

Regular Meeting
Chautauqua County Legislature
Wednesday, September 26, 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 announced a quorum present.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wilfong, the minutes were approved. (8/22/18 (9/12/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 8/22/18 & 9/12/18

6:35 P.M.

PUBLIC HEARING

Potential Application for 2018 Community Development Block
Grant Funding Through the NYS Homes & Community Renewal Housing
Trust Fund Corporation's Office of Community Renewal and the
Uses of Said Funding

Chairman Wendel: I'll now open up the public hearing. (6:35 p.m.) Is there anyone here to speak to the public hearing. Is there anyone here to speak? Seeing no one, I'll close the public hearing. (7:36 p.m.)

PRESENTATION:

2019 CHAUTAUQUA COUNTY
TENTATIVE BUDGET

by

COUNTY EXECUTIVE GEORGE M. BORRELLO

County Executive Borrello: Thank you Mr. Chairman and thank you to members of the Legislature. I'm really excited to be here to present my very first tentative budget. First I would like to start off by thanking our budget team. Finance Director, Kitty Crow, Budget Director, Kathleen Dennison, Principal Account Clerk, Janelle Hansen and the rest of the team. Thank you very much for all your hard work. You did a fantastic job in preparing this tentative budget.

You know, after 8 years as a County Legislator, I certainly was very familiar and involved with the budget process. But being the County Executive creates a whole new set of challenges and we're going to start off with some of the challenges that we had here in this budget.

First of all, this Legislature any my predecessor have done a great job of holding the line on taxes but due to many circumstances that are out of our control, we've had to use the Undesignated Fund Balance, our savings account, to balance the budget. The 2018 adopted budget, this year's budget, used \$6.4 million dollars from the Undesignated Fund Balance. That left about \$19 million dollars in that fund balance or about an eight and a third percent. A comfortable and responsible reserve should fall somewhere between five and fifteen percent of revenues. Now, early this year we had to make an accounting adjustment that moved \$4.2 million dollars out of the Undesignated Fund Balance and over to the Capital Reserve, leaving just about six and a half percent in the Undesignated Fund Balance. So, starting to get a little close in that comfort zone of where we want to be for our fund balance. So we started the budget year also this year with about a \$4 million dollar imbalance so a pretty steep hill to climb in the beginning. That is a significant hurdle as well as others.

So, our 2019 goals, to start our budget process was, I asked to deliver a structurally balanced budget that covers recurring expenses with recurring revenue. No property tax rate increase and no reduction in the delivery of services. So, we start off with a business principal. The bushel full of pennies theory and that is, a penny by itself isn't worth much. Most people wouldn't even pick up a penny on the sidewalk if they saw it but if you had a bushel full of pennies, that adds up to some real money. So we challenged our department heads to come with their pennies for the bushel. We have a budget of over \$250 million dollars with thousands of line items. So to bring up a few savings, minor savings in all of these lines items, can add up to a significant savings and that's essentially the bushel full of pennies theory. So we challenged our departments to bring those small savings that would add up to help us close that budget gap. We gave our departments targets to reach so everybody had a target to reach that would help us deliver a balanced budget. I'm proud to say that almost every department met or exceeded its target. Some changes were small, like for example, Human Resources came up with a better way to print our badges that will reduce the frequent reprinting costs and thank you Jessica Wisniewski and her team for that innovative change. Some change were larger as I will explain later. We are making major changes to the landfill methane energy plant which will have larger revenue for the County. Thank you Pantelis Panteli for your involvement in this and for all you've done to make this work and also would like to thank Legislators Chuck Nazzaro, Pierre Chagnon, and John Hemmer for their involvement in the negotiations which I will talk about later. Overall, I would like to thank everybody that was involved in the stepping up to help us deliver this budget.

So, here are some highlights from our budget. First of all, as I mentioned earlier, we discovered that we had to reallocate about \$4 million dollars from the Undesignated Fund Balance over to the Capital Reserve. While it certainly impacted the fund balance, it also increased our Reserve for Capital projects. I consider this an opportunity to beef up our capital projects and invest in infrastructure more than we ever had in years past. So as a result, we're taking that money and we're going to put \$3.4 million dollars of additional investment into DPF equipment and road and bridge improvements. Six hundred thousand dollars of investment into County facilities and \$400,000 with additional investment in other vehicles and equipment

The methane plant. We started generating electricity at the landfill using methane gas and converting it to electricity quite a few years ago. However, with the declining electricity prices, the plant has begun to lose money. In 2017, we had a net operating loss of about \$139,000 and this year the plant will lose about \$200,000. So the idea would be to actually shut down our methane plant and instead sell the methane gas to a company that will scrub it and turn it into renewable natural gas into the pipeline. We bid out this RNG, (renewable natural gas) business to three different companies and as I mentioned with some help of some Legislators and with Pantelis leading the way, we've gotten a really good deal and a good contract and that will generate more than a million dollars in net profit, guaranteed, without any infrastructure costs, without any maintenance costs, and without subsequent fluctuation of energy prices. So this is a great way for us to build on our fund balance and as well have to balance our future budgets as well.

