

Regular Meeting
Chautauqua County Legislature
Chautauqua Lake Central School
Wednesday, April 25, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Chairman Wendel: First off, I would like to thank the Chautauqua Lake School District, Superintendent Ben Spitzer and Josh Liddell, personally, for hosting this event to what I'm sure is going to be exciting and informational.

Clerk Tampio called the roll and announced a quorum present.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (3/28/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 3/28/18

COMMENDATION:

EMILEE HANLON
NYS INDOOR HIGH JUMP CHAMPION
By Legislators Bankoski and Muldowney

PROCLAMATION:

CHILD ABUSE AWARENESS MONTH
PRESENTED to CHRISTINE SCHUYLER
DEPARTMENT OF HEALTH & HUMAN SERVICES
By COUNTY EXECUTIVE BORRELLO

STATE OF THE COUNTY ADDRESS
BY
COUNTY EXECUTIVE GEORGE M. BORRELLO

(See link below)

<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/2409>

COMMUNICATIONS:

1. Letter – County Exec. Borrello – Re: Amendmt. To Chaut. Co. Admn. Code
 2. Reports (3) – Fn. Dir. Crow – 2018 Investment Reports – Jan.-Feb.-March
 3. Motion – N. Chaut. Co. Water District – Extend Capital Prjt. Interim Funding
 4. Res. – N. Chaut. Co. Water District – Re: Inter-Municipal Agrmt. Between NCCWD and Village of Brocton
 5. Chaut. Co. Historian 2017 Annual Report
 6. Chaut. Co. Soil & Water Conservation District 2017 Annual Report
 7. Notice – Town of Ellery – Re: Completion of Final SEIS
 8. Letter – Maple Springs Volunteer Fire Co., Inc. – Re: Fly Car Program
 9. Letters (2) – Orrick Bond Council – Re: Ack. Receipt of Documents for Bonds
 10. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 4-18
 11. Testimony – Pet Industry Joint Advisory Council – Re: LL Intro. 4-18
-

TABLED LOCAL LAW INTRO. 4-18 – A Local Law Authorizing the Creation of
an Animal Abuse Registry

Legislator Chagnon: I would like to make a motion to take this local law off the table.

Legislator Bankoski: Second.

Unanimously Carried

Legislator Chagnon: I would like to make a motion that we amend the local law by substitution with Print 2 which all the Legislators have received.

Legislator Bankoski: Second.

Unanimously Carried

Chairman Wendel: Is there any debate on the local law as amended, print 2?

Legislator Niebel: Last month we tabled this local law to further listen to some of the stakeholders involved and to clarify some of the language which has been done. As far as the legislation itself, I think that it's necessary. Animal abuse does exist. We had a horrific incident in Chautauqua County just a couple of weeks ago. It is the intent of this local law to prevent mistreatment of innocent pets and animals. It does so through the fines and penalties and the animal abuse registry. I would like to thank Sheriff Gerace for bringing this issue to our attention, County Executive Borrello for his promotion and support and Mr. Abdella for

all of his legal assistance. I will be voting in favor of this local law and I would ask for consideration from the Legislature as well. Thank you.

Chairman Wendel: Anyone else to speak to the local law?

LL INTRO. 4-18 (Print 2) – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

LOCAL LAW INTRO. 7-18 – A Local Law Amending the Chautauqua County Charter

Chairman Wendel: Is there any discussion or debate on this local law?

