

Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, January 28, 2026 6:30 p.m.  
Mayville, N.Y. 14757

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

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on January 28, 2026. Would the Clerk please call the roll?

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

Chairman Chagnon: At this time, I would like to request that we have a moment of silence for Larry Barmore. Larry was the previous County Clerk and a previous county legislator. Thank you.

Legislator Johnson delivered the prayer and Pledge of Allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson and duly carried the minutes were approved. (12/17/25) & (01/02/26)

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

Chairman Chagnon: That brings us to our first privilege of the floor. Members of the public may comment on any subject relating to any local law, resolution, or motion appearing on the agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. First to speak to the first privilege of the floor, please introduce yourself.

Thank you, my name is Edward Vos and I'm speaking to the issue of 17-26 Amend the Rules and Regulations of the Chautauqua County Legislature. Civic duty requires speaking out for the betterment of society and our community and I have a magnet on my refrigerator from the Norman Rockwell Museum which shows a man standing much like me, speaking at a public hearing. The amendment being proposed is to limit free speech at a legislative meeting to only issues the legislator can deal with. My sense is that the Chair and the legislative meeting has a hard time controlling speakers and that a lot of the time is being wasted on subjects this legislative body has no jurisdiction in. Thus, dismissing constituent issues as being unimportant. Every one of you is being paid a stipend to be a legislator which means that you're being paid to listen to me and your constituents. We pay you to listen to our issues, not come to meetings with rules to limit our speech. But let me give you a solution. I watch Congress a lot and in the hearings, they often talk about passing unanimous consent resolutions for people, legislators that have reports and things they want to put into the record. I would recommend that this body do the same thing for people like myself to hand in issues that are important to us, that can then be

looked at, maybe not in the same evening, but thirty days later can be brought up or mailed back to the person. Maybe you'll fill out an application to do that, I don't know. But that's a way to not limit free speech and to get people in our cities and in our counties to be connected to you guys. Shutting us off is not the right solution and I would vote 'no' on that issue and come up with a better solution. One, I just mentioned. Thank you.

Chairman Chagnon: Thank you. Next to speak to the sec—first privilege of the floor.

Hi, I'm John Jablonski and I'm here to—here to request that you vote down resolution number 17-26 to Amend the Rules of Legislature pertaining to the second privilege of the floor, whereas county legislators work for the public and are paid by the public, I think it's important to retain this opportunity for us, your constituents, to address matters of our concern to the entirety of this legislature. You are our local elected leaders. Despite the fact that many concerns brought before you may not seem relevant to you, allowing your constituents to speak for a mere three minutes is not too much to endure as part of your jobs as legislators. This is an important opportunity for us, your constituents, to exercise our free—freedom of speech rights. I urge you to vote this down. Thank you.

Chairman Chagnon: Thank you. And next to speak to the first privilege of the floor.

Hello, my name is Marsha Westling-Johnson and I represent the Chautauqua County Democratic Committee. I want to address the proposal to limit the second privilege of the floor. This resolution appears to conflict with the first amendment right to freedom of speech. Who will decide what is considered relevant to local government? Will individuals who raise issues that those in power disagree with still be allowed to speak? We are already witnessing the erosion of democratic norms at the national level, where those who dissent are labeled as domestic terrorists. Democrats, elected officials, at every level of government have been threatened with investigations and prosecutions. There have been calls for the execution of Democratic leaders and attempts to bring charges against our own Attorney General. In this climate, it is deeply concerning for the local Legislature to take steps that further divide our community by placing limits on public speech. Granting a single individual the authority to decide who may speak undermines the fundamental principles of our democracy. The United States Constitution guarantees freedom of speech and other rights that's enshrines to all people. I urge you to vote no on this resolution and reject this attack on our Constitutional rights. Thank you.

Chairman Chagnon: Thank you. Anyone else to speak to the first privilege of the floor? Anyone else for the first privilege? Seeing no one, I will close the first privilege of the floor. That brings us on our agenda to our presentation from the Jefferson Project, presenting us an update by Dr Allison Hyrick. So, Dr Hyrick, if you would please come down and present the presentation.