The Fly Car system. As we all know the Fly Car system has faced some challenges budget wise but overall it's been a fantastic program that has saved lives throughout the County. Something I said since my first year as a County Legislator was, what do people expect for their tax dollars? We provide lots of services of all different kinds but what do people really expect from their tax dollars? They expect that the roads and bridges will be maintained, that the streets will be plowed and when they dial 911, they want somebody to show up. That's basically what people want and that 24/7 Fly Car system which is something that we're proposing, will allow us to provide lifesaving help to folks that need it all over the County while closing our budget. Currently the County Fly Car structure has been an important gap in the EMS services throughout the County, however, some areas still see up to a 40 minute response time for 911 EMS calls. Any ambulance, just one ambulance, that will allow us because of the State's rules, to be able to bill for Medicaid services and also provide a 24/7 Fly Car service by just having one ambulance in service for us. We can reduce those wait times and it will also allow us to bill for Medicaid transports. Also, a program that has been brought to us by Christine Schuyler and John and Christine have worked to collaborate on this, is the idea of having essentially our EMT's do wellness visit. We have the frequent flyers, the people that 911 often and in many cases for something that is not an emergency. We would be paid to actually go and perform wellness visits at those folks homes to number one; reduce the chance that they will be calling 911 again and reducing the strain on our EMT's and our Emergency Services, but also be compensated for that. So, I would like to thank John and Christine for working together to develop that program which actually helps us close the gap now on our Fly Car system.

Electronic payments. I have to say coming from the private sector, I was surprised that very few of our vendors here in Chautauqua County are paid through electronic payments. Anybody who owns a business or been in business knows that typically now you send things electronically. But we write paper checks and we write a lot of paper checks which is labor intensive and costly. What we are doing now is we're going to make it mandatory for vendors to have to accept electronic payments and which was done to me when I was in business, we would like them to take our company credit card. Because we take that credit card and we get rebate from the credit card company which will further enhance our revenues. We're going to make it mandatory to save money and enhance revenues by going now to all electronic payments to our vendors. We buy millions and millions of dollars of goods and services every year and instituting this will save a lot of time and make a lot of money or have additional savings for us.

Our Health Insurance program. Our employee health insurance costs account for approximately 8% of the total County budget. We're looking for significant savings by

aggressively re-looking and re-bidding our health insurance and insurance broker business. This is something that we have done right at the beginning here. It's been done over the years but I think that we have taken a really hard focus look at it and it will be providing a significant savings in this 2019 budget.

Our purchasing policy. We're going to make some changes to improve our purchasing policy and improve the results that we get. Right now we're going to be requiring that products and services be bid out more frequently to get better pricing and reduce the contract extensions to ensure that we're getting the best possible deal. Right now, across my desk, I get a lot of extensions for things that go back years from the first time something was bid. We're putting an end to that. We want people to rebid these things. We want to assure that we are getting the best price and there are – vendors aren't being complacent. We want to make sure they are on their toes and giving us the best possible price. Also, I challenged our Purchasing Department and our legal team to look for ways to apply common sense to the archaic State bid process which often has us paying too much for products that are on the State bid which we are required to do by State law. This process will also include supporting our local vendors better. Right now, we're going to be doing something, we'll be separating items on the bids to allow local vendors to compete for business that is often lumped in with proprietary products which often locks out local supplies. We have instituted a policy of allowing the local bidder to match the lowest bid provided that their initial bid is within 10% of the lowest responsible bid. Ladies and gentleman, County government should first support the local businesses that support County government operations with their tax dollars.

O.k., so we'll give you an overview of the budget. This 2019 budget totals over \$254 million dollars. While holding spending increases to just over \$200,000. That is less than one tenth of one percent of an increase in our expenditures.

