

Regular Meeting  
Chautauqua County Legislature  
Wednesday, July 24, 2019 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:36 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Vanstrom)

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the minutes were approved. (06/26/19)

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

James Kurtz- 121 South Erie Street, Mayville. First of all, I want to apologize to anyone who anybody that's on the Planning & Development Committee. I'm going to give the same speech I gave five weeks ago. So, you can just nod off.

My name is James Kurtz. I'm a member of the Chautauqua Hometown Heroes Veteran's Memorial. I wish to thank you for this opportunity to come before the Legislature regarding the Hometown Heroes grant request. Any questions regarding the grant request, please feel free to ask. My personal philosophy is the best of all situations is a win-win. In this case, the grant will help Chautauqua Hometown Heroes Veterans Memorial with the finances to build the hometown heroes memorial to honor all veterans in Chautauqua County who served and sacrificed for our freedom. I'll skip some of the other boring stuff.

*(Inaudible)* raised money so far. We've got money from the Town of Chautauqua, we got money from the Village of Mayville, so we're kind of asking- seeing how it's for all veterans in Chautauqua County, that maybe the County would be willing to help. It would be a win for the county, in that the possibility that when it's completed it will attract the DAR, Daughters of the American Revolution, SAR's, VFW, American Legion, purple heart recipients, POW's, Genealogical Society members to have conventions in Chautauqua County. Thank you. Any questions?

Chairman Wendel: Thank you. Anyone to speak to the first privilege of the floor?

County Executive Borrello: Thank you. I'm George Borrello, County Executive-Irving, New York. I just wanted to briefly speak on the motion tonight to oppose wind turbines in Lake Erie. I have a lot of de ja vu right now because we went through this when I was first a county legislature and this horrible idea like a scene from a bad horror movie is rising from the dead again like a zombie and coming forward to destroy our economy, to destroy our environment and the ecology of our lake, and to promote a really bogus political agenda, which is all this is. The reality is that these wind turbines are not efficient, they're not effective, they're not going to do anything to reduce the greenhouse gas emissions and all the other things that those folks that are concerned about climate

change want to achieve. This is nothing about that. This is all about profit. This is all about greed and political opportunism. So, I am really glad to see that this Legislature is going to stand up like we did nine years ago and oppose this. Thank you all for your support tonight, and I strongly encourage a unanimous vote to oppose this horrible idea that's risen from the dead again. Thank you.

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

Hello, my name is Mark Twitchell and I'm from Fredonia. I'm speaking for the concerned citizens of Cassadaga wind project. First, I would like to thank the Legislature for considering a motion in opposition to the construction of wind turbines on Lake Erie. However, I feel that it is necessary to comment on the portion of the proposed motion which states, "whereas, , there are unquestioned benefits to the development of wind farms, including the production of clean energy, creation of an electrical grid that is less reliable on non-renewable resources, and increases in energy sources that are entirely domestic." My comment is in response to our county's New York State representative, Andy Goodell, who stated for today's edition of the Observer that New York State energy policy is driven by politics and polls.

The truth of this statement can be found in the absence of science contained within the governors recently signed Climate, Leadership and Community Protection Act. The New York State Senate, in February, held a hearing in Albany to adopt a draft of this bill. My wife and I attended the hearing where I was called to testify on the impact of the new law on rural communities. I presented a petition signed by dozens of Chautauqua and Cattaraugus County citizens and six community and environmental groups from both counties. We were asking for language in the new law requiring scientific accountability for the actual amount of carbon dioxide emissions reduced by industrial renewable resources. There were forty witnesses called at the hearing and mine was the only voice of rural citizens directly in the path of wind or solar developments. Notably absent from the hearing were representatives from either New York Independent systems operators, which manages the power grid and Independent power producers of New York, which speaks for the companies that generate the baseload power which sustains the grid. Disclosures through the New York State Article 10 process have shown that due to the need for fossil fuel backup, a 100 megawatt wind facility is capable of reducing the state's power generating emissions by a whopping 0.05 percent. This means it would take roughly 19 facilities the size of our County's Arkwright project to reduce by 1% emissions of fossil fuel electricity generation. New York State Independent System Operator power trends 2019 document informs us that upstate power profile contains 87% zero emissions- 11% fossil and 2% renewables, while the situation downstate is almost the opposite. Downstate is almost the opposite. Downstate's power profile contains 70% fossil, 27% zero emissions and 2% renewables. Any consideration that Chautauqua County can contribute to the reduction of downstate's six (*inaudible*) higher emissions should be tempered by New York Independent System Operators finding that- I quote, "*(inaudible)* the load in the upstate region is not projected to grow. The addition of new upstate renewable resources increasingly displaces other sources of clean

