

Regular Meeting
Chautauqua County Legislature
Wednesday, May 22, 2019 6:30 p.m.
Mayville, N.Y. 14757

Clerk Tampio called the meeting to order at 6:34 p.m.

Clerk Tampio: If there are no objections, Chairman Wendel has designated Legislator Chagnon to act as Chairman in his absence.

Clerk Tampio called the roll and announced a quorum present. (Absent: Wendel, Scudder, Muldowney)

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (04/24/19)

1st Privilege of the Floor

Acting Chairman Chagnon: Is there anyone to address the Legislature at the first Privilege of the floor?

My name is Peter Wiemer. I'm the owner of We Wan Chu Cottages on Chautauqua Lake. I do not believe that we should be spending bed tax dollars on any herbicide use of herbicide consultants at all. I can't believe that the majority of properties on Chautauqua Lake, which would line the upper end of the lake in the Chautauqua Institution- the \$20,000-\$24,000 a year that I generate in bed tax, Webb's, Irwin Bay Cottages, Pine Hill Cottages, the Chautauqua Suites- that they would want their bed tax dollars spent on herbicides and having blood on their hands because down the road, inevitably, somebody is going to be suing somebody over spraying herbicides that are going to cause cancer in people. I know my business is already being negatively affected because I have fisherman that were staying at We Wan Chu and I had to call up Hogan's Hut and ask them about where we're not allowed to fish and they told us for sure not to fish below Long Point. I understand now, this evening, after speaking with some people that the half-life is 186 days. That means 6 months before even half the life of this chemical is dissipated, let alone another 6 months for another half-life. It's not going to be safe for years to swim or fish on the lower end of the lake, let alone negatively impacting my business. Again, I can't believe that people at Peak n' Peek or all the hotels in Fredonia or Dunkirk are going to want their bed tax dollars spent on herbicides. I mean, I can understand the County wants not to have to take it out of the general budget. I don't think you should touch it at all because when it comes down the road- when they do start to sue people, they're going to sue the people that voted it in. Let the Village of Lakewood and the towns that have sprayed in their lake down there be the ones responsible. I don't want to be responsible for it and would never have any spraying that would decrease my business, hurt my fisherman from coming back and Chautauqua County's tourism. I think it's totally absurd. Thank you.

Acting Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor?

My name is Mike Butler. I'm a fisherman and I've lived here my whole life.

Acting Chairman Chagnon: Please state your address for the record.

Mr. Butler: 5 Columbia Ave, West Ellicott. I brought some pictures with me. We caught these fish on the lake Sunday, just above the crib and two of the livers don't look good and one does. I'd like to pass them around so you guys can see what's wrong with them. Ask the DEC; they don't protect our lake anymore. Part of the confusion is- I'd like to read this- this is out of the paper "24D has been labeled in some studies as a possible carcinogen, while the evidence isn't clear enough too scientifically to pinpoint 24D as a cancer causing agent." It still raises a question. I've talked to the DEC; I've watched these guys spray for three days. I see people going in the lake, putting docks in Burtis Bay right after they spayed. On Wednesday I got kicked out of where I was fishing in Burtis Bay- I started back in the beginning of April fishing right when they put the docks in. There's a few things- in three minutes I couldn't go over all of them. I've called the pesticide hotline number. Last year they told me 24D causes cancer in the fish. It gets in all their organs and I can see that now. I don't want to eat this stuff. I eat a lot of fish; I already ate four walleyes this week. I eat a lot of calicoes. It's not fair to the fisherman. A lot of my buddies aren't coming up here today; they're too busy. This room would be filled with fisherman if they had the time. You guys are supposed to represent us- take care of this. With the chemicals- I did ask them this year how long it stays in the fish- three days and they've already done studies on this. How they did their study- did they take them out of this poison and put them in a clean tank? I don't know. He mentioned the half-life- I don't believe anything I hear anymore from the DEC. I stood there and watched them tell the other DEC guy- I think it was Thursday I finally caught up with them. Are they spraying- applicating- I say spraying, but they don't spray- are they putting that in the channel over there? I said yeah they are. I've been sitting down their videotaping the guys going back and forth over in the channel, but yet there's a third party out there overseeing this, that I understand you guys are giving money to? And you're also giving money to pesticides. What are you guys doing to study the fish out there? I cornered the DEC on that. They're not studying the fish or the wildlife, not at all. So, I brought up a study done that I found that continued use of 24D has detriment effect on the fish and wildlife. His answer to me was that we're spraying up here and next year we're going to spray down here. What they're doing is they're applicating here, they're skipping a little area, they're applicating here, skipping another area. We don't even know with the signs where they're actually putting the chemicals down. I guess maybe you should spend that money on testing the fish and not giving them more money to put more pesticide down. It's their job to protect our fish- what we eat out of that lake. I'm not happy about it. A lot of people are not fishing. I had a guy come from Missouri last year- 900 miles. We came off the lake- the signs were up. Had no clue they were doing it. We went to the upper end to fish. Thank you.