The fund balance. You will see on this graph, the 2019 budget, if adopted, will use no unassigned general fund balance for the first time in at least 10 years if adopted. As you can see in this chart, assuming that there is no increase or use of the fund balance going forward, we will remain barely above the minimum recommended amount per the Financial Policy adopted by this Legislature and well below the maximum amount. (The darker blue line above.) As our Bond Council told us, having a structural balanced budget, is good for the County's bond rating which means we will pay less interest when we borrow money for projects. This is responsible budgeting which is what they are looking for when we get our bond rating. Also means that we can maintain a healthy fund balance for those unexpected circumstances and emergencies and ultimately a (*inaudible*) budget signifies that we're able to live within our means without a (*inaudible*) tax increase lurking year after year.

So, the tax rates. In addition to achieving a structural balanced budget with no use of Undesignated Reserves, this tentative budget will hold the line on sales and property tax rate with no increases. Together with the fact that we have not used any one shot revenue items in this budget, this is a major achievement we have not seen in many years. There are a lot of positive trends right now in Chautauqua County. These positive developments in our County budget would not be possible without the significant economic growth we have seen Countywide along with important moves that have been made in the past several years by this Legislature and my predecessors. Sales tax revenues are up, mortgage tax revenues are up, occupancy tax revenues and property values are all up and seeing strong growth. So a structurally balanced budget, my tentative 2019 budget is structurally balanced where the recurring revenue cover the recurring operating expenses. There is no use of the Undesignated Fund Balance. On top of the

normal investment infrastructure, there is a \$4.4 million dollar, one year, additional investment in our County infrastructure. This budget will have many positive impacts on County finances by following our County Legislature adopted Financial Management Policy of having recurring debt covered by the recurring revenue.

We have an opportunity here to pass a historic County budget which is structurally balanced, uses no restrictive reserves, holds the line on taxes, and invests in County infrastructure in an unprecedented level. Four items, I believe, have never been proposed and achieved together within the same budget year. So now, I'm proud to deliver this budget to the Legislature. I look forward to working with you all. Everybody stepped up and we now hand this over to the Legislature and look forward to working with you all to pass what could potentially be a historic County budget. Thank you very much. (*Applause*)

COMMUNICATIONS:

1. Proof of Publication – CDBG Public Hearing Notice
2. Email – To: Clerk Tampio; From: Dept. of Public Service – Re: Public Statement Hearing to be held on 9/17/18 – Cassadaga Wind's Petition
3. Letter – D.A. Swanson – Re: Order of Powers & Duties in the Event of Vacancy
4. Letter – D.A. Swanson – Re: Goal Behind Funding Increase for 2019 Budget
5. Letter – CHRIC – Re: Celebrating 40th Anniversary
6. Quarterly Report - SBDC(Small Business Development Center) 4/1/18 – 6/30/18
7. Letter – Depart. of Public Service – Re: Cassadaga Wind Public Statement Hearing

RESOLUTIONS:

RES. NO. 202-18 Authorize Agreement w/ NYSDOT for Performance of Federal-Aid Project PIN 5762.45, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 203-18 Amend Rules & Regulations of the Chautauqua County Legislature, by Administrative Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 204-18 Amend 2018 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 205-18 Authorize Agreement with Chautauqua.-Cattaraugus Erie II BOCES for Culinary Arts Instruction, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 206-17 Authorize Agreement with Chautauqua.-Cattaraugus Erie II BOCES for School Resource Officers, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 207-18 Authorize Execution for New York State Office of Homeland Security Grant for State Law Enforcement Terrorism Prevention Program (SLETPP) FY18, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 208-18 Authorize Execution for New York State Office of Homeland Security & Emergency Services Grant for Explosive Detection Canine Team FY17, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 209-18 2017 Hazardous Materials Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 210-18 Establishment of Certified Ambulance Service, by Public Safety and Audit & Control Committees

Legislator Nazzaro: With the permission of the Legislature I would like to recuse myself from voting on this due to my position at UPMC Chautauqua. Thank you.

Chairman Wendel: All those in favor of Legislator Nazzaro recusing himself from the vote?

Unanimously Carried

Legislator Odell: From a purely financial perspective, this resolution does indeed actually provide a path to help close a budget gap in allowing Medicaid to be billed and to enhance the revenues for the County EMS, however, it has become the sentiment, overwhelming sentiment of the majority of the volunteer emergency squad members in my particular rural district of District 7, that this resolution could actually potentially detract from its ability to provide the most important lifesaving services to their communities. Due to this outreach to me, I will not be supporting this tonight. Thank you.

