

Regular Meeting
Chautauqua County Legislature
Wednesday, January 25, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel, the minutes were approved. (12/21/16 & 1/3/17)

1st Privilege of the Floor

No one chose to speak at this time.

**VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
NO VETOES FROM 1/3/17**

**COMMENDATION: Panama Girls Volleyball Team
State Champions
By
Chairman David Himelein
Assemblyman Andrew Goodell**

**RECOGNITION: Susan Marsh
Outgoing
Director of Finance
By
County Executive Vincent W. Horrigan & Chairman David Himelein**

**6:35 P.M. PUBLIC HEARING
Amendments to FBO & Hangar Lease Agreement
At the Chautauqua County/Jamestown Airport**

- COMMUNICATIONS:**
- 1. Letters (3) – County Executive – Appts. to Various Board**
 - 2. Reports (2) – Fn. Director Marsh – Investment Reports (Nov./Dec-2016)**

3. Letter – DA Swanson – Re: Order of Attys. Power and Duties
4. Minutes – Chaut. Lake and Watershed Management Alliance (Nov. 2016)
5. Email – To Clerk Tampio from Fred Keller – Opposition to Wind Farm
6. Letter – Dept. of Public Service – Public Statement Hearing–Re: Wind Farm
7. Letter – ProAct Prescription Discount Card Program – Board Update
8. Report – Comptroller’s Audit (January 1, 2013-January 15, 2016)
9. 2017 Chautauqua County Adopted Budget

**LOCAL LAW INTRO. 1-17 – A LOCAL LAW AMENDING THE
CHAUTAUQUA COUNTY CODE OF ETHICS**

Chairman Himelein: Is there any discussion, questions? Seeing none, please call the roll.

LL Intro. 1-17 – R/C Vote: 16 Yes; 3 Absent – UNANIMOUSLY ADOPTED

**RES - 5-17 Confirm Re-Appointment - Chautauqua County Ethics Board, by
Administrative Services Committee – UNANIMOUSLY ADOPTED**

**RES - 6-17 Confirm Re-Appointment - Chautauqua County Traffic Safety Board, by
Public Safety Committee – UNANIMOUSLY ADOPTED**

**RES - 7-17 Confirm Re-Appointments - Chautauqua County Fire Advisory Board, by
Public Safety Committee – UNANIMOUSLY ADOPTED**

**RES - 8-17 Amend County Road System Map to Add CR 649 Precision Way, by Public
Facilities Committee – UNANIMOUSLY ADOPTED**

**RES - 9-17 Transfer DPF Administration Petty Cash from Checking to Cash, by Public
Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES - 10-17 Close Accounts for Completed Department of Public Facilities Projects as of
12/31/16, by Public Facilities and Audit & Control Committees – UNANIMOUSLY
ADOPTED**

**RES - 11-17 Authorize Public Hearing Regarding Modifications of Improvements for
Phosphorous Removal in the Treatment Plant of the North Chautauqua Lake Sewer
District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES - 12-17 Authorize Amendments FBO and Hangar Lease Agreement at the
Chautauqua/ Jamestown Airport, by Public Facilities and Audit & Control Committees –
ADOPTED w/ Legislator Nazzaro voting “no”**

**RES - 13-17 Close Accounts for Completed IT Capital Projects as of 12/31/16, by Public
Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