generation instead of allowing more renewable resources to reach customers. New York State's energy policy is now driven by a law which does not provide citizens with the science of renewable energy emissions reductions, nor does the law provide for the transparency which would reveal that the power grid in Chautauqua County is heavily supplemented by a Pennsylvania coal generating plant that does not meet the clean air standard which was previously met by the now decommissioned NRG coal plant in Dunkirk. Thank you.

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

Karen Engstrom- 5189 West Lake Road, Mayville. Citizens concerned with industrial wind turbines in our region, and there are many of us, would like to thank this legislature for putting forward this motion in opposition to industrial wind turbines in Lake Erie. We see some good journalism around us this week. We see the Post- Journal and the Observer commenting on how our rate went up to 43 cents a kilowatt hour during the brief heat wave, when our normal rate is 9 cents a kilowatt hour. So, from 9 to 43 cents is what happened. The Post-Journal and the Observer noted that this increase is a result of the State's energy policies. The Wall Street Journal also did the same thing yesterday in its main editorial calling Cuomo's energy policy "destructive." The Wall Street Journal predicts "rolling blackouts and controlled outages" due to the governors energy policy. The Wall Street Journal also states, "Wind, even with federal subsidies, is 2.5% more expensive than natural gas." Wind is not reliable. It does necessitate fossil fuels to back it up. Continuing, the journal says, "New Yorkers can look forward to paying more, while getting less." The Cassadaga wind project is the second project in our region in Chautauqua County. It has not broken ground yet, and it can be stopped. This is how; the U.S. Corps of Engineers, which is a federal agency, not related to Cuomo and the State government energy policy, gives the final permitting to all such large scale projects. So far, the Army Corps has not issued a permit for this project. The U.S. Army Corps of Engineers document states, "the decision to approve or deny the permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on public interest. The benefits, which reasonable may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments."

I've given you a letter and this document- the backside has these quotes on it. The Corp of Engineers- I'm quoting again "is soliciting comments from the public, the federal state and local agencies and officials (*inaudible*) to submit comments in order to consider and evaluate the impacts of this proposed activity.

The date on this says its expired, but it's not. We've been speaking with the chief in Buffalo and he says he welcomes more contributions to our concerns. We know that the board of health is going to do that based on the fact that the six county – western New York Public Health Alliance has done so already. We are seeing impacts from the Arkwright situation that we need to look at. Cassadaga land is in Charlotte, Cherry Creek, Arkwright and Stockton. We ask that you send comments to the Army Corp of Engineers regarding the negative health effects, the negative economic effects, and the negative

environmental effects of industrial wind turbines to this region. The materials are on your desk. Thank you. I did put it in an email as well. Thank you for this effort to protect our industrial wind factories, which are not farms. These factories have no net benefits and have substantial net negatives. Wind energy is not clean, it is environmentally and health impact negative. By the way, all of our electrical energy sources have been domestic for many years, contrary to what your statement is. Thank you very much.