Chairman Wendel: Any other discussion or debate? Seeing none, all those in favor?

RES. NO. 210-18 –**ADOPTED** w/ Legislators Gould, Odell, Pavlock voting “no”

RES. NO. 211-18 Indemnification Agreement with Genesee County for Services Performed Under Integrity Partners for Behavioral Health IPA, Inc., by Health & Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 212-18 Amend Budget for Renovation of Office Space at 2 Academy Street, Mayville, for Chautauqua County Department of Mental Hygiene Administrative Offices, by Health & Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 213-18 Amend Chautauqua County Health & Human Services 2018 Budget for Coroner Equipment Purchases, by Health & Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 214-18 Amend Chautauqua County Health & Human Services 2018 Budget for Increased Emergency Aid for Adults Costs, by Health & Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 215-18 Amend Chautauqua County Health & Human Services 2018 Budget for Increased Handicapped Preschool Education Tuition Costs, by Health & Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 216-18 Joint Funding Agreement with U.S. Depart. of Interior – Geological Survey, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 217-18 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Mitigating Dredging Impacts in Dunkirk Harbor, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 218-18 Authorize Agreement with County of Cattaraugus to Extend Term of the Conewango Watershed Commission, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 219-18 Formation of a Chautauqua County Food Policy Council, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 220-18 Authorize Allocation of 3% Occupancy Tax Funding from the 2018 Reserve Account for Ripley Gateway/Commerce Center Feasibility Study, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: We are pleased to see this. If we know our County Executive well, we know that he does what he says he's going to do and this is one of the things he talked about earlier on throughout the campaign in his early deliverance was putting forth a resolution for a study to be done for the Gateway project here at our western gate entering New York State so we're pleased to have this come before committee and also with some IDA money in there too, to help get this study done. So we all know we cannot quantify what hasn't been measured since you made a good basis point to attract either public and/or private investment hopefully to create a jewel on the western gate. Thank you.

Chairman Wendel: Any other discussion?

RES. NO. 220-18 – UNANIMOUSLY ADOPTED

RES. NO. 221-18 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2019 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 222-18 Authorize Transfer of Tax Foreclosure Property to Town of Ripley, by Administrative Services and Audit & Control Committees – R/C Vote: 19 Yes – **UNANIMOUSLY ADOPTED**

RES. NO. 223-18 Authorize Transfer of Tax Foreclosure Property to Town of Chautauqua, by Administrative Services and Audit & Control Committees – R/C Vote: 19 Yes – **UNANIMOUSLY ADOPTED**

RES. NO. 224-18 Quit Claim Deed, by Administrative Services and Audit & Control Committees

Legislator Niebel: Is the Director of Real Property Taxes on board with this resolution?

Chairman Wendel: Yes he is.

Legislator Niebel: The reason I asked this is because under the amended parcels, the first three parcels are being sold back to the original property owner, not to the successful bidder at the County foreclosure auction. Two months ago in July, Mr. Caflisch was on record against selling a property back to the original property owner, a person with mental health issues, so tonight he's in favor of selling the property back to the original owner, two months ago he was against selling the property back to the original owner. Actually I do happen to agree with him on this resolution. I'm glad there's been an evolution in his position.

Chairman Wendel: Any other discussion or debate?

RES. NO. 224-18 – R/C Vote: 18 Yes; 1 No (Himelein) – **ADOPTED**

EMERG. RES. NO. 225-18 Accepting Donation of Water Bottle Refilling Stations from Chautauqua County Health Network (CCHN)

Legislator Nazzaro: The first emergency resolution that I would like to take off the table is “Accepting Donation of Water Bottle Refilling Stations from Chautauqua County Health Network, otherwise known as CCHN. I understand the reasoning it needs to be acted upon tonight is because the grant funds are available and must be applied for by the end of this month.

Legislator Chagnon: I second the motion of my esteemed colleague.

Unanimously Carried

Chairman Wendel: Is there any discussion? All those in favor? Opposed?

EMERG. RES. NO. 225-18 – **UNANIMOUSLY ADOPTED**

EMERG. RES. NO. 226-18 Authorize Payment of \$75,000 for Settlement of Claim of Alice Stringel

Legislator Nazzaro: I also would like to make a motion to bring to the floor a resolution titled, “Authorize Payment of \$75,000 for Settlement of Claim of Alice Stringel” but I also recommend that we go into executive session.