**LL INTRO. 7-18 – R/C Vote: 16 Yes; 3 No (No's: Gould, Himelein, Niebel voting "no")
- ADOPTED**

RESOLUTIONS:

RES. NO. 102-18 Confirm Appointments – Chautauqua County Coroners, by Public Safety –
UNANIMOUSLY ADOPTED

RES. NO. 103-18 Adjust CARTS 2018 Budget to Reflect Additional Grant Funding, by Public
Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 104-18 Accept NY Voting Access for Individuals w/ Disabilities, Polling Place
Access Improvement Grant Funds to Enhance Voting Opportunities to Persons w/ Disabilities,
by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 105-18 Close Capital Projects, by Public Facilities and Audit & Control Committees
– **UNANIMOUSLY ADOPTED**

RES. NO. 106-18 Amend 2017 Budget for Year End Reconciliations – Capital Projects, by
Public Facilities, Planning & Economic Development and Audit & Control Committees –
UNANIMOUSLY ADOPTED

RES. NO. 107-18 Close Capital Projects and Amend 2018 Budget – Landfill, by Public
Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 108-18 Amend 2018 Budget Appropriations & Revenues – North Chautauqua Lake
Sewer District, North County Industrial Water & Sewer Districts #1, by Public Facilities and
Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 109-18 Amend 2018 Budget Appropriations & Revenues Due to Changes in
Occupancy and the Sale of the South County Office Building, by Public Facilities and Audit &
Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 110-18 Authorize Agreements for Purchase & Removal of County Owned Timber from Property #10 on County Rt. 474 in Town of Clymer, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 111-18 Continuation of Interim Funding for North Chautauqua County Water District, by Public Facilities and Audit & Control Committees

Legislator Niebel: This raises the amount of money that can be advanced from the Legislature to the North County Water District from \$1 million dollars to \$3 million dollars and this is at no cost to the County.

Chairman Wendel: Any further discussion or debate on the resolution?

RES. NO. 111-18 – UNANIMOUSLY ADOPTED

RES. NO. 112-18 Approval of Inter-Municipal Agreement Between North Chautauqua County Water District and Village of Brocton, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 113-18 Authorizing Agreements w/ NYS Office of Parks, Recreation & Historic Preservation for use of State Owned Motorized Boats, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 114-18 Authorize Execution of NYS Office of Homeland Security Funding Grant – Operations Stonegarden FY 17, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 115-18 Authorize Execution of NYS Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY17, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 116-18 Authorize Execution of Statewide Interoperability Communications (SICG) Grant Award FY17, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 117-18 Authorize Execution of Lease Agreement w/ Conterra Ultra Broadband, LLC for Tower Space, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 118-18 To Approve NYS Environmental Facilities Corporation Agreement For Septic System Replacement Program, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 119-18 Accept Family Planning Grant Funding, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 120-18 Authorize Acceptance of Funds from the Health Foundation for WCNY and P2 Collaborative of WNY for the Aging Master Program, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 121-18 Amend 2018 Budget to Accommodate New Position of Deputy County Executive for Economic Development, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 122-18 Establishing Energy Benchmarking Requirements for Certain County Buildings, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 123-18 Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C Vote: 19 Yes – **UNANIMOUSLY ADOPTED**

Chairman Wendel: (*Inaudible*) meeting, most of the work that we're discussing now is done in committee so I don't want you to think that this is a rubber stamp type of a deal. Most of the discussion and debate on questions taken up on these resolutions is done so in our committee meetings but we thank you for sticking around and bear with us.

ANNOUNCEMENTS:

Legislator Rankin: I just want to remind people what with our horrific opioid and other drug epidemic that we have going on in Chautauqua County, that this Saturday we have a very tangible practical way that we can participate with drug take back day. There are locations around the County. JC Penny parking lot at Chautauqua Mall, Southside Pharmacy on Foote Avenue in Jamestown, Westfield Physicians on Main Street in Westfield, and Alstar Ambulance in Dunkirk. Check your papers for more specifics. I get them out of our cupboards away from our kids, away from temptations for ourselves. I'm really glad we have the opportunity to do something as individuals. A lot of those places will take them throughout the year and I know that you can always go to the Sheriff's office. So that is one thing that we can do to participate. Thank you.

2nd Privilege of the Floor

Good evening, my name is Jim Cirbus, 4429 Lakeside Drive in Bemus Point and I'm here tonight representing the Chautauqua Lake Partnership, CLP and I would like to read you a statement. Mr. (*inaudible*) is passing that out right now.

