

Regular Meeting  
Chautauqua County Legislature  
Wednesday, January 24, 2018, 6:30 p.m.  
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Gould,  
Pavlock, Vanstrom)

Legislator Nazzaro delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski, the minutes were approved. (1/2/18)

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

*(Due to recorder not recording a summary of what transpired)*

Three individuals, Mark Twitchell, Karen, Harvey, and Karie Jurczak all started speaking to the Arkwright Wind Project which prompted Chairman Wendel to stop discussion as it did not pertain to any item on the agenda and pointed out that the 2<sup>nd</sup> privilege of the floor is where this subject should be voiced.

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**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO  
NO VETOES FROM 1/2/18**

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**COMMENDATION:**

**SHERMAN CENTRAL SCHOOL BUS DRIVER  
DAVID TENPAS**

**By  
LEGISLATORS STARKS & HIMELEIN**

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**COMMUNICATIONS:**

- 1. Letters (11) – Co. Exec. Borrello – Appmts. To Various Boards**
- 2. Letter – Farm Bureau - Apptmt. Recommendation to Soil & Water Bd.**
- 3. Letter – Co. Exec. Borrello – Designation of Acting Co. Executive**
- 4. Report – Fn. Director Crow – November/2017 Investment Report**
- 5. Notice of SEQRA: Lead Agency Designation – Town of Ellery – Re: Chaut. Lake Herbicide Treatment**
- 6. Resolution – Orange County Legislature – Exempt County Tuition Chargeback Obligations for the Fashion Institute of Technology**

7. **Letter – Senator Young – Re: Thanking for meeting minutes throughout 2017**
8. **Letter – NYSAC – Re: Ack. Receipt of Motion 8-17**

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**RESOLUTIONS:**

Legislator Chagnon: I would make a motion that we block the resolutions dealing with appointments and re-appointments. That would be resolutions 7 through 18.

Legislator Bankoski: Second.

*Unanimously Carried*

**RES. NO. 7-18 Confirm Re-Appointments - Chautauqua County Airport Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 8-18 Confirm Re-Appointments – NY Fish & Wildlife Management Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 9-18 Confirm Re-Appointments – Chautauqua County Soil & Water Conservation District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 10-18 Confirm Re- Appointments - Chautauqua County Ethics Board, by Human Administrative Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 11-18 Confirm Re- Appointments - Chautauqua County Historian’s Advisory Board, by Human Administrative Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 12-18 Confirm Re- Appointment - Chautauqua County Traffic Safety Board, by Legislator Terry Niebel – UNANIMOUSLY ADOPTED**

**RES. NO. 13-18 Confirm Appointment & Re- Appointments – STOP DWI Advisory Board, by Legislator Terry Niebel**

Legislator Chagnon: I would like to make a motion to amend the resolution number 13. The reason for the amendment is to replace the name of Legislator Terry Niebel with Legislator Lisa Vanstrom.

Legislator Bankoski: Second.

Chairman Wendel: Any discussion on the amendment? Seeing none, all those in favor?

*Unanimously Carried*

**RES. NO. 13-18 – as amended - UNANIMOUSLY ADOPTED**

**RES. NO. 14-18 Confirm Re- Appointments - Chautauqua County Fire Advisory Board,** by Legislator Terry Niebel – **UNANIMOUSLY ADOPTED**

**RES. NO. 15-18 Confirm Re- Appointments - Chautauqua County Aging Advisory Council,** by Human Services Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 16-18 Confirm Appointment - Chautauqua County Youth Board,** by Human Services Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 17-18 Confirm Appointments & Re - Appointment – Southern Tier West Regional Planning & Development Board,** by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 18-18 Confirm Re- Appointments - Chautauqua County Sports Fishery Advisory Board,** by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 19-18 Amend Personal Services & Employee Benefit Appropriation Accounts – Environmental – Landfill,** by Public Facilities and Audit & Control Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 20-18 Close Capital Projects,** by Public Facilities and Audit & Control Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 21-18 Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District,** by Public Facilities and Audit & Control Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 22-18 Continuation of Interim Funding for North Chautauqua County Water District,** by Public Facilities and Audit & Control Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 23-18 Authorize Supplemental Agreement No. 2 w/ NYSDOT for PIN 5758.45,** by Public Facilities and Audit & Control Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 24-18 Amend 2017 Budget for Juvenile Detention and OCFS Custody,** by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 25-18 Amend 2018 Budget for NYS Community Development Block Grant Wells and Septic Replacement Program Application Not Selected for Funding,** by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 26-18 Auth. Extension of Lease Agreement For Department of Planning & Economic Development at the BWB Center,** by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 27-18 Auth. Agreement. w/ County of Chautauqua Industrial Development Agency for Attraction & Development of Tourism Related Businesses, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 28-18 Authorize Agreement w/ County of Chautauqua Industrial Development Agency for Industrial Development and Promotion, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 29-18 Authorize Agreement w/ County of Chautauqua Industrial Development Agency for the Business Assistance Program, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 30-18 Authorize Agreement w/ Small Business Development Center at Jamestown Community College, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 31-18 Setting Salary for Network Infrastructure Supervisor, by Administrative Services and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – UNANIMOUSLY ADOPTED**

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**MOTION:**

**A. Proclaiming February Black History Month – UNANIMOUSLY ADOPTED**

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**ANNOUNCEMENTS:**

Legislator Hemmer: Just want everyone to remember the 4-H Green Tie affair coming up February 25<sup>th</sup>.