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

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**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO  
NO VETOES FROM 6/26/19**

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**COMMENDATIONS:**

**FALCONER/CASSADAGA VALLEY  
1,600 METER RELAY TEAM  
STATE CHAMPIONSHIP**

**By  
Chairman Paul M. Wendel, Jr.  
County Executive Borrello**

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**RAYVEN SAMPLE  
FALCONER/CASSADAGA VALLEY  
TRACK & FIELD ATHLETE**

**By  
Chairman Paul M. Wendel, Jr.  
County Executive Borrello**

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**COMMUNICATIONS:**

- 1. Letter – County Clerk Barmore - Re: Opposition to the “Green Light” bill signed by Governor Andrew Cuomo**
- 2. Letter – Clerk Tampio – Re: Receipt of Financial Disclosures for 2019**
- 3. Letter – Orrick, Harrington & Sutcliffe LLP – Re: Acknowledgement of Bond Documents**

4. **Letter - County Executive – Appointments to Chautauqua County Traffic Safety Board**
  5. **Letter - County Executive – Appointments to Chautauqua County Community Services Board**
  6. **Letter - County Executive – Appointments to Chautauqua County STOP DWI Advisory Board**
  7. **Letter – District Attorney Swanson – Re: 2020 Budget Information**
  8. **Letter – Chautauqua County Board of Health – Re: Amendment to Public Health Law 1370**
  9. **Report – Fn. Director Crow – Investment Report – May 2019**
  10. **Report – Chautauqua County Health & Human Services – 2018 Annual Report**
  11. **Invitation – Western Regional Off-Track Betting Corporation – Annual Legislative Night Cocktail Party**
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#### **RESOLUTIONS:**

**RES. NO. 171-19 Confirm Appointment and Re-Appointments - Chautauqua County Traffic Safety Board, by Public Safety Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 172-19 Confirm Re-Appointments – STOP DWI Advisory Board, by Public Safety Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 173-19 Confirm Re-Appointments - Chautauqua County Community Services Board, by Human Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 174-19 Authorization for County to Apply for Grants on Behalf of North Chautauqua Lake Sewer District and Portland Pomfret Dunkirk Sewer District for Inflow and Infiltration (I&I) Studies, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 175-19 Amend Resolution 125-19, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 176-19 Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport, by Public Facilities and Audit & Control Committees – ADOPTED w/ Legislator Scudder voting “no”**

**RES. NO. 177-19 Acceptance of Funds from NYSDOT for the Rehabilitate Hangar C (NYSDOT/Aviation Grant Program) at the Chautauqua County/Jamestown Airport, by Public Facilities and Audit & Control Committees**

Legislator Nazzaro: We had a very lengthy discussion on this resolution, not only in Public Facilities, but also in Audit & Control and this was defeated in Audit & Control with a four to one vote. I will be making a motion to table this this evening to give the other legislators a chance to look at additional information that has been provided to me by Mr. Bentley, the Director of DPF. I still have concerns with this resolution, which are detailed in the minutes, but again, I'm going to make a motion to table it so they can consider additional information that myself and others were given. Thank you.

Chairman Wendel: I have a motion. Do I have a second?

Legislator Chagnon: I would second the motion to table.

Chairman Wendel: We have a motion and a second to table resolution 177-19. All those in favor?

**RES. NO. 177-19 – TABLED - UNANIMOUSLY**

**RES. NO. 178-19 Acceptance of Funds from the FAA and NYSDOT for the Rehabilitation of Runway 07-25 (Design) at the Chautauqua County/Jamestown Airport**, by Public Facilities and Audit & Control Committees – **ADOPTED** w/ Legislators Gould and Scudder voting “no”

**RES. NO. 179-19 Acceptance of Funds from the FAA and NYSDOT for the Primary Wind Cone (Design) at the Chautauqua County/Jamestown Airport**, by Public Facilities and Audit & Control Committees – **ADOPTED** w/ Legislators Gould and Scudder voting “no”

**RES. NO. 180-19 Acceptance of Funds from the FAA and NYSDOT for the Rehabilitate Perimeter Fence (Design) at the Chautauqua County/Jamestown Airport**, by Public Facilities and Audit & Control Committees – **ADOPTED** w/ Legislators Gould and Scudder voting “no”

**RES. NO. 181-19 Authorize Agreement with New York State DOT for Performance of Federal-Aid Project PIN 5761.83**, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 182-19 Authorize Agreement with Village of Mayville for Enhanced Police Protection Services**, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 183-19 Authorize Execution of New York State Office of Homeland Security Funding Grant—Operation Stone Garden FY18**, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 184-19 Authorize Acceptance of 2019-2022 Grant from NYS Office of Victim Services to District Attorney's Victim Assistance Center, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 185-19 Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for funds for 2019-2020, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 186-19 To Accept New York State SFY 2018-19 Senate Initiative for Cancer Services, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 187-19 To Accept New York State Department of Health 2019-20 Overdose Data to Action (OD2A) Grant, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 188-19 Authorize Use of Funds from the Chautauqua County Sewer Agency to Assess the Feasibility of Treating Wastewater Flows from the Town of Sherman, Town of Mina, and Town of French Creek in the Village of Sherman Sewer Wastewater Treatment Plant, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 189-19 Environmental Assessment of Projects for 2020 2% Occupancy Tax Projects, by Planning & Economic Development and Audit & Control Committees**

Legislator Chagnon: Thank you. Information has just recently come to light about two of the projects in this resolution and I believe we need an opportunity for the county attorney to investigate and see if the county legislature can legally adopt the resolution as presented. So, I make a motion that we table 189-19.

Legislator Nazzaro: I will second that.

Chairman Wendel: We have a motion and a second to table resolution 189-19. All those in favor?

**RES. NO. 189-19 – TABLED - UNANIMOUSLY**

**RES. NO. 190-19 Commitment of Funding Assistance for New York State Department of Environmental Conservation Water Quality Improvement Program Grant for the Bemus Creek Sediment Trap Project, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 191-19 Authorize Chautauqua County State Grant Application and Commitment of Matching Funds for County Complex Green Infrastructure**

**Retrofit Project**, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 192-19 Authorize Use of 3% Occupancy Tax Undesignated Off-Cycle Project Funding to Construct Educational Kiosks at the Chautauqua Hometown Heroes Veterans Memorial**, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: Thank you very much. Because of the actions of our veterans, we are able to assemble here as a legislative body. Otherwise, we might have been under a dictatorship of Mr. Borrello. *(Cross-laughter)*

I was honored to be asked to present and speak on June 12<sup>th</sup> at the dedication of the Chautauqua Hometown Heroes memorial. They had *(inaudible)* after County Executive's Gerace, Glenser and Borrello and we were all asked to speak on different aspects of the veteran's park and what different aspects of it will be. Mine was on those missing in action. You are not forgotten- that is the central phrase behind the POW MIA movement, which honors America's prisoners of wars, those who are still missing in action and their families. During my course of diligence in preparing a speech, I learned that our number of MIA's in Chautauqua County is 58. 58 families that never received any form of closure on the fate of their loved one- the unanswered questions of whether they were still alive, did they die alone, were they afraid- no doubt plagued these families. This memorial will certainly serve as beacon of hope and remembrance for the families of not just those MIA's, but all veterans in all aspects. If this legislative body deems that the proposed off-cycle occupancy tax funding is not the correct mechanism to help assist this, I just encourage everyone to look for a correct avenue to assist in this worthy endeavor. Thank you.

Chairman Wendel: Thank you. Anyone else to speak? Any debate?

Legislator Niebel: Mr. Chairman, I don't think it's a question as to whether or not the Legislature supports the veteran's memorial, I think we all do, it's a question as to where the money should come from. Tabling this motion will allow us to work with Mr. Kurtz and the veteran's to find a funding source. If there's a motion to table, I will certainly support that.

Chairman Wendel: Thank you. Anyone else to speak?

Legislator Whitford: Yes. I see no reason to table this resolution. I believe this is the County seat and we should be a beacon of hope for past veterans, present veterans, and future veterans. The amount of money requested through the occupancy tax is really de minimous. It's a little over eight thousand dollars and I don't believe it will serve anyone's interest in postponing this and tabling this resolution. So, I would vote no against tabling this resolution. Thank you.