The Chautauqua Lake Partnership, Inc., the Partnership, is an all-volunteer 501c3 non-profit corporation whose sole mission is improvement of Chautauqua Lake water quality and enjoyment. We have grown to over 425 members in our short time and over thousands of supporters, and have raised and spent over \$430k, \$135k of that was from individuals and businesses, since we redefined our mission to a lake-wide approach in early 2017. CLP Officers, Science and Regulatory Advisors and Board Members have dedicated thousands, literally

thousands of volunteer hours to numerous and wide-ranging Chautauqua Lake improvement projects in the last 18 months.

Tonight we have good news for Chautauqua County. The Partnership has updated the invasive weed management work the County began with completion of its Supplemental Environmental Impact Statement, the SEIS, for herbicides back in 1990. Following that, the County invested several hundred thousand dollars over a period of 6 years to complete the Macrophyte Management Strategy, which we all refer to as the MMS, which was presented to the Legislature's Planning & Economic Development Committee just a year ago, in March 2017. The MMS concluded that herbicides were acceptable for widespread use in Chautauqua Lake. Unfortunately, the SEIS update initially planned to accompany the MMS was not completed and, contrary to prevailing opinion at the time, the New York State Department of Environmental Conservation has maintained its position that an SEIS is indeed required for herbicide permitting in Chautauqua Lake. We do appreciate the efforts of previous and current County legislators and Executives to return herbicides to Chautauqua Lake's weed management toolkit after their successful use for over 35 years, between 1955-1992.

Following from the County's efforts, we are happy to report that herbicides will now, once again, be available for weed management in Chautauqua Lake. The Partnership has supported completion of the required SEIS, updating the County's 1990 SEIS with the latest information on weed types and weed densities, lake flora and fauna and herbicides and herbicide application technology which is much improved over the intervening 28 years. The Town of Ellery and Arden Johnson, acting as the Lead Agency for the State Environmental Quality Review Act, provided determined leadership throughout and completed the SEQRA process on April 17, 2018 and this followed a 6-month concentrated effort with an expenditure of over \$250,000 funded by local our foundations, individuals and various businesses in the County.

The SEIS now completed and provides for herbicide treatments in 11 lakeside communities with the support of their municipalities which include the Towns of Ellery, Ellicott, Busti and North Harmony, and the Villages of Bemus Point and Celoron. Consistent with the SEIS, 9 herbicide permit applications submitted to the DEC by these lakeside Towns and Villages on March 16, 2018 for early season herbicide treatments, are currently being reviewed by the DEC. We anticipate permits to be issued by early May. That's a few weeks from now. Treatment contracts are being prepared, herbicides are being procured and logistics are being planned for these May treatments and these early treatments are necessary for optimal weed management and also to minimized impacts.

So 2018 is the County's opportunity to bring herbicide-based weed management, successfully used for over 35 years up until 1992 and clearly intended in the County's 1990 SEIS and 2017 MMS, back to Chautauqua Lake as we've all watched lake conditions deteriorate after a 25-year absence of this modality. Chautauqua Lake, often referred to as the "Jewel of Chautauqua County", the County's property tax "cash cow", is now choked by invasive weeds and infested with cyanobacteria and its various toxins, is at a "tipping point". The CLP and its many supporters would hope the County would "give back" some of the property tax revenue to Chautauqua Lake and fund Partnership projects similar the millions funded to other lake organizations over the past years. Specifically, your municipalities desperately need funding for 2018 herbicide treatments. The Partnership's re-emergence has been characterized by many as "the opportunity of a century", not to be dismissed and not to be repeated. And, if this opportunity is not seized upon by this legislature, it may well be memorialized as "the" last

missed chance to prevent the final decline of Chautauqua Lake and the associated economic deterioration of Chautauqua County.