Legislator Chagnon: I will second the motion.

Chairman Wendel: We have a motion and a second to bring to the floor and go into executive session.

Press: Point of clarification. Can you explain the reason for the executive session?

Chairman Wendel: Yes, pending litigation. Thank you.

Legislature went into executive session at 7:05 p.m.

MOVED by Legislator Whitford, SECONDED by Legislature Nazzaro to come out of executive session. (7:13 p.m.)

Unanimously Carried

Chairman Wendel: All in favor of the resolution?

EMERG. RES. NO. 226-18 – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS:

Legislator Hemmer: National 4-H Week is October 7 – 13. Chautauqua County 4-H is planning to share the 4-H message in the community by partnering with an area business and creating an educational window display about 4-H. This year the theme for the window display is “4-H Living the Pledge.” On October 7, 4-H is celebrating with a Sunday Fun Day with a public skate at Northwest Arena from 1:30 to 4:30 p.m. Additionally the 4-H Fall Fundraiser selling, Basket Company candies and snacks, is going on now through October 15th. For more information on these events contact Kate Ewer at Cooperative Extension or anyone in the 4-H.

Legislator Odell: Just a quick one. Congratulations to our esteem colleague Dan Pavlock in the birth of his fourth son earlier this month. So congratulations if he seems a little tired, that’s why.

Legislator Gould: Busti Apple Festival this Sunday.

Chairman Wendel: Yes, come out and support the Busti Historical Society. Thank you. Any other announcements? Seeing none, we’ll open the second privilege of the floor.

2nd Privilege of the Floor

My name is Bruce Roll, I live in Arkwright. I have a brief letter here to read in regards to some concerns about the Arkwright Summit Wind projects. I have provided copies of the letter to members of the Legislature along with information on harmful effects of ambient electro magnetic fields. This was a beautiful place to live, this was a healthy place to live, this was a

peaceful place to live, this was a safe place to live, The essence of our Arkwright home has been destroyed and there is no end in sight for the continuation of this destruction in Chautauqua County, Western New York, and New York State. Arkwright residents are being sickened. Arkwright residents, entire families are being driven from their homes. The very people who have taken an oath to protect the health and welfare and wellbeing of all the residents of Arkwright, the Town Supervisor and Town Board have sold us out to Big Wind. They are not windmills, it is not a wind farm, and it's not a wind park. They are 500' industrial wind turbine towers, in appropriately and illegally sited in an AR1 agricultural residential district. The only wind farm is the space between someone's ears that believe these monstrosities are beautiful. The term "wind park" was created by the turbine developer. There are 9- 500' industrial wind turbines visible from our kitchen window. What we haven't seen are any eagles landing on our property since February 2017, when clear-cutting for the Arkwright Summit project began. We have not seen any eagles land in the Brainard Rd, Miller Road, Skinner Road block since 100' transmission line towers strung with 5 cables were erected last year. This was the first summer in 28 years that there were no bats flying in our yard. When the turbines were activated in recent weeks, we noticed unusual sounds inside our home. On one occasion, there was the sound like a jet engine near and another time there was a strong vibration humming sound permeating the entire house. The onset of headaches coincided with these incidents. Our beautiful, healthy, peaceful, safe place to live has been sold for the promise of a few dollars, our own taxpayer dollars no less. You must stop the industrialization and destruction of Charlotte, Cherry Creek, Cassadaga, Hanover, and Villenova by Cassadaga Wind LLC and Ball Hill LLC. Thank you.

My names is Carrie Ann Babcock and I am a resident of the Town of Arkwright. I have a letter that I have written. I was raised in Forestville and chose to make my home there as an adult due to the peace and tranquility of the countryside. My husband and I are both outdoor enthusiasts and have worked our whole adult lives to purchase our small little piece of heaven in Arkwright. We live in a double-wide manufactured home. It's not the Taj Mahal, but our decision to purchase our specific property was not based on the home itself, but rather the outdoor setting. I will never forget the evening that we were both outside and heard the windmills for the first time. There was a loud droning thrum in the distance. We both immediately developed a headache. I kept repeating to my husband, "That can't be the windmills, they are so loud, they told us they weren't going to make any noise and yes, it does sound like a jetliner. Except, it is not a jetliner that ever lands, but one that circles our home endlessly. On any windy day and especially when the wind is out of the south/southeast, my life is typified by headaches and nausea and I currently average about 6 hours of restless sleep a night. The thought of being sleep deprived for the next 25 years of my life is daunting. I want to move, but with the current amount due on our mortgage and what I suspect will greatly reduce property value, I think that will be impossible. Not to mention that it would be a ruse to bring a family to our house, on a non-windy day, in order to make the sale. I feel that it would be morally unconscionable to subject another human being, especially a child, to headaches and sleep deprivation. My husband and I are both environmentalists. We have devoted our careers as well as our private lives to environmental pursuits. We run our home on solar power and locally sourced firewood. Without proper sleep we cannot function 100% at our jobs and we spend less time outdoors engaging in our hobbies. There are people online that do not live in proximity to the windmills, who are currently admonishing the citizens of Arkwright for their complaints. The common phrase is, "well then what are we going to do to address climate change?" My answer