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**PRESENTATION:**

**Jefferson Project Update**

**By**

**Dr. Allison Hyrcik**

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***Opened***  
***7:23 P.M.***

**PUBLIC HEARING:**

**Lease of Restaurant Facilities at Chautauqua County Jamestown  
Airport To Archies Airport Diner, LLC**

Chairman Chagnon: At this time I will open the public hearing. Is there anyone wishing to speak to the public hearing? Is there anyone wishing to speak to the public hearing? Hearing no one, I will close the public hearing.

***Closed***  
***7:24 P.M***

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Clerk Lee: There are no veto messages from County Executive Wendel from the December 17, 2025 and January 2, 2026 meetings.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 12/17/25 or 01/02/26**

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

**COMMUNICATIONS:**

1. Letter – Office of the County Attorney – Legal Services for County Legislature – 2026
2. Report – Finance Director, Kitty Lyons, Re: November 2025 Investment Report
3. Letter of Support – Pierre Chagnon, Chairman of the Legislature, Re: VAPAP Application – Heritage Ministries
4. Minutes - Conewango Watershed Commission – November 12, 2025 Meeting
5. Affidavit of Publication (2) – Legal Notice – Public Hearing: Lease of Jamestown Airport to Archies Airport Diner, LLC (Post Journal and Observer)

6. Letters (4) – Re: Support of Nathaniel Barone’s Reappointment as Chautauqua County Public Defender
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**LOCAL LAW INTRO. 1-26 (Print 2) – A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER**

*MOVED by Legislator Gustafson, SECONDED by Legislator Bankoski to amend by substitution – Unanimously Carried to Amend*

Chairman Chagnon: Discussion on the motion to amend by substitution? Hearing none, would the clerk please call the roll?

*Local Law Intro 1-26 – R/C Vote: 18 YES; 0 NO; 1 Absent (Proctor) – Unanimously Carried to Amend*

*MOVED by Legislator Gustafson, SECONDED by Legislator Bankoski to lay the amended local law on the table for the next Legislature meeting*

Chairman Chagnon: Any discussion on the motion to lay on the table Local Law Introductory 1-26 as amended to Print 3? Hearing none, would the clerk please call the roll?

*Local Law Intro 1-26 – R/C Vote: 18 YES; 0 NO; 1 Absent (Proctor) – Unanimously Carried to table*

**RESOLUTIONS:**

**6-26 Confirm Appointment-North Chautauqua County Water District Administrative Board**, by Public Facilities Committee – UNANIMOUSLY ADOPTED

**7-26 Confirm Reappointment – Chautauqua County Office for the Aging Advisory Council**, by Human Services Committee – UNANIMOUSLY ADOPTED

**8-26 Support Bemus Point Central School District Application for New York State Local Government Efficiency Implementation Grant**, by Public Facilities Committee – UNANIMOUSLY ADOPTED

**9-26 Apply for and Accept FAA and NYSDOT Funds for Rehabilitate Taxiway B North (Design) at Chautauqua County Dunkirk Airport**, by Public Facilities and Audit & Control Committees – Adopted with Legislator Scudder voting “No”

**10-26 Apply for and Accept FAA and NYSDOT Funds for Rehabilitate Runway15-33 (Design) at Chautauqua County Dunkirk Airport, by Public Facilities and Audit & Control Committees**

Legislator Bankoski: Yes, Mr. Chairman. I'd like to make a motion to amend by substitution with the copy that's been laid on everyone's desk. The amended copy here has a reduction in the cost of this project which I think is outstanding work by our airport people. Save the county some money.

*MOVED by Legislator Bankoski, SECONDED by Legislator Gustafson to Amend by substitution – Unanimously Carried to Amend*

Legislator Bankoski: The amended copy here, has a reduction in the cost of this project which I think is outstanding work here by our airport people, save the county some money.

Chairman Chagnon: Any discussion on the motion to amend?

Legislator Scudder: Yes, I'm going to be voting in favor of amending this resolution but then ultimately, voting not in favor of the amended resolution. So, I am in favor of saving money on a project that I'm not in favor of doing, just to clear that up, thank you.