The Partnership needs \$500k from the County and in the new few weeks as I said and this is to fund DEC-permitted and supervised Town and Village herbicide treatment for removal of invasive weeds offshore their municipalities. The County actually began this effort decades ago, as I mentioned, when it completed its herbicide-supportive SEIS in 1990 and then followed through by completing its herbicide-supportive MMS last year. Then the Partnership "took the baton", so to speak, supporting the DEC-required Town of Ellery-led 2018 SEIS and facilitating permitting by the Towns of Ellery, Ellicott, North Harmony as well as the Village of Celoron. Now it's the County's turn again to "take the baton" back and fund their lakeside municipalities so that we may together, all successfully cross the finish line.

We ask that our lakeside legislators, Pierre Chagnon, Lisa Vanstrom, Jay Gould, PJ Wendel, and David Himelein sponsor an emergency \$500k funding resolution and that all other County Legislators support it for the sake of not only Chautauqua Lake but the whole of Chautauqua County. The time to act is now.

Thank you very much for your time and attention this evening.

My name is Anthony Toda. I live at 144 Clifton Avenue in Jamestown, New York. First I want to congratulate Mr. Borrello on his survey of the businesses in the County of Chautauqua. However, we have a Mayor in the City of Jamestown, Mayor Teresi, and an administration that needs to follow that type of grassroots hands on principal to attract good jobs back in the City. If we had good cooperation from our local people, specifically the cities and villages, it's going to be very difficult to try and make a success out of that issue as far as jobs are concerned. But my real reason I'm here is, I'm responding also to the problem with Chautauqua Lake as far as what was just said. I don't know how many papers carried this but the title of this article is Dutch Hollow Creek Water Quality Improvement Projects move forward. This is by the, I believe the Chautauqua Watershed. If anybody takes the time to read the watershed, the lay person will have a quick understanding of what is happening to our lake. Last year I came, we were discussing issues with the lake and there was a panel that was here and I asked the panel, I said, "do you know if there is any more raw feces being discharged into the lake and where those discharges are located?" They couldn't answer that question. My next question was, "do you know if there is any leach bed leakage into the lake, how many leach beds are not functioning properly and the extend of the leaching into the lake?". They couldn't answer that question either. I've been on the phone with Senator Gillibrand's office and I'm trying to - she's trying to - things are in the air concerning Federal money to address the lake. Probably that's what this needs. The lake had gone way beyond any (*inaudible*) like the gentleman just said. Chemicals in the lake, weed cutting. The problems with the lake have to be addressed from the shoreline back. So if somebody wants to fix this problem, you have to pipe the entire lake off. You have to forget about leach beds because they are going to leak nutrients and sewage into the lake. So your first line of defense is the shoreline. So you want to get money to pipe the entire lake off. Secondly you want to handle the amount of pesticide and other chemicals that are entering the lake from the cottages on the shore. So there is a responsibility here. A share of responsibility between the County and the people that have houses on the lake. They have a responsibility as far as payments. There is (*inaudible*) some responsibility as far as monetary payments by these people around the lake. Third as the watershed people have been talking about, the tributaries that come

into the lake that are bringing in soiled deposits and also the phosphorus and nitrous that everybody is talking about. Finally, the areas around the lake called the watershed which is also being contaminated by the same phosphorus through farming and nutrients. So those four steps, if you don't address those, if you put another board in and waste the public's money and have a feasibility program or study, it's just wasting money. It's time to attack the lake from the shoreline back and do it in a way where it's pro-active. Thank you.

Mr. Arden Johnson, I'm the Supervisor of the Town of Ellery. The Town of Ellery is very honored to support the Chautauqua Lake Partnership. Chautauqua Lake needs some help and this Partnership needs help. The lake needs to be sprayed. I have lived on this lake for 50 years and it's getting worse and worse and worse every year. You cannot continue cutting weeds. Something has to be done more than that. We need to do our spraying and we need help from you people. Thank you.

Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? Seeing none, we'll close the 2nd privilege of the floor.

MOVED by Legislator Bankoski, SECOND by Legislator Gould and duly carried the meeting was adjourned. (7:40 p.m.)

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