is to put these things on vast expanses of agricultural land, not inhabited by people. Put them in old unoccupied industrial zones, such as they did on the Lake Erie shoreline in Lackawanna. This technology should not and does not need to be placed within an unsafe distance of a residence. We were told that we would save money on our taxes, while doing something good for the planet, in exchange for a small “whoosh” in the background. None of these things are true. Our home is forever changed. Please don’t let them do this to your town. Thank you for your time.

My name is John Conway. I’m reading this for a friend of mine who was not able to make it here tonight and he lives in Arkwright. Infrasound is a real thing. My family is affected by it. If you watch your loved one rolling around on the floor, grasping their head, begging it to stop, and the only thing you know how to do is get her in the car and take her two miles down the road. It is like her ears pop and it goes away. You may think, no way that this happens. It happened to me 12 times in the last 2 weeks. Twelve times in the last 2 weeks to my wife, who is probably one of the toughest people I know. Now if any man in this room can look at their wife, or their son or daughter and see this is affecting – see this – it’s affecting little kids in Arkwright, four and five year olds, would anyone here be able to look at the loved one, watch them go through that. If I haven’t known, I would have thought that my wife was having an aneurysm in that she was going to pass before me. It’s against the law to assault people. It’s against the law to assault animals, it’s against the law to abuse children. RES, EDPR, and White(?) LLC are doing that day in and day out in Arkwright. They knew it. (*Inaudible*) had a turbine project (*inaudible*) are the saying, we have what it takes to take what you have. Everything you had ever worked for in your entire life means absolutely nothing to them. Thank you.

My name is Joni Riggle. Cassadaga Wind LLC asked to (*inaudible*) the public hearing and requested and expedited certificate of public convenience and necessity. We have asked for an evidentiary hearing to properly investigate the financial status of Cassadaga Wind before any tree clearing or issuance of a CPCN under PSL Section 68. It is only prudent. PSL Section 68 has a narrow focus primarily centered on the financial feasibility and resources of the projector developer. Since this important aspect is not vetted under the purview of Article 10, it should not have an expedited review under PSL 68, for the thorough review. Everpower Cassadaga Wind was recently sold to NRG(?) and NRG parent company financially troubled RWE is engaged in an unprecedented restructuring an asset swap with EON(?). These energy giants are Germany’s equivalent to ENRON. Of concern, RWE has been teetering on the brink of bankruptcy. NRG is entangled dead center in this transition which is not to be finalized until the end of 2019. NRG is also expected to dissolve within a year or two. Who knows the outcome. This huge and risky transfer was not even mentioned by Cassadaga Wind when they petition for an expedited CPCN, a gross omission we think conveniently swept under the rug. You can read the petitions on the case record which detail the financial issues at stake. I have emailed all Legislators on how and where to post comments and thank you. If you have time to look at that, we really appreciate it.

My name is Marshall Greenstein from Cassadaga, Town of Charlotte. I was asked by Angelia Bittinger who was unable to come and lives on Center Road in Arkwright to read something that she had presented to some of the town boards. She is working tonight so she is unable to be here. She says, “my home is a post card for what not to do. The wind turbines are terribly horribly loud. It depends on the day. Sometimes they are loud and sometimes they are

not. I feel ashamed to say that I was convinced several years ago as a college student that wind turbines are green energy and we should support these. I did not know how big they were going to be and I certainly did not know how close. If you live through the construction phase as I did last year with my children, you will realize that there was nothing green about these things. Unfortunately we have been duped. The children have been impacted. I was offered \$45,000 for my house by an Arkwright Town Board member when he knew that I paid \$90,000 for it. What does that tell you about property values. I can walk away from this house and I'm considering it. So I can hurt my credit? Others can do that. The young families are going to desert these towns. I was told by a Town official that I had to hush up and play nice because the owner before me signed that agreement. Well, they can cancel my agreement. I would gladly give up the money. The agreement gives me – if I could get my peace and quiet back and she asks that you go to the Public Service Commission website and submit a statement on behalf of opposing the permit to Cassadaga Wind LLC.”

On a personal note. It's very difficult for me to be here. I'm know that I'm timed but my wife and I, you may remember, Patty Greenstein. Pretty vocal about this. We're in the throes of this prospective event because we live on Hall Road and Cassadaga Road in Cassadaga and if anybody knows where that is, already engineers are there setting it up for the turbines and all of the construction to be right down our throats. Our little farm, our five acre farm that we work hard for, that we believe that we really are as green as we could be with room to grow, we grow our own vegetables, we have chickens, we take care of our property, we take care of our land and we have that for sale. After 31 years if you can appreciate the sentiments beyond the business aspect of all of this, people are losing out. You are going to lose people. You are going to lose people who will be here but in spirit. They will look at this County and say, they don't care about us. And when we talk about green, the last thought that I had and I don't know if it's ever been brought to anybody's attention but with all the turbine companies coming in, identifying people and places where they could have money so they can put the turbines on the roads on their property and such, what about being human? What about humanity? If we want to be green, then money shouldn't be a problem. We should just say, you know what folks, for the good of green energy for the whole country, for the whole world, why don't we just have us, the corporations for wind companies, turbine companies, just use your property at our will, put our turbines there, you don't need any money, but this is about money and this is about a few people who are now of like partisan politics. There are a few people who are getting monies, maybe not getting wealthy but getting monies and being pitted against their neighbors in the small rural town America. I don't know how many of you people live, Legislators live in rural areas, even see where we live. I remember when the pilot program first came up and I went to my first meeting and I invited them to come to see where it was going to go, I knew that they weren't going to come. So, where we always wonder from a human standpoint, humanities standpoint is, do people really care that there are folks out there whose homes are being (*inaudible*) properties, being devalued and decimated. Thank you.

My name is Anthony Toda, I live at 144 Clifton Avenue in Jamestown. I want to make a few comments about what happened concerning (*inaudible – to close to mic*), County Executive, Mr. Borrello, had gone to a 100, approximately 100 businesses and found that there were about 700 jobs available to people in Chautauqua County. Now that is about, according to the reports here, that's 100 out of 2,000 business so if you do a little math and I'm sure you're not going to get the totals (*inaudible*) but that would actually come to about 1,300 jobs. Subsequently,

(*inaudible*) really has been done concerning jobs in Chautauqua County especially from where I am from, the City of Jamestown, I read an article in the Post Journal that said, under Mr. Borrello, going to have a commission or a study done before we can find out what actually has to be addressed. While Mr. Borrello addressed that during the campaign, on a hand-on (*inaudible*) and should be addressed right now. There is no excuse to belabor this to have a commission, to have a study with (*inaudible*) taxpayers money. Mr. Borrello (*inaudible*) find the stats out and talk to people directly and you can (*inaudible*) do that on a one to one basis. Now the problem with the unemployment especially in the City of Jamestown and you are talking about the budget here, probably the biggest draw in Chautauqua County is the Medicaid system and the biggest draw in the Medicaid system is the irresponsible action of Mayor Teresi when it comes to the influx, Social Services influx of entitlements in the City of Jamestown and rebuffing by the Mayor of jobs by raising taxes. Everything that comes into the area, Dunkirk is a good example, with the pharmacy factory, Lakewood is a terrific example, Harbour Freight, and nobody wants to come in the City of Jamestown because the Mayor has created a situation where taxes are so high that it's impossible for businesses or anybody in their right mind is not going to come in. Now, there has been a few things in the budget about this Mental Hygiene Association. People have to understand that it's a peer group. (*Inaudible.....*), if you want to have a State system. We have systems all over the State, Buffalo Psyc, if you want to complete those areas into drug facilities, you don't need to lose \$35 million, are you kidding me, of the taxpayers' dollars in the City of Jamestown after he's reported, the Mayor, reported a quarter of a billion dollars in receipts from Federal, State and private funding. What has he done with that money? We're still poor...(inaudible.....) Jamestown dragging their feet. This is all about leadership and (*inaudible*) by the County with the Mental Health Association and something that is illegal and this is going to cost more government and more problems in the City of Jamestown.