Chairman Chagnon: Thank you for that clarification. Any other comments on the motion to amend? Hearing none, all those in favor, please say "aye". Opposed? It is amended. Now, discussion, on resolution 10-26 as amended. Are there any questions or comments on the amended resolution? Hearing none, all those in favor of the amended resolution, please say "aye". Opposed? One nay. It is carried.

*RES. NO. 10-26 - Adopted with Legislator Scudder voting "No"*

**11-26 Apply for and Accept FAA and NYSDOT Funds for Terminal Building Renovation (Construction) at Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – ADOPTED with Legislator Scudder voting "No"**

**12-26 Authorize Lease of Restaurant Facilities at Chautauqua County Jamestown Airport To Archies Airport Diner, LLC, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**13-26 Authorize Supplemental Agreement No. 1 with NYSDOT for PIN 5764.60, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**14-26 Authorize Execution of New York State Office of Homeland Security Statewide Interoperable Communications Targeted Grant (SICTG) Program FY 2024 and FY 2025, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**15-26 Authorize Intermunicipal Agreement with the City of Dunkirk for Installation Costs of Public Safety Camera System, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**16-26 Emergency Medical Technician Student Ride Time – UNANIMOUSLY ADOPTED**

**17-26 Amend Rules and Regulations of the Chautauqua County Legislature, by Administrative Services Committee**

Legislator Nelson: Thank you, Mr. Chairman. I strongly oppose this resolution. This resolution narrows speech by limiting comments to matter the legislature itself deems within its authority. This invites content based and view point based exclusion. How are the residents to know what is within our authority? They should not need to be a legal expert in State law or the County Charter to speak to their own legislature. Terms like “relevant to the powers duties and or responsibilities of the county legislature are vague, subjective and open to interpretation”. This gives a presiding officer broad discretion to cut off speakers potentially based on disagreement rather than relevance. Public comments is one of the few places residents can speak to their elected representatives. Narrowing the scope and increasing enforcement with discourage participation, especially by people who already feel unheard. We should be encouraging civil engagement, not directing barriers to it. No evidence has been presented that the public comment has in any way disrupted our meetings or has prevented us from conducting our business. Without a problem solved, this rule seems unnecessary and punitive. Is this resolution to make our meetings more efficient or is it to silence speech that is critical of us or is unpopular? Public comment is not meant to be convenient or comfortable. It exists so residents can raise issues that may be unpopular, broad or critical. This resolution clearly limits the first amendment. It’s what authoritarian governments do and I don’t want any part of it and frankly I think we should all vote this down unanimously. Thank you.

Legislator Bankoski: Yes, Mr. Chairman. I think the original intent of this was well, maybe wasn’t well thought out but I thought the intent was, sometimes people come here and they want to talk about their electric bill, they want to talk about what’s going on in Washington and they want us to do something regarding something that the President is doing or something that’s going on in Albany and they want to complain to us about the Governor, which we have no control over some of these issues. And I was 100% voting “yes” for this but when the first gentleman stepped up there to speak and he made a really good point about maybe we could vet some of these – maybe they could submit something in writing ahead of time with maybe they want to talk about and then if its relevant, then we can hear them but I don’t think this is the form for somebody to come here and talk about their electric bill or they want to talk about something this Christian Gillibrand is doing that we have no control over doing and they just want to talk for 3 minutes about her policy or whatever. So, I’d like to make a motion that we table this, send it back to committee for next month and maybe we could brainstorm a little more about this and maybe come up with a better way to address this. And I agree with what Legislator Nelson has said but then I also agree with how we’ve come up with the new policy but maybe we could fine tune it a little bit better to address everybody’s concerns.

Chairman Chagnon: Legislator Bankoski, if you could clarify, are you making a motion to table, which would bring it back just to this legislature or are you making a motion to refer it to committee?

Legislator Bankoski: I'd like to refer it back to committee.

*MOVED by Legislator Bankoski, SECONDED by Legislator Johnson to refer back to committee*

Chairman Chagnon: Okay, we have a motion and a second to refer resolution 17-26 to committee. Any discussion on the motion to refer to committee? Hearing none, all in favor please say "aye" Opposed? Okay, we have 1 nay vote, 2 nay votes, 3 nay votes, 4 nay votes, am I missing anyone?

Clerk Lee: Yes.

