

## SPECIAL SESSION-TUESDAY OCTOBER 11, 2022

The Yates County Legislature convened in special session Tuesday, October 11, 2022 at 9:30 a.m. with Chairwoman Church presiding and Mr. Willson and Mr. Bronson absent.

Chