities by themselves. But it still remains that it would be a helpful thing and a gesture to all of us as residents – forget our supervisors and our trustees – we are asking you as residents – I am talking to you from Chautauqua Energy Watch. And I’m almost done, but I want to show you this little brochure and point out to you that under the circumstances, there are a number of things towns can do under their laws, which are listed here. So, I hope you take a look and consider educating and communicating with your trustees in the 19 towns/townships because this is a very big issue that’s going to be – its just necessary to address it. Not to ignore it and leave it up to the small towns. Thank you.

---

MOVED by Legislator Larson SECONDED by Legislator Pavlock to adjourn.

*Unanimously Carried (7:31 p.m.)*

Respectfully submitted and transcribed,  
Olivia Lee, Clerk of the Legislature /Nancy Quattrone, Senior Stenographer