Chairman Chagnon: Okay, lets do a roll call, please.

Legislator Penhollow: Mr. Chairman, could you please repeat that one more time?

Chairman Chagnon: Okay, the motion is to refer to committee, resolution 17-26, which means, that it will be on the agenda for the appropriate committees next month and then if that committee approves the resolution or amends the resolution, it will then before the legislature next month. Any other questions before we call the roll?

*RES. NO. 17-26 R/C Vote: 10 YES; 8 NO (Anthony, DeJoy, Gustafson, Harmon, Heiser, Penhollow, Vanstrom, Chagnon); 1 Absent (Proctor)*

Clerk Lee: The motion to refer back to committee passes.

### **18-26 Affordability Act of 2026**

Legislator Gustafson: This is not an emergency resolution and the impact on the County tax payers should be well thought out before any action is taken on this. I make a motion that we refer this to committee.

*MOVED by Legislator Gustafson, SECONDED by Legislator Vanstrom to refer to committee*

Chairman Chagnon: Discussion on the motion to refer to committee?

Legislator Larson: What committee?

Chairman Chagnon: Since, this has not been through the committee process, the legislature staff will have to evaluate which committee it gets presented to. So, I don't have an easy answer to give you at this point, Legislator Larson. Any other questions on the motion to refer?

Legislator Johnson: Comment, I think its important as a matter of principal, unless its an emergency, that this kind of thing go through committee in the first place.

Chairman Chagnon: Any other comments, questions on the motion to refer?

Legislator Vanstrom: I agree with Mr. Johnson, thank you.

Legislator Anthony: Mr. Chairman, I'd like to call the vote, please.

Chairman Chagnon: Okay, we have a motion to call the question. Its not debatable, is there a second to the motion?

*MOVED by Legislator Anthony, SECONDED by Legislator Vanstrom to call the question*

Chairman Chagnon: Okay, all those in favor of calling the question on the motion, please say "aye", opposed? Please raise your hand if you're a "nay". Okay, 1, 2, 3, 4, 5, 6. 6 nays, the motion to refer to close the debate and call the question has passed. So now we have the motion to refer to committee for a vote. Would you please call the roll on the motion to refer resolution 18-26 to committee?

*RES. NO. 17-26 R/C Vote: 11 YES; 7 NO (Bankoski, Buchanan, DeJoy, Larson, Lewis, Nelson, Whitney); 1 Absent (Proctor)*

Clerk Lee: The motion to refer the resolution back to committee passes.

Legislator Nelson: The question regarding resolution 17, did we vote to pass that or did we just vote to send it back to committee?

Chairman Chagnon: We referred it back to committee.

Legislator Nelson: It was referred back to committee.

Chairman Chagnon: Sorry, it gets a little convoluted when we go through the process.

### **19-26 Amend Senior Real Property Tax Exemption**

Legislator Gustafson: As this is not an emergency resolution and the impact on the County tax payers should be known before we take action, I make a motion that we refer this resolution to committee.

*MOVED by Legislator Gustafson, SECONDED by Legislator Vanstrom to refer to committee*

Chairman Chagnon: Discussion on the motion to refer to committee.

Legislator Whitney: Did it come from a committee?

Chairman Chagnon: No sir, it did not.

Legislator Whitney: Okay, thank you.

Legislator Anthony: Mr. Chairman, as stated before, I think the proper and respectful way is to run through committee and truly have all eyes on something like this. I would like to point out that 2 years ago, we did reassess this exact resolution at that point we increased it 36% and it was brought to us by our -

Chairman Chagnon: We're talking about the question to refer to committee, not talking about the resolution.

Legislator Anthony: Apologies.

Chairman Chagnon: Okay, any other discussion on the motion to refer it to committee? Hearing none, would the clerk please call the roll on a motion to refer resolution 19-26 to committee.

*RES. NO. 19-26 R/C Vote: 11 YES; 7 NO (Bankoski, Buchanan, DeJoy, Larson, Lewis, Nelson, Whitney); 1 Absent (Proctor)*

Clerk Lee: The motion to refer to committee the resolution back to committee passes.

**20-26 Setting the Salary for the Senior Motor Vehicle Representative, by Administrative Services and Audit & Control Committees**

Legislator Bankoski: Question, and if I'm understanding this correctly. This person already works for the DMV and he/she whoever it is, is a line staff person now and we're promoting this person to a supervisor position and this is taken this person from assisting our customers and making them a supervisor and this is going to make servicing our customers better by removing them from being a cashier, whatever you want to call them and having them stand back and watch the other people work.

Chairman Chagnon: With your permission, I'd ask the County Clerk to address because he can provide the answer.

Greg Carlson, County Clerk: Yeah, so all of the DMV employees, even the supervisors with the exception of 1 single person which is a DMV administrator is a front facing customer service person. So, whether it is a motor vehicle representative, a senior motor vehicle representative or the supervisor, all of them are able to serve the public. So that part won't change. What you'll have is a backup to the supervisor for things like audits, overrides and operational management of the DMV operations. So, the person won't be back supervising, they'll be doing the same thing they are, they'll just have autonomy to supervise operations of the staff.

Legislator Bankoski: So, this person would be able to, say if I'm there and I can't get something, that this person would be able to come over and override my computer and speed the process along?

Greg Carlson, County Clerk: Correct. So, they'll be sitting at the same place taking care of customers just like they always have.

Legislator Bankoski: And then by doing this, we're not adding another employee?

Greg Carlson, County Clerk: No, so we're taking current positions and we're transitioning them to the intermediate senior motor vehicle representative position.

Legislator Bankoski: So, this person's job title that entry level whatever is being eliminated?

Greg Carlson, County Clerk: No, so altogether, not including the DMV administrator, you have 16 employees that work at our 3 DMV locations. You have 6 in Dunkirk, 6 in Jamestown and 4 in Mayville. 1 at each place right now is a supervisor. So, for the Jamestown and Dunkirk, 2 of the motor vehicle representatives will now be senior motor vehicle representatives and then at Mayville, they'll be 1 because there's only a staff of 4 there. So, Jamestown they'll be a supervisor, 2 senior DMV reps and 3 motor vehicle reps. All 6, capable and on a daily basis, helping customers as they always have.

Legislator Bankoski: I'm fine with that or whatever, I just was making sure that we weren't going to promote this person and then all of a sudden now we have this hole and then next thing, we're hiring somebody else to fill that job title that's still there. We have 16 people and we still have 16 people –

Greg Carlson, County Clerk: Correct. Completely understandable questions and the whole purpose is to meet the New York State DMV Commissioners intent of having a supervisor and 2 employees working at any given time so this helps us facilitate vacations, breaks, all the different things that go into operating a DMV location and it will prevent anything like what happened in December where we had – due to illness, we had to close down the Mayville office for 2 days, Thursday and Friday, throughout the month of December. So, we're going to have a backup and a backup to the backup.

Chairman Chagnon: Thank you, Greg. Any other discussion, questions on the resolution? Hearing none, would the clerk please call the roll?

*RES. NO. 20-26 R/C Vote: 18 YES; 0 NO; 1 Absent (Proctor)*

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### **ANNOUNCEMENTS**

Chairman Chagnon: That brings us to announcements on our agenda. Are there any announcements from any Legislators for the good of the order? Any announcements? I understand it's a quiet time of the year.

Legislator Nelson: Yes, thank you, Mr. Chairman. Chautauqua County 4-H invites all community members and local businesses to attend and support the annual 4-H Green Tie Affair, their largest fundraiser for the year. It's February 22<sup>nd</sup> at the Harbor Hotel. Doors open at 3 and dinner is at 5.

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### **PRIVILEGE OF THE FLOOR**

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

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

John Jablonski: Thank you, Chairman Chagnon and legislators for the opportunity to speak tonight. I urge you to personally, and in your county-elected capacities as Americans, regardless of your political party, to communicate with our elected leaders at the state and federal levels to work with the Trump administration to end all acts of political retribution, such as withholding social services aid, SNAP benefits, et cetera, which directly impacts our county potentially, and, because of these impacts to states with Democratic governors and legislatures and to end all acts of violence and oppression in violation of the Bill of Rights across our country. We all must speak up to defend our Constitution, free speech, free media, and free elections without the threat of politically motivated violence. No one should fear having a domestic occupying force break down their door without a legitimate judicial warrant. No citizen or resident of the United States should fear being violently assaulted or executed as a show-of-force while legally gathering and protesting in the United States. I ask you to take action now before it is too late. Thank you.