Acting Chairman Chagnon: Thank you.

Mr. Butler: Oh, I'd like to pass these around if I could. You guys can take a look at the difference of these. You can keep them.

My name is Jane Conroe. I'm here this evening as a private citizen.

Acting Chairman Chagnon: Jane, please state your address for the record.

Ms. Conroe: I live at 4741 Whiteside Parkway in Bemus Point. The opportunity to speak to you is actually quite rare and I know it's best to talk to people face to face, so I truly appreciate the freedom that we have to come here and speak with you. So, thank you for this opportunity.

I have a request to begin with and that is I believe in your agenda tonight is an appropriation for \$65,000 to the Alliance. I believe, personally, that the \$35,000 that has been set aside for the monitoring of the lake is a wise investment. It is endorsed by several county documents that you have in your possession. So, I encourage you, if you could, approve the \$35,000 for that monitoring. However, I strongly disagree with funding for herbicide treatment as it was done this year because two county created documents – macrophyte management strategy and the memorandum of agreement are not followed by the treatments that were done this year. Tenant C in your MOA says to use the MMS for guidance. Tenant E says to manage plants to protect fish habitat. Tenant Q says time the treatment so it is least impactful to the spawning of fish. The MMS states that at least 20 zones that are environmentally sensitive should not have been treated in this year's treatment. That is to my knowledge because we're still not sure exactly where the treatments occurred. If this appropriation is only to go to Burtis Bay, those zone numbers would be decreased, but there are still zones in Burtis Bay that are declared environmentally sensitive and the MMS says do not treat. The MMS states that 24D is not recommended for Chautauqua Lake at all. 24D was used. The MMS states that July first should be the date that holds herbicides. In other words, you can't treat until July first simply because fish spawn- treatments were done last week when most of the species of fish in our lake were spawning. If you financially support these treatments you are truly rejecting the validity of the MMS and the MOA. Until those documents are changed, I think they're in (*inaudible*) we should abide by the work that you've done, that I've done. I don't think we can pick and choose what we want every now and then. The MMS was a collaborative effort on which you spent many thousands of dollars to produce. You approved the MOA, but some of us might be saying they're state issued permits, aren't we allowed? Permits don't mean you must. The permits say you may. Our local policies were created because we know what's best for our area. Shouldn't we stand behind what we've done together? Shouldn't we collectively say that those documents are what we stand for now? They were well written then and I think they're still well written. Please use the documents that we have in existence now. The treatments, as they were done, are finished, but they did not follow your own documents. Thank you.

Acting Chairman Chagnon: Thank you. Anyone else wishing to speak to the first privilege of the floor?

Mr. Butler: Can I make one more comment?

Acting Chairman Chagnon: You've had your three minutes, sir. I've given you well beyond your three minutes.

**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 4/24/19**

COMMUNICATIONS:

Clerk Tampio: The Legislature is in receipt of two communications as listed on your agenda this evening. Are there any items you wish to be read? If you would like a copy of any of these communications please let our office know.

- 1. Letter – NYS Department of State – Ack. Receipt of LL 2-19**
 - 2. Letter – Chautauqua County Board of Elections – Early Voting Sites**
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**LOCAL LAW INTRO 2-19 – Amending Local Law 6-13 of the County of Chautauqua Imposing a Tax on the Occupancy of Hotel or Motel Rooms-
UNANIMOUSLY ADOPTED - R/C Vote: 16 Yes; 3 Absent**

RESOLUTIONS:

RES. NO. 124-19 Adjust D5112-Capital Improvement Accounts, by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 125-19 Authorize Supplemental Agreement No.2 with NYSDOT for PIN 5759.84, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 126-19 Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.49, by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 127-19 Accepting Donation of Funds from the Chautauqua County Health Network (CCHN) for Complete Streets Projects, by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 128-19 Support of Vehicle Leasing and Fleet Management Service Agreements, by Administrative Services and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 129-19 Authorize Execution of Agreement with Cattaraugus County Sheriff, by Public Safety and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 130-19 Authorize Execution of New York State Division of Criminal Justice Services Grant – Southern Tier Regional Drug Task Force FY18, by Public Safety and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 131-19 Amend and Close Capital Project Accounts – Office of the Sheriff, by Public Safety and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 132-19 Amend 2019 Budget Appropriations– Emergency Services, by Public Safety and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 133-19 Amend 2019 Budget for State Homeland Security Program (SHSP) Grant Award, by Public Safety and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 134-19 Authorize Acceptance of Funds from New York State Office for the Aging to Address Unmet Customer Needs, by Human Services and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 135-19 To Accept New York State Department of Health 2019-20 Maternal and Infant Community Health Collaboratives Community Health Worker Expansion Project Grant, by Human Services and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 136-19 Accept New York State Department of State Local Waterfront Revitalization Program Grant Funds for Kayak Launches, by Planning & Economic Development and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 137-19 Authorize Use of 3% Occupancy Tax Monies to Support the Chautauqua Lake Pops by the Shore Series in Mayville, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: Thank you Mr. Chairman. We discussed this great resolution in our Planning & Economic Development Committee last week and it's really a great example of why we allocate some of these undesignated off cycle 3% occupancy tax dollars- reserve dollars into the 2019 budget to really just give a hands up to inaugural or in this case, relocated events like this to help them get started. Projects like this do have the potential to pay dividends, not only monetarily, but also culturally. Thank you.