My name is Margaret Bruegel, I live at 883 Hurbert Road in Forestville. I'm the owner of a small certified organic farm that is about to be in the middle of a large wind project. I have five turbines going in across the road from me. Three turbines going in, in back of my pastures. Transmission lines going in, in the field next to my pastures. A substation going in right across the road and two construction access roads on either sides of my house within a quarter of a mile. This project will devastate my farm. Thousands of pounds of pesticides, not pesticides, but herbicides applied to the land which will go into my water untestable. I will lose my certified organic status and I will be out of business. But I am not here for myself. I am here to speak on behalf of the Amish community in Chautauqua County. They represent a significant contribution to the culture and economy in this area. Their input on concerns have been largely ignored by the large corporate interest wanting to develop giant wind farms in our community. Yet their interests are no less important than any others expressed previously or here. Following are some concerns expressed some the Amish families in our area regarding this project. First they are concerned about the health of their families, their animals, and the life of their soils. They cannot grow healthy crops without a living soil. Safety is a major concern. As heavy construction traffic will create hardship and hazards for horses and buggies trying to navigate roads clogged with large equipment. Additionally, some have expressed concerns about safety of ice being thrown from turbine blades long distances in the winter time. They are concerned about loss of property values and land destructions if turbines are built close by to them. The Amish are religiously opposed to large scale wind turbines so constructing them on properties that they may wish to purchase in the future limits their ability to grow their communities. Finally, if the presence of

large wind turbine causes fewer tourists to come into the area, negative economic impacts will affect their ability to conduct business. These are just a few of the concerns expressed amongst members of the Amish community. We ask that you take these concerns into consideration and request the New York State Public Service Commission to deny the request for an expedited certificate of convenience (*inaudible*) for the Cassadaga Wind project. Thank you.

Karen Eckstrom, Mayville, New York. We are here to tell you and to ask you to listen - to tell you about what the people in Arkwright are experiencing and to listen to them. Many of them couldn't come tonight. The young families, one has a boy that has his first football game tonight and others are working. The operation of these turbines in Arkwright began 3 weeks ago. The Arkwright experience is real time. It is live, it does not involve faraway studies. (*Inaudible*) projections or models. The turbines in operation in Arkwright provide an absolute reality of noise of infrasound, of bat and bird mortality. The health impacts of operating turbines in this area are reality on a projection. The studies that have been done were based on projections and long term studies far away. They were not based on real conditions in our area. If the Public Service Commission approves the Cassadaga Wind LLC petition, tree clearing will begin November 1st in the towns of Charlotte and Cherry Creek which includes Sinclairville, Stockton, and Arkwright. Our deadline in asking you to comment is October 8th. Those comments can come as citizens, citizens just like us, or as our representatives who we trust to please express an opinion that is much more knowing of the situation than some of the other people and will have more impact. We had a hearing not so long ago that the Public Service Commission held, case 18E0399 and you have the details on your desks and in your email, and at that hearing a person by the name of Lois Jackson, who couldn't be here tonight, spoke. She lives on Center Road in Arkwright and she asked me to read this for her tonight.

She said, "before the turbines were started, I was not concerned about the noise but that has all changed now. The noise changes. When it is bad, it's really bad. I have difficulty sleeping and we have ringing in our ears. But you know what, that is not the worse part. The worst part is that my four year old is really having a tough time with it. She's active, she's coordinated, she rides a pony, she is active in her tap dancing and ballet. The first time the turbines were loud, she said, my head hurts really badly and she threw-up. She had no fever, there was nothing wrong with her, as far as I could tell. The second time, she fell when she was getting out of bed in the morning. She said, I dizzy mommy. I gave her some juice and we sat on the couch and she got up to go to the bathroom. She fell on the floor. I asked her again, what's wrong and with tears streaming down her face, she said, mommy, those things just keep picking me up and throwing me around and around and I can't move right, I'm dizzy and my head hurts. She has no temperature, no sore throat, no ear infections, she is fine when we take her away when she goes to school but when we drive back home and we get near Center Road, she'll say mommy, I'm dizzy, I've got to get home fast, I'm going to throw-up and she does. Many of my neighbor's children are experiencing similar things here. Perhaps this will help others, who like me, did not realize this. This is not made up, it is real. It is a living nightmare. Please don't hurt our children like this." We ask you to please, look at the material we sent and make a comment as an individual with the decency in mind that we expect from people who understand that this is not in our best interest. Thank you.

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

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:44 p.m.)

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