Chairman Wendel: Thank you.

Legislator Rankin: The 3% occupancy tax funds are to be used to promote and encourage tourism throughout the county. Now, will people come here specifically for this? I don't know, but anybody that does come to Chautauqua County- I think we should be proud to be able to say we have this for them to go see once they do come here. People that are veterans, themselves, who want to remember family or look up educational issues with these kiosks- I think we should be proud to be able to present this and I think it's a great use of our occupancy tax and a way to honor our veterans. Thank you.

Chairman Wendel: Thank you.

Legislator Bankoski: I'm in total support of this. I agree with Mr. Niebel – it would be off-cycle, but the amount that they're requesting is very minuscule compared to other funding's that we've given out in the past. So, I'm in support of this and I won't vote to table this resolution.

Chairman Wendel: Thank you. Anyone else to speak to this resolution?

Legislator Muldowney: Yes. I plan on making a motion to table. I don't disagree with anybody that has spoken tonight, I just want to make sure it's right and that we make it right. Yes, it's \$8,100 that we're asking, but the regular cycle funding is- I think the ending date is October 15<sup>th</sup>, so it would be a relatively short period of time that the group could apply for that and hopefully we work through that and help them with that. I did quickly mention it to them before the meeting started, but everyone in this room is very much in favor of the project, we just want to make sure it's right and it's done right no matter what the size of the amount is. So, that's my reason for making a motion to table this, is to make sure we get this right to move ahead.

Chairman Wendel: Thank you. I have a motion on the table, do I have a second? Seconded by Mr. Gould. All those in favor of tabling resolution 192-19 signify by the usual sign.

**RES. NO. 192-19 – TABLED w/ Legislators Odell, Rankin, Starks, Proctor, Bankoski, Whitford voting “no”**

**RES. NO. 193-19 Amend Resolution 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 Bankoski: I understand the whole process and what this has done for Mayville. It's actually been a great shot in the arm, but I think it's been kind of a roundabout by the same individual that has requested funds in the past at Bemus Point and this would exceed the three times that we've given money to an event such as this out of the occupancy tax. So, I understand that the horse is kind of out of the barn, but I will be voting no.

Chairman Wendel: Thank you.

Legislator Nazzaro: Mr. Chairman, looking at this, the resolution that we have before us tonight is correct the account of this. We originally- last month voted this up to give the money, however we were taking it out of the 3% occupancy tax reserve instead of the undesignated off-cycle project. Looking back, and after looking at the resolution that was laid on our desk from 2011, it does state in there that commencing (*inaudible*) awards in 2012 each project may be funded for no more than three years and it does not preclude an organization for being eligible for additional funding for another distinct specific purpose. We've given this organization money five times, I believe over \$70,000. However, I did vote for this last month and the Chautauqua Bay Pops are counting on this money and I'm hesitant to vote no this time, so I will support this, but I think going forward all of us should be aware, including myself, that an organization should not receive moneys more than three years. So, I will be voting tonight to correct the financial accounting of it, but looking back, I would have voted no at the last meeting.

Chairman Wendel: Thank you.

Legislator Gould: I will not change my vote from last month. I will vote no again. This organization- this will be the sixth time they have received money. They're now at \$81,000. This was not created to support a business. This was created to help startup businesses. I would say that after being funded six times, you have started up. So, you'll get the same vote out of me- another no.

Chairman Wendel: Thank you.

Legislator Rankin: I would like to confirm what Legislator Nazzaro and some others have said. I'll be voting yes just because this is an amendment to what we voted on before. The only reason I could see them needing money this year was maybe for moving costs or startup costs at a new location. I agree that going forward, they've had their share and we'd like to be able to support the startup and getting some other businesses or tourist related activities going around Chautauqua County. Thank you.

Chairman Wendel: Thank you. Anyone else to debate or speak to the resolution?