RES - 14-17 2016 Hazardous Materials Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 15-17 Close Capital Project H.3110.511, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 16-17 Reallocate Budget & Adjust Revenue & Appropriation Accounts to Consolidate Grant Awards into One Sub-Department, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 17-17 Adjust Appropriation & Revenue Accounts due to Unbudgeted Revenues & Expenditures, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 18-17 Amend Chautauqua County Dept. of Health & Human Services 2016 Budget for Increased Child Care (Foster/Institutional) Costs, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 19-17 Amend Chautauqua County Dept. of Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Tuition Costs, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 20-17 Amend Chautauqua County Dept. of Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Transportation Costs, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 21-17 Authorize Extension of Lease Agreement for Department of Planning & Economic Development at the BWB Center, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 22-17 Authorize Agreement with Small Business Development Center at Jamestown Community College, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 23-17 Authorize Agreement with County of Chautauqua Industrial Development Agency for Industrial Development & Promotion, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 24-17 Authorize Agreement with County of Chautauqua Industrial Development Agency for the Business Assistance Program, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 25-17 Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction & Development of Tourism Related Businesses, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES - 26-17 Close Accounts for Completed Planning & Development Capital Projects as 12/31/16, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES - 27-17 Quit Claim Deeds, by Administrative Services and Audit & Control Committees R/C Vote: 16 Yes; 3 Absent – UNANIMOUSLY ADOPTED

Legislator Nazzaro: With the permission of the Legislature – I made an error and I would like to vote yes on Local Law Intro. 1-17, to Amend the County Code of Ethics, in error, I voted no. I believe you need permission from the Legislature to allowing you to change your vote. So, I would like to vote yes with the permission of the Legislature.

Chairman Himelein: Is there anyone opposed to Mr. Nazzaro voting yes?

None given. Legislator Nazzaro changed his vote to “yes” on Local Law Intro. 1-17.

MOTION:

1-17 Proclaiming February Black History Month – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS: None given

2nd Privilege of the Floor

My name is Angelo Graziano, Forestville, N.Y. I’m a Councilman for the Town of Villenova in Chautauqua County. When I began in 2014, there was a wind project in process, I don’t know if you are familiar with. This project (*inaudible*) my job in government. (*Inaudible*) town residents needed to know what to expect of this project. I asked the wind company, (*inaudible*) America to notify the township of past mailings. They said they would, well they did not. I asked three separate times and that’s when all the trouble began. The project is under SEQRA. Since it’s exceeded daily kilowatts for SEQRA, I did what I could do to try and get it changed to Article 10. I have a letter here as you can see I sent to the Department of Public Service. Unfortunately, that also failed. There is nothing from outside experts on how Burn Back Hill property values (*very poor quality – inaudible... ..*) There has never been any mailers sent to all residents. It has been a shady deal from the start. The Town of Hanover borders our town and they also have (*inaudible*) project. When Hanover voted on the project they were told that there weren’t any opposition in Villenova. This is very untrue. There are many who oppose the project. In Hanover, there were two in favor, two against, and the Town of Hanover Supervisor voting in favor thus being the tie breaker. (*Inaudible*). The Town of Arkwright borders Villenova. They have a separate wind park project in this process still under SEQRA. This (*inaudible*) project has brought up many questions from the residents starting with the Board and the committee being compensated for the wind company. There are also many residents opposed to this project. Again, this is a lack of notification during the entire project. Only the minimum required. Now we come to the Cassadaga Wind project that is now under

Article 10. Once again, no health experts, inaccurate bird and bat study, no expert property value study, and no study personal water wells, lack of notification to all residents. Don't get me wrong and please understand, the three projects all have the same problem. Lack of health studies, bird and bat kill, and property values dropping, water visual impact, three neighboring projects will have a total of 123 turbines. All these need expert evaluations. These turbines are just under 500 foot tall. This will definitely be an impact of all of us who live here. Mr. Dan Spitzer is a lawyer who represents all the towns. Also paid for by the wind companies and is very pro wind. This seems to be a conflict of interest. The (*inaudible*) representative of the Public Service Department for Cassadaga Wind, seems to be very fair at the last public hearing. All the people that were there, were heard. This why many people started to speak out. The Villenova public hearing was a circus, run by Dan Spitzer left finger pointing and bullying to go on for all the people that opposed the project. We need advocates who are clearly on our side such as what they (*inaudible*) Article 10. Advocates qualified to access the validity of the reports and documents both pro and con on this project. That is why Article 10 was created but the communities of Villenova, Hanover, Arkwright and other towns such as Cassadaga Wind projects are getting hammered. We are not opposed to wind energy, we do not concede that (*inaudible*) clean energy to developers. However, nowhere is it written or legislated that turbine must be placed in residential communities, that is the sticking point and that is what needs to be addressed. Thank you.