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2<sup>nd</sup> Privilege of the Floor

My name is John Conway and I live in Sinclairville in the Town of Charlotte where they are supposed to be erecting 500-600 foot industrial turbines with 1-3 of them on my neighbor's property next door to me within in the next year or so. I'm not going to talk about the health issues, taxes or how fraudulent these wind turbines are, you as our elected County officials should know this by now. What I'm going to talk about is economic and environmental impact on the County, townships and most importantly, the residents. I am very angry and upset about how this project has been handled with total disregard of its tax paying residents. We never received anything in the mail saying that there would be a formal vote or discussion on these industrial wind turbines. A project of this size and impact to our communities should have been voted upon by every resident. This should be investigated by our elected County officials. Chautauqua County is providing \$50,000 to promote tourism in the County that is going to lose 40,000 acres of land and clear cut forests. Displacing hundreds of animals and destroying our beautiful hilltop views, peace and serenity. Who in their right mind would want to come here to

camp, hunt, fish, hike, ski or snowmobile with the blight of 88, 500-600 foot industrial wind turbines, miles of 90 foot power poles, power lines scattered throughout our once peaceful beautiful Chautauqua County hills. I'm all in favor of investing money in Chautauqua County to promote tourism and industry but what our local governments are doing with the industrial wind project is not the right way to promote this County. This is not the direction or the future that we should be taking this County to. This is a negative for the County that will last for years. This is destroying and dividing a once peaceful community. We need leadership that is not so desperate to grasp at the first quick buck and put their residents first. Thank you for giving me the this time to speak.

I don't know if I should start over or where I left off but I guess I will start over. I'm Karie Jurszak. Again, I've resided or owned property in Arkwright, in Chautauqua County for the last 40 years. I have a serene 8 acre lot, with mostly forest and rolling hill views. I enjoy my lifestyle here because I value nature, the quiet and solitude of my surrounds as do many residents of this beautiful County.

Most tourists come to Chautauqua County to enjoy peace and tranquility of the country side and to engage in outside activity. Our tourism comes from hiking through our natural forest, cross country skiing, hunting and participating in wine tours, while enjoying the unadulterated landscape. Visitors also come here to bird watch, specifically our bald eagle population. Tourism also comes from people visiting their families. Unfortunately, I've already seen multiple homes in Arkwright put up for sale before the wind turbines have been completed. Wind turbines are incompatible with any of these kinds of tourism.

In July of 2017, YouGov, carried out a survey on behalf of a John Muir Trust that determined the likelihood of tourist returning to the areas of the countryside industrialized by turbines. 55% of those respondents were "less likely" to venture back in to those areas. Further YouGov survey results showed 80% of the respondents backed the proposition that "wild land areas" should receive protection from large scale infrastructure development.

Dr. Shawn Smallwood did a 2004 study that showed that California's Altamont pass wind farm killed 166 golden eagles annually. The study also estimated that Altamont killed an average of 300 red tail hawks, 333 American Kestrels, 380 burrowing owls, 2,526 rock doves and 2,557 western meadowlarks. In 2012 the Spanish Ornithological Society reviewed actual carcass counts and concluded that Spain's turbines are killing between 16-18 million birds and bats yearly. 40,000 acres of forest in Chautauqua County are being demolished, which is not preserving our nature resources. Not only are acres being decimated, the wood is then chipped and being left to rot. In conclusion, industrialized wind turbines are in contradiction to resolution 27-18, when our main attractions and natural resources are being destroyed. Thank you for your time.

Mark Twitchell from Fredonia. I'm here with the group, Preservation of Agricultural Land Serenity. My point in addressing the two resolutions relative to the funding of the IDA was to point out that as written, those resolutions did not specify what the money was to have been spent on and as a citizen reviewing the agenda prior to coming to a meeting, I would have appreciated a little more specificity. For example, if the \$50,000 to promote tourism was for the same agency that promoted the industrialization of Arkwright and resulted in a devalued amenities of County property containing a developed campsite with two lean-to's. The turbines are being installed as close as 800 feet from the lean-to's. The pending PILOT for Cassadaga