Chairman Chagnon: Thank you. Next with the second privilege of the floor.

My name is Marsha Westling Johnson. I represent the Chautauqua County Democratic Committee and I just want to say it's unfortunate that this body has sent a proposal back to committee, not back to committee, but to committee without the people of the community

knowing what those was about. They are trying to save senior citizens tax money when there's a thirty-five million fund that can help cover it. This body does not want to help seniors who are overwhelmed by the inflation of our present economy and it's unfortunate that they cannot see going forward to help senior citizens who have trouble even maintaining their homes today. This is a political move so people—they can change it so people will not know that the actual proposal was. Thank you.

Chairman Chagnon: Thank you. Next to address the second privilege of the floor.

Yeah, hello, my name is Mike Dee (?). I'm from Silver Creek. My concern is that New York state energy policies are absolutely absurd and that local governments have to push back. Now, there's been a lot said about medical issues around—health issues—around wind, solar, and—and battery storage. I'm not going to address that. I'm going to address from the engineers' perspective what's happening and the economic disaster that we're going to get if we keep pushing this. Now, if you remember, twenty years ago there was a pseudo-documentary called *An Inconvenient Truth* which proclaimed the end of the earth by 2020 and AOC said 2030 and now I guess it's 2050 they keep rescheduling it but either way, um, it says we have to go to one hundred percent green energy to save the planet, okay. Now, that narrative was and is still an obvious farce. Now, I mean you'll look at the climate data now and we know that it was a farce. But, um, we still have New York state law, the CLCPA, uh, that still requires net zero by 2040, um, if you don't know what net zero is I, I sure hope you look it up. Anyway, while the rest of the world is eliminating net zero, pay attention to what's happening out there. So, nothing New York state does will have any effect on climate so my question is why are we still wasting resources and if we don't push back, we are the ones who are gonna pay for that with our taxes with all these subsidies and our bills. Okay. So, after twenty-five years and billions of subsidies, New Yorkstate still gets less than ten percent of its electrical energy from wind and solar you can look it up on the NYISO site if you'd like but to meet future daily demand, which is going to increase, using wind and solar, um, will require that we increase the amount of wind and solar generation we have by a factor of ten. Bear that in mind, we're not done yet. Okay? However, wind and solar require one hundred percent back-up, and net zero policy prohibits the use of any carbon-based fuel for back-up. So, what do we do? Well, that would mean that we would need at least four days of battery storage, ready-battery storage, what we have now is miniscule, anyway, ready-battery storage to overcome lulls in wind and solar availability. The Germans found this out the hard way. They called that 'dunco flauto' (*dunkelflaute*). Okay? It means "dark doldrums." There is no energy. So, to fully charge back-up batteries, between periods of 'dunco flauto' would require four times more generation capability than required for daily consumption. Because if you get a period of 'dunco flauto' you empty your batteries, you hope that in a day or two, you can replenish it for your next 'dunco flauto' in winter and summer you get that. Okay, so you're gonna need to do that. This, by the way, is why the CLCPA goals on net zero are absolutely bunk and you'll never—you'll never meet 'em. So. Anyway, so to meet net zero requirements using wind and solar, or battery technology will require at least forty times, ten times four, more solar infrastructure than we now have installed. Where are we gonna put that? Multiply what's in the hills over there by forty. Okay, in addition we would need at least four

hundred times, and that's a low estimate, more battery capacity 'cause you need four days of storage capacity in batteries. What we have now lasts about five minutes. Okay, so--

Chairman Chagnon: Michael, you've exceeded your three minutes. Please wrap it up.

Mike Dee: Okay, very quickly. So, the cost for battery storage alone will be three point six trillion, every ten to twelve years because batteries must be completely replaced that's two hundred thousand dollars per man, woman, and child. So, I would hope that, oh, by the way, New York state already pays fifty-eight percent more for its electricity than the average in the country. The only place that's worse is California. So, I would hope that this body and our towns would fight this because you're gonna pay it and nobody's gonna put business or industry here with the cost of electricity the way it's going. Thank you.