Acting Chairman Chagnon: Any further questions or comments on this resolution?

Legislator Gould: I will vote no on this because I don't believe in- because something moved that you're going to give it money for more than three years as our rules say. So, I'll be a no on this. Thank you.

Legislator Rankin: I'm going to be voting yes on this because part of the purpose of this money is to help promote tourism around the lake and I think that the people that come to Chautauqua Lake for the Pops have enjoyed it and I think it supports tourism around the lake. I think it's a great idea and I'll be voting yes.

Acting Chairman Chagnon: Any other questions or comments?

RES. NO. 137-19 – ADOPTED w/ Legislator Gould voting “no”

Acting Chairman Chagnon: The next proposed resolution has a typo correction on it, which was laid on the desks of the Legislators- a sub-account change and a title to that account changed. We're treating that as a typo correction to the resolution.

RES. NO. 138-19 Acceptance of New York State Energy Research and Development Authority Clean Energy Community Grant, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: We had a busy committee meeting, Mr. Chairman. Thank you. As many of you may recall, we started on this project to attain clean energy community designation by the New York State Energy Research and Development Authority back in 2016 and it was one of my early legislative initiatives. Little did I know then, how long these processes could take. With the support and collaboration of our Legislature, County Executive, our Department of Planning, Department of Public Facilities, along with the Southern Tier Regional West Planning board, we were able to successfully complete these action items required in order to receive this \$150,000 award with no local share. Before you on each of your desks is a map and a listing of the various individual municipalities that we were able to help foster through this program and I'm very proud of those who stepped up, especially in the towns and villages that are listed here, especially those in Busti, Ellicott, Lakewood that did some very heavy lifting for their very sizable awards. So, thank you to all of them and thank you all for your support.

RES. NO. 138-19 - UNANIMOUSLY ADOPTED

RES. NO. 139-19 Authorizing SEQRA Review of Waterways Panel 2020 2% Occupancy Tax Recommendations, by Planning & Economic Development and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 140-19 Allocation of 2% Occupancy Tax Funding from the 2019 Reserve Account To Provide Additional Funding to the Chautauqua Lake & Watershed Management Alliance, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: Thank you Mr. Chairman. This is my last time up here, I promise. It was so great that the Alliance humbly chaired by you, Mr. Chagnon, was able to very quickly develop a plan to address one of the key tenants of the Chautauqua Lake Weed Management Consensus Strategy, which was the independent third party monitoring of the herbicide treatments that occurred earlier this month. With pre-treatment, during treatment and posttreatment monitoring accurately- that's a stressful word, the report when completed should hopefully address many of the concerns that have been previously expressed. As I said on numerous occasions, we can't quantify what's not measured. So, I'm glad this was able to become part of the program. Thank you.

Acting Chairman Chagnon: Thank you. Any other questions or comments?

RES. NO. 140-19 - UNANIMOUSLY ADOPTED

RES. NO. 141-19 Investment Policy for the County of Chautauqua, by Audit & Control Committee - **UNANIMOUSLY ADOPTED**

RES. NO. 142-19 Authorize Review of Current Investment Holdings, by Audit & Control Committee - **UNANIMOUSLY ADOPTED**

RES. NO. 143-19 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

RES. NO. 144-19 Authorize Transfer of Tax Foreclosure Properties to Jamestown Urban Renewal Agency (JURA) , by Administrative Services and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 145-19 Authorize Transfer of Tax Foreclosure Property in the Village of Westfield, by Administrative Services, Planning & Economic Development, and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 146-19 A Resolution Authorizing Various Capital Projects in and for the County of Chautauqua, New York, at a Total Maximum Estimated Cost of \$5,260,363, And Authorizing the Issuance of \$3,242,863 Bonds of said County to Pay Costs Thereof, by Public Facilities, Planning & Economic Development and Audit & Control Committees – R/C Vote: 16 Yes; 3 Absent – **UNANIMOUSLY ADOPTED**

Acting Chairman Chagnon: We have one motion, but I understand that before we discuss this we have some visitors who would like to speak to the Legislature. Ladies, please come down front.

