

[First Privilege of the Floor]

RES. NO. 60-25

Amend 2025 Budget to Replenish the Lake Maintenance Fund

By Planning & Economic Development and Audit and Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, a Lake Maintenance Fund of \$500,000 was established in the 2024 Budget to provide funding for lake associations and municipalities challenged by lake maintenance issues that impact the attractiveness and usability of the County's Lakes; and

WHEREAS, a total of \$149,500 was obligated from the Lake Maintenance Fund during the 2024 Budget Year; and

WHEREAS, it is necessary to amend the 2025 Budget to re-appropriate the unspent balance in the amount of \$350,500 so it is available to use for its intended purpose; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE

A. ----. ----.917.0000 Unassigned fund balance-Unassigned fund balance \$350,500

; and be it further

RESOLVED, that the Director of Finance is hereby authorized and directed to make the following change to the 2025 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual - Planning-Watershed Administration \$350,500

Signed: Harmon, Pavlock, Johnson, Larson, Gustafson, Dickey, Penhollow, Scudder, Nelson

[I'm Dan Smith, Secretary/Treasurer of the Chautauqua Lake Property Owners Association, the CLPOA.

I see Res. No. 60-25 on tonight's agenda moving \$350,000 of unspent 2024 Lake Maintenance funds to 2025. Given the serious and ongoing issues raised about the County's delegation of Lake responsibilities to the Chautauqua Lake and Watershed Management Alliance, the Alliance, we ask that you include a provision in the resolution that none of this \$350,000 is to be provided to the Alliance. The Alliance is a private organization with no authority to manage the Lake, with a very poor record on Lake improvement, and whose deliberations are closed to the public. For these and several other reasons, the Alliance should not receive such funds.]

Second Privilege of the Floor

I'm Dan Smith, Secretary/Treasurer of the Chautauqua Lake Property Owners Association, the CLPOA.

First, Wetlands

We began alerting all to the significant negative impacts of the NYSDEC's proposed new wetlands regulations in August 2023. CLPOA has now conducted eight well-attended "Wetlands" Public Meetings between April and January 2025 with another to be held Saturday, March 15, 2025.

Non-profit Lake organizations including the Chautauqua Lake Property Owners Association, the CLPOA, and thousands of individuals provided detailed written comments from their Boards and paid legal counsel to the DEC and Gov Hochul about the draft regulations serious impacts to Chautauqua County. Unfortunately for taxpayers, the County Legislature and County Executive, with a well-staffed legal department, failed to provide such comments, as well as failing to represent its constituents' interests. What a missed opportunity, and we'll never know whether that lack of County support contributed to the Governor's decision to go forward with January 1 implementation.

The final DEC regulations are seriously flawed. Piecemeal additions of so-called still discretionary general permits, band aids attempting to patch up the flawed regulations, continue to be added. Will you comment on these? An understanding of negative impacts is evolving but it is clear that hundreds of homes and businesses near Chautauqua Lake and more around the entire County will find themselves in newly regulated wetlands areas. In fact, the DEC is so sure of this impact that it has published a document acknowledging loss of individual property value and recommending property owner dialogue with municipalities for ways to reduce their taxable value assessments to prevent being unfairly overtaxed. And this is just the "tip of the iceberg" given the DEC's Jurisdictional Determination process and identification of in-Lake wetlands still to come. Will our County step up this time to represent their constituents and

Second, a Centralized Lake Authority

Courageous and skilled local politicians, Town Supervisor Dale Robbins in 2003-4 and County Executive George Borrello in 2019-20, attempted to create a Centralized Lake Authority of elected and easily accessible Board members. The Town of Chautauqua solely prevented the formation of the Dale Robbins-lead effort in 2004. George Borrello's successor failed to act after replacing him in late 2019. Perhaps it was considered too difficult an undertaking. It's hard to believe that Chautauqua County can't find the

necessary leadership and push for such an undertaking from our elected representatives, especially the County Legislature and Executive.

[The Centralized Lake Authority envisioned by Dale and George would bear no resemblance to the ineffective and unrepresentative Alliance or the Chautauqua Lake Protection and Remediation Agency with three Chautauqua Institution representatives failed under its own weight after 6 years of work and several hundred thousand dollars spent in early 2023.]

Third, Lake Management

You have had an opportunity to support the “**Long Term Management Plan for Submersed Aquatic Vegetation at Chautauqua Lake**” completed by the North Carolina State University Aquatic Plant Management Team in June 2024. The Plan is a comprehensive “adaptive management” Plan with annual upgrade with quantitative performance measures and learnings.

Your lack of leadership in support of the use of this excellent Plan, with its high quality acknowledged by DEC and other New York State lake associations, is highly questionable and quite baffling.

[Fourth, the Army Corps of Engineers Study

The County, in the persons of the Legislature Chairman and Executive, continues to stonewall and encourage the Corps of Engineers to stonewall the CLPOA. We ask that the County Executive, recently announcing his candidacy for another term, get over his obvious fear of the CLPOA, provide the information which other Lake organizations have received, and leave his “echo chamber” and meet with the CLPOA to get our perspective. It’s amazing that the Executive, with thousands of staff and an almost three hundred-million-dollar budget, is handcuffed by his fear.]

Thank you.

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Note: *[italics]* = not spoken but included in text given to County Legislature Clerk