My name is Tina Graziano, I live in Forestville, N.Y., Town of Villenova. To this date, in all of these projects, there are many people still unaware that these giants are coming to their communities. This is unacceptable. These wind companies slide, snowball the uneducated board members, keep the notifications at a minimum to deter community opposition. Get it all signed, sealed, (*inaudible*) project and they are out of here and our lives will never be the same. The community is now split. We do not have or able to pay for legal representation or guidance. We do not have residents that are rich and able to pay for lawyers to defend our rights. The communities of Villenova, Hanover, Arkwright, and the township of the Cassadaga Wind project are getting hammered. We need help. We're up against big money wind and why is it that a landowner that signs their land rights away to a wind company has all the power and political backing. The resident's health and well-being were traded for the promise of easy cash delivered by traveling salesman. The neighbors whose lives was never considered during the planning will now have to suffer for the 123, 500 foot turbines, (*inaudible*) sides, to their backyard, front yard and to the sides, an intrusion, numerous health impact, shadow flicker, noise, sleep deprivation and the abomination that will never stop or leave. Our homes are our biggest assets and sanctuaries and they should stay that way. Why do they have the right to force people who own their homes, be forced to live next to dangerous industrial turbine and given no recourse? Why is it that we have to fight with the right to remain safe in our homes. We don't have the money for lawyers to do defend our God given and American right to live in peace around us. Absolutely zero consideration or rights have been given to residents without lease an agreement. How is this legal? Our homes will be worthless. We'll be forced to leave our (*inaudible*) work our entire life for, we have spent our whole life here, raised our children here in this pristine area and now they come in and destroy our lives. Who speaks for us? Who fights for us? We pay our taxes and mortgages and maintain our homes. We don't have the money to fund lawyers to save us. We need immediate help. The wind companies are running over us. We deserve the right to be represented. We need to end this (*inaudible*) give away. It's destroying our lives and we're just

devastated. Our lives and life plans have been turned upside down. Do you think of residents, the Legislators and other politicians in the (*inaudible*) devastation that would happen (*inaudible*). This is why these 494 wind turbines must not be put here. They have documented serious health hazardous (*inaudible*) only to them. Thank you very much.

My name is Fred Keller, I'm a citizen of Arkwright and I'm speaking just for myself. In November, the Army Corp sent out a public notice to some of Arkwright residents. When I discovered that a near neighbor did not get a notice, I wondered why and this struck me as peculiar. I started talking to other neighbors and discovered that only those people whose property was contingent to proposed turbine properties got the mailing. Why so? It just so happened that a neighbor who would be living closer to several turbines that we are, did not get a notice. Now that doesn't sound fair. Now it gets interesting. On page 4 of the notice, there was about 10 pages to the notice, here is a statement. A lack of response will be interpreted as meaning that there is no objection to the work as proposed. This is weird. So by eliminating a large portion of us, they can lump these uninformed people into the approval category. The supposed, unbiased Army Corp looks like collaborators, don't they? This got my dander up so I wrote 350 letters to my fellow citizens warning them that this shenanigan was afoot. Fifty responded. Many thanked me for the warning.

In November the Dunkirk/Fredonia Observer printed a front page article lauding the coming wind farm bonanza. In this article, our Superintendent bragged that he had overwhelming support for his pet project which he likes to call the cathedrals of the 21st century. My attempt to submit a counter article to the Observer was dismissed as irrelevant. I am not going to mention the various objections but I have a disk from the Sinclairville meeting which had about 30 people expressing their opinion. About five were in favor and the rest had very, very good explanation of their objection. So I asked first of all, is to be informed and then to rethink that backing of this group. Good wind works, ignorant wind destroys. As my daddy used to say, you can put a tuxedo on a skunk, it still stinks. That's it. This disk is available if anybody wants it.