Hi everyone, my name is Sophie Woodis and I am this year's Chautauqua County Dairy Princess. I'll let my other princesses introduce themselves.

Hi, my name's Tesika Kilmer and I'm Chautauqua County's first alternate Dairy Princess. I'm a junior at Falconer High School and just recently I was selected as the 2019 Girl State representative for Falconer.

Hi, I'm Autumn. I'm from Forestville and I'm the second alternate Dairy Princess.

Ms. Woodis: I'd like to introduce myself. As I said, I'm Sophie Woodis. I'm a junior at Chautauqua Lake Central School and I live on my family's dairy farm in Dewittville, New York. We milk about 750 registered dairy cows. I've grown up watching my family work and eventually working alongside them every single day. Recently, my family's farm has received a dairy of distinction award, which goes to show how committed they are and how well they dairy farm here in Chautauqua County. Our life's work is to provide wholesome dairy products for our consumers and to care for our livestock and our land. Dairy farming is hard work, so I love to be able to represent Chautauqua County farmers as the Dairy Princess. My goal is to work with the community to ensure that the farmer's message is projected honestly and clearly. In the past, everybody had a farm and you provided your food for your own family, but that's not the case today. Many people go their whole lives without even stepping foot on a farm. This lack of connection can often lead to misunderstandings between farmers and consumers. My goal is to bridge that gap. By attending community events I can teach people about what we do as dairy farmers. Going into classrooms is one way to help teach youth about farming and the importance of having dairy in their diet.

Another big educational opportunity Dairy Princesses take advantage of here in Chautauqua County is the fair. We go to the fair, set up our booth in the end of the dairy barn and spend all week passing out dairy products and trying to reach as many people as we can. Because I am just starting my reign as Dairy Princess, I have a whole year of promotional activities ahead of me. Only a year to teach people about how nutritious dairy products are, which could be hard because of how jam packed dairy products are.

So, if I leave you with anything tonight, please remember how important dairy is in your diet and how each dairy farmer is dedicated to making a wholesome product. We are going to leave you with some recipe cards of fun milk punch recipe that we use all the time at all the events. We'll pass those out to you. Thank you all for your time.

Applause

Acting Chairman Chagnon: Thank you.

MOTION:

A. Proclaiming June 2019 as Dairy Month in Chautauqua County

Legislator Rankin: I'm so proud that we have this motion on the floor tonight. When we look at the challenges that the farming and dairy industry in general faces- the prices are set and they don't really reflect the costs, so the farmers have to find creative ways to balance those and to be able to survive. A lot of the legislation at the State level is supported and set by people who, as our Dairy Princess said, have never stepped foot

on a farm and don't really know how it works. So, when we have an opportunity to recognize not only the challenges, but the benefits they give us- how hard they work and how much the quality of our life is improved by our dairy farmers. I think it's really wonderful to educate, be aware of and advocate for our dairy farmers. Thank you.

Acting Chairman Chagnon: Thank you. Other questions or comments on the motion? All those in favor please say aye. Opposed?

UNANIMOUSLY CARRIED

ANNOUNCEMENTS

Acting Chairman Chagnon: Are there any announcements?

Legislator Hemmer: I just wanted to remind everybody of the upcoming Lincoln Festival and the surrounding activities in the first weekend in June in Westfield.

Acting Chairman Chagnon: OK, thank you. Any other announcements?

Legislator Odell: Thank you very much. As we enter Memorial Day Weekend, Cassadaga in District 7, will be having its walk around the lake fundraiser for the library. That's 10am on Saturday and Memorial Day events including a parade on Monday. We'll also note that Ms. Woodis, not to brag, the second Dairy Princess since I've been a legislator to come from District 7. Congratulations. Thank you.

2nd Privilege of the Floor

Acting Chairman Chagnon: Anybody wishing to address the second privilege of the floor?

Mr. Bentley: I'm Brad Bentley, the Director of Public Facilities for Chautauqua County. I just want to take the opportunity while I've got some press in the room. We had a press release on the CARTS service. We're going to be expanding our service. We're going to provide Saturday service through the summer months- June 1st through August 31st. We had a nice little Facebook Live with Mr. Borrello on site, but I just wanted to take the opportunity to get this message out. We're going to be providing this service and I encourage everyone to use CARTS. It's a great system for public transportation for those that don't have access for their own. We will provide access to the city routes going to Wegmans, Walmart- just the basic needs, but even if you want to go to attractions it's also good for tourism. So, this is something that we just started and we're hoping to expand it even further, but we're going to take it just one step at a time. So, please get out

there and let your constituents know that CARTS is a public service; it's for everybody.
Thank you.

Acting Chairman Chagnon: Anybody else wishing to speak to the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:14 p.m.)

Respectfully submitted and transcribed,
Olivia Ames, Deputy Clerk/Secretary to the Legislature