Wind will have a similarly tourism dampening effect on the development of the Cockaigne Ski area which will be within 8 miles sights of all the projects' turbines, some within the soundscape as close as one mile. Please refer to the study by the University of North Carolina on tourism impact of off-shore visible wind factories. Eighty percent of the study participants have strongly negative responses; 54% would not rent cottages within any view of turbines, while 26% would not rent if turbines were closer than 12 miles. The IDA's promotion of the wind industry in Arkwright has already caused the loss of private values and environmental amenities even before the installation of the turbines. Other losses include the dollars not collected by full sales or property taxation and a deeply divided community resulting from irreparable industrial transformation of its real identity. The IDA's PILOT in Arkwright has enabled predatory wind leases which include loss of mineral rights for landowners that only adds to the millions of dollars net loss that the Town will suffer as a result of this project. The Legislature, our Legislature, should be proactive in its protection of our citizens and our environment. Please refer to the action of Oswego County in New York State Department of Public Service case 16-F-0713, the Mad River wind project. Here the Legislature of Oswego County asserts to the Department of Public Services Secretary Burgess and I quote, "Oswego County as a stake holder in the within proceeding." And I will repeat that. "Oswego County as a stake holder in the within proceeding." This County has prohibited its IDA from making PILOT arrangements for less than the full property tax value. The County has also listed environmental resources and has stipulated oversight on wind energy regulations impacting these. Chautauqua County citizens are far from finished with our concerns with wind developers as evidenced in the New York State Independent Systems Operators application referred to as Power Trends 2017. Our New York Independent Operator Systems zone 4 currently has 110 megawatts of installed wind capacity with a projected increase to 1,339 megawatts. This Legislature clearly has the opportunity and the obligation to protect the interest of our citizens. And in furtherance of the Legislature's understanding of what we feel could be a responsible action towards further wind development, I would like to present the Clerk of the Legislature with two documents. Number one is a copy of the Oswego County resolution setting the policy of the Legislature in regards to the abatement of real property and other taxation for other wind projects larger than 25 megawatts. The second document is a proposed resolution that would be appropriate for Chautauqua County using similar language in regards to the issue of tax abatement but also including a brief describing the rationale for managing the taxation issue as a County. So with your permission, I would like to approach the desk and give these to the Clerk.

Chairman Wendel: Certainly. Thank you. Anyone else to speak to the second privilege of the floor?

Karen Harvey, Mayville, New York regarding Resolution 27-18 and the resolution 28-18. Many of us assume the IDA provide encouragement to small, local businesses that employ local people. Through those tax breaks small businesses can build and help a community. That is a good thing. Any PILOT, payment in lieu of taxes, to wind turbine company company in this County would not be consistent with Resolution 27-18 which states "Chautauqua County is known for rural charm, nature amenities and vibrant tourism economy." I'm sure some of you remember NRG when it came to town. A few of you. Mr. Scudder, Mr. Nazzaro. It was the seventh largest energy producer in the world and it bought Niagara Mohawk electricity generating facility in Dunkirk in 1999. As soon as the purchase occurred, NRG applied for and

received a PILOT agreement in spite of the fact that their records showed in the 3<sup>rd</sup> quarter of 2000, the revenues went up to \$1.47 billion, from \$280 million dollars. The profits were only a measly 25%. Clearly, NRG need some tax relief from the Dunkirk school district. NRG's 10 year tax abatement agreement resulted in a substantial loss of tax revenue to the County because Niagara Mohawk has been the largest tax payer in the County. The loss of tax revenue to the Town of Dunkirk itself was 40%. NRG went on to receive another 10 year PILOT and now 20 years later, they are closed. How much in taxes based on real value had they paid? The point, beware of outside (*inaudible*) large invasive corporations seeking tax breaks.

According to New York Independent Systems Operator, the Power Trends document, there are equal to the number of megawatts that Dr. Twitchell recorded, comes to a total of 600 wind turbines slated for this area. So according to my NYISO, there will be 600 wind turbines in this area, industrial, 500 foot wind turbines. When it comes to wind turbine companies, the easy money these large outside corporations can gravy into their bottom line is a PILOT agreement, a payment in lieu of taxes, from the IDA. If big wind is so profitable then they should be able to pay their fair share. Both Oswego County and Jefferson County have declined to allow PILOT agreements for big wind.

The Oswego Legislature transcript states, and I quote, "WHEREAS, wind energy projects, regardless of their capital investment, produce few permanent jobs for the local economy beyond their construction phase; result in little secondary expenditure in the local economy; do not produce a multiplier effect in the regional economy, and might well have a net negative effect on the economy of a host community." An Oswego Legislator went further on to describe the many subsidies that the State and Federal give to large wind companies and that brings those wind companies revenue to approximately 75%. When it comes to the IDA and it's allocations in this County, we have much better use for our resources than to fund PILOTS to large outside corporations that devastate our County with industrial wind factories. Thank you.

Chairman Wendel: Is there anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one, we'll close the 2<sup>nd</sup> privilege of the floor.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the meeting was adjourned. (7:07 p.m.)

Respectfully submitted and transcribed,  
Lori J. Foster, Deputy Clerk/Secretary to the Legislature