Mr. Anthony Toda, live in Jamestown, PO Box 1088. I have addressed the members of this Legislature in the past years concerning evidence of lies, harassments and negligence by the Chautauqua County office of the Sherriff when I make a complaint to the Chautauqua County dispatchers. The latest problem occurred this past Sunday, January 22, 2017, I called the Chautauqua County dispatcher again to complain about illegal loud noises in my neighborhood. The dispatcher first failed to identify themselves that I have complained in the past about, also the dispatcher lied to myself and apparently to the Jamestown Police who when I asked to patrol the section of Maple Street from Arnold Street into (*inaudible*) Camp Street in Jamestown, New York. Instead the police personally approached me at a residence (*inaudible*) where I was and told me that the dispatcher said that I wanted to speak with them. This is contrary to my request I was only trying to get the police to patrol a specific area, on Maple Street in Jamestown, New York. Along with this, there is a history of continual harassment by the dispatchers and Sheriff Gerace himself. I'm requesting that the Chautauqua County Legislature, Public Safety Committee, ascertain if first, Sheriff Joe Gerace is using his office to maliciously manifest a personal vendetta against myself and secondly ascertain if the Sheriff and the office is being directed or motivated by outside influences. Such outside influences are including any Federal, State, County, or local government or law enforcement agencies or the public at large. He may

be using the office of the Sheriff to exercise continued lying, malicious violations against my personal rights and as a citizen of this country. I will detail my request in writing to the Chautauqua County Legislature, Public Safety Committee, I'm requesting a subsequent full comprehensive report from the Public Safety Committee in writing, to be stated publically, at this Legislature and to myself and further Legislature meetings which I will attend in the future and I can't underscore the problems that I have been having for about 20 years now and the personal violations of my rights in this County and elsewhere and something needs to be done about it. I believe that it originated in the Federal government and it stepped right down to the local level and the people that are involved in it need to be jailed and (*inaudible*) crimes that they are doing now against myself but a potential for this to be escalated to other innocent victims not only (*inaudible*) our entire country. Thank you for your time.

I'm Emily Reynolds, Executive Director of Cornell Cooperative Extension. I live in Sherman, New York. I just want to remind everyone that February 26th is our Green Tie Affair for 4-H. Tickets are going and tables are still available but not a lot so I would encourage everybody to attend that dinner. The dinner starts at 5:00. The auction starts at 3:00 and you don't want to miss the pie auction after that. So, if you have any questions, let me know but I wanted (*inaudible*) over at 4-H. Thanks for your help.

Mr. Ben Haskins, Peck-Settlement Road, Jamestown, New York, Town of Ellicott. This fellow has been up here many times to complain about the noise at his house and these other people are going to have the same problem. Much worse probably than he because they have to live with (*inaudible*) racket from these towers and it seems to me that this company should be required to mitigate their problems. To sound proof their homes so that they don't have to put up with this for years and years like this other man had to do. But he lives opposite of a stone wall or brick wall where there is an echo effect under the hospital. I don't blame him for coming here to complain. He doesn't have the money to move somewhere else probably and other residents are facing the same problem on that block and maybe some other places. I am not sure about that but all these wind towers is going to make an awful racket. It seems to me that maybe we could change the law so that they would have to mitigate that. We have a sound ceiling in here, most houses don't have a sound ceiling so (*inaudible*) and echo's around. We have good windows on our building here so if a car or a big truck goes by, you don't hear it that much but most houses, the windows aren't that tight. The sound, while could be mitigated, it seems like it should be part of the cost of coming in. From what I have heard, some of these companies have come in with sizeable sums of money and make donations to town officials sometimes that they shouldn't be allowed to make either. This should be kept an eye – some people need to keep an eye on it because these guys will do anything to get these towers and big, big trucks (*inaudible*) and in other communities where they paid off some representatives to get these towers up very quickly because there is a lot of money in it. Thank you.

Chairman Himelein: Anyone else for comments under the privilege of the floor? Seeing none, I will close the privilege of the floor.

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:20 p.m.)

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