**RES. NO. 193-19 – ADOPTED** w/ Legislators Scudder, Gould, Bankoski, Whitford, Niebel voting “no”

**RES. NO. 194-19 Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State Division of Tourism**, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

**RES. NO. 195-19 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation**, by Administrative Services and Audit & Control Committees – R/C Vote: 18 Yes; 1 Absent – **UNANIMOUSLY ADOPTED**

**RES. NO. 196-19 Quit Claim Deeds**, by Administrative Services and Audit & Control Committees – R/C Vote: 18 Yes; 1 Absent – **UNANIMOUSLY ADOPTED**

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**MOTIONS:**

**A. In Opposition to Construction of Wind Turbine Farms on Lake Erie**

Legislator Bankoski: Last month, myself and my colleague Mr. Muldowney made a statement that we wouldn't support these type of endeavors on our lakeshores. The old adage is that sometimes you poke the bear and you might not want to do that. We poked the bear last month and we had four other of my esteemed colleagues who represent our area along the lakefront champion with us to put this motion on the floor today and the rest of our colleagues here, even though they can't see Lake Erie from their house, from Jamestown and Sherman and Clymer and other places like that, agree that this is not in the best interest of the residents of Chautauqua County and that we're taking a stand along with our County Executive to tell them that we're not interested- you're not welcome here. Thank you.

Legislator Scudder: I'll be voting in favor of this motion, but I do take exception to the third whereas- particularly the one sentence that says, "there are unquestioned benefits to the development of wind farms, including the production of clean energy, creation of an electrical grid that is less reliable on non-renewable resources, and increases in energy sources that are entirely domestic." So, I will be voting in favor, but I just want to go on record that I do take exception to that whereas.

Legislator O'Connell: I wish to speak in favor of the motion. I, personally, can envision a future where renewable energy is an important part, but still only a part of our state and national overall energy plan. We need a confluence of energy streams to satisfy our energy needs. When considering a project of this type, I feel there are three things that need to be considered. One, there needs to be a direct benefit to those adversely affected by the project. Two, the location needs to be correct to ensure that the project's overall success. The intrusion on our local communities needs to be as minimal as possible. Three, the benefits need to outweigh the risks. I feel this type of project fails on all three accounts. A project of this type effects more than us locally. 11 million Americans and more than 6 million Canadians use Lake Erie as their primary drinking source. Its current high environmental quality and multiple recreational uses need to be protected, not jeopardized. We need to enhance its beauty; not detract from it. I will support this motion and I urge you all to support it.

Chairman Wendel: Thank you.

Legislator Rankin: I also will be supporting this motion, but I just want to thank all our colleagues who “poked the bear” and went ahead and put this together. It’s wonderful that you did that. I love to see that kind of initiative. I appreciate what Legislator Scudder and Dr. Twitchell and some of the other people have said about part of it that talks about the benefits. There may be benefits and we do need a balanced approach to renewable energy. The concern is, looking at the devastation that’s happened in the Arkwright area, to their families, to their homesteads, to the wildlife, there’s so many things that we know about the problems it can cause, but what really concerns me the most are the things that we don’t know that might come down the road. So, that is a concern and I’m happy to support this motion for all those reasons. Thank you.

Chairman Wendel: Thank you. Any other discussion?

Legislator Muldowney: Just to add, quickly, the last time I talked, and I agree with everyone that has spoken, first of all the heatwave that we had the shortage – I think the women mentioned that the price went from 9 cents to 43 cents and as we all know, that wouldn’t have happened if NRG and Huntley was there. We’re a lakefront community. We have some beautiful natural sunsets and I just think that somebody else has the nerve to come and put windmills along our beautiful, natural lakefront is just something that we all should just stand up and say no. I appreciate everyone’s support on this.

Chairman Wendel: Thank you. Any other discussion?