Chairman Chagnon: Thank you. Next to address the second privilege of the floor.

Karen Engstrom, Town of Chautauqua and I'm representing the Chautauqua Energy Watch. Chautauqua County legislators have asked thoughtful questions recently, related to why the state is imposing renewable energy projects on western New York when the state's own health, environmental, agricultural, and engineering experts have testified to the inherent harms caused by industrial wind, battery energy storage, and solar. Six towns among us are being proposed—there are wind projects being proposed by Bedrock Energy for six towns among us. That's Ripley, Westfield, Stockton, Sherman, Ellery, and North Harmony. These towns are writing laws right now that they need help with. They need to know that they have parameters they can put in place to protect their towns. When I talk about industrial wind and look for examples of where our state has given evidence to the harm that these are doing the first example, and you have them all on your desk, is from the Chief of Prevention and Sustainability section of the New York State Department and I'm quoting him. He says, based on the state health department's review of information related to noise and health, if a wind facility is not properly sited or operated, there is potential for the turbine noise to impact health and well-being of nearby residents. Recognized health related effects from wind turbines are from the audible noise of wind turbines include annoyance, sleep disturbance, cognitive performance reduction, effects on social behavior, cardiovascular effects, and psychophysiological effects. Senator Borrello recently pointed out in his last article, and I'll quote him, instead of investing in cleaner, reliable energy, using natural gas, hydropower, and nuclear, the governor chose to shutter power plants and emissions shell game actually increasing emissions outside of our state where we must get power, a reckless, costly agenda designed to appease special interests- and there's your answer, Mr. Penhollow, to appease special interests at the expense of tax-payers' and rate-payers. Our energy situation is so bad that the New York energy experts at the New York ISO are sounding the alarm that New York may face energy shortages and brown-outs. As I mentioned, there are six towns that face these renewed efforts to put wind turbines among us. But, our county health department and six other county health boards have recommended a one point five-mile property line setback. A one point five-mile setback for all wind turbines to protect the human health of the residents. I move to battery energy storage systems. Below are excerpts from a data sheet by a local aeronautics engineer who speaks from experience regarding

best hazards. Quote, since 2012, the United States has experienced thirty-five documented BESS fires. These lithium-ion battery fires, the same chemistry that grounded the entire Boeing 787 Dreamliner fleet, cannot be contained. A grid-scale BESS cannot be contained, it—because if it's contained, the risk of explosion will increase, not decrease. The gasses that occur are listed there. You can see them, there are many. And there are fighting these best fires can take days and the places and—does place a burden on the rural, all-volunteer fire departments that our, our rural communities are, um, have. These projects move forward under a structure in which liability is placed on the community, local governments, and first responders while the financial benefits flow upward to the parent corporation. End quote. Both industrial wind and battery energy installations are a public safety hazard. Developers are proposing new uh, um, industrial wind in our region and the battery storage energy systems are being proposed in close proximity to our schools, our hospitals, and our homes. Some of the laws that the people are writing in the various towns and the, the trustees are, have a very difficult job, trying to figure out how to deal with this to protect them can include in them very responsible environmental and safety requirements. Such as, one: require that no PFAS or PFOS, forever chemicals, be included in any of the components. Two: require that all components be recycled to ensure that the valuable parts and materials are not wasted by relegating them to landfills, where they become toxic waste. And three--

Chairman Chagnon: Karen, you've exceeded your five minutes. Please wrap it up.

Karen Engstrom: Require that all components be manufactured in the United States. There is no justification for BESS wind and solar here when you have viable natural gas, hydro, and nuclear power. The negatives far outweigh the claimed benefits. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor? Anyone else? Seeing no one, I will close the second privilege of the floor. And now, I'm looking for a motion.

MOVED by Legislator Larson, SECONDED by Legislator Gustafson to adjourn.

*Unanimously Carried (8:04 p.m.)*

Respectfully submitted and transcribed,  
Olivia Lee, Clerk of the Legislature, Kristi Zink, Deputy Clerk of the Legislature & Amanda Guillory, Senior Stenographer