Legislator Odell: Thank you, Mr. Chairman. We’ve had great success, as we know, with our legislative sub-committee on energy, which I was fortunate enough to chair as we got our clean (*inaudible*) program through and as my colleague, Kevin O’Connell stated, projects need to have utility and benefit. That’s the two things I muster when we look at any of these projects for benefit and that’s what we’ve had on the projects we’ve worked on. This is clearly not any of these. So, we’ve got better things to look at- our energy sub-committee will continue to explore. At our next meeting next quarter we’re going to look into hydro- we’ve got some reservoirs out there (*inaudible*) service for the new North County Water District. (*Inaudible*) gravity works really good, and just be smart about it. Stay tuned.

Chairman Wendel: Thank you. Anyone else to speak?

Legislator Starks: As one of the bear pokers, I just wanted to restate a small portion of that motion to make sure that we involve communication with all of our communities along the lake front. I just want to make sure that we don’t forget that we need to involve everyone that has a part of the lake with the decisions that we make.

Chairman Wendel: Thank you. Anyone else to speak to the motion? Madame Clerk, Can I have a roll call please?

**UNANIMOUSLY ADOPTED** - R/C Vote: 18 Yes; 1 Absent

**B. In Opposition of the NYS Driver's License Access and Privacy Act**

Legislator Niebel: Mr. Chairman, if the legislation passed in Albany had directed County Clerks to issue special drivers licenses this motion would not have been necessary. Unfortunately, it called for the issuance of regular drivers licenses. There's several reasons why this legislation is not appropriate. First of all, it puts a tremendous burden on local county clerks. It asks them to verify foreign birth certificates, foreign passports and documentation in dozens of different languages. Second of all, according to the election law section 8302, a driver's license is still a form of identification used in voting. Really, what we're doing is opening ourselves to potential voter fraud. I think one of the hallmarks of our democracy has been our election process- free and open elections where people have faith in the election results. With the prospect of non-citizens voting, the integrity of future elections could be questioned. Therefore, I believe that Albany has gone too far with the Driver's License Access and Privacy Act. Albany needs to know where county legislatures stand; therefore I will be voting yes on this motion.

Chairman Wendel: Thank you. Anyone else to speak to the motion?

Legislator Proctor: I'd just like to say that I'm in full support of this motion and I just want to thank Mr. Niebel for initiating it.

Chairman Wendel: Thank you. Anyone else to speak on the motion?

Legislator Wilfong: Giving drivers licenses to illegal aliens allows our government to compile a list of people who are illegal in our State and I don't believe that our government has the right to do that. I am voting in favor of the opposition, but I want people to know that establishing a list by the government is not a good thing. Thank you.

Chairman Wendel: Thank you. Anyone else to speak on the motion? Seeing that this has been a controversial issue and I do support it 100%, I'd like for a roll call vote.

**UNANIMOUSLY ADOPTED** - R/C Vote: 18 Yes; 1 Absent

## ANNOUNCEMENTS

Legislator Starks: Before we meet again, the Village of Fredonia will be hosting our farm festival the weekend of August 23<sup>rd</sup>. Please come out and join us.

Legislator Hemmer: This week is arts and crafts in Westfield. Stop in and buy a pie from the pie booth to help support the Westfield hospital auxiliary.

Legislator Wilfong: The Jamestown World Series of Cars is this weekend at Bergman Park. Please come and enjoy.

Chairman Wendel: Excellent, a long standing event in the City of Jamestown. Anyone else for announcements?

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## PRIVILEGE OF THE FLOOR

Hello, I'm Thomas Jordan and I'm the treasurer for Chautauqua Hometown Heroes Veterans Memorial. I sat here tonight, and even though there were six "no's" to not table our motion for the \$8,100, it has been tabled. My request to all of you is that I hope you follow this through. We have four people right here that are veterans and every one of you stand up and say you support the veterans, but when it comes right down to it, we end up not getting the money. Not only help us get this money, but help us find other ways so this memorial is built. When it comes to kiosks, our wish for this project is to have two electronic kiosks, so that we can keep things moving and not just stands that will sit there and rust away. Kiosks money (*inaudible*) but we've got to get the project built. So, I hope you'll listen to us, and not only listen, but take action.

Chairman Wendel: Anyone else to speak to the second privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:35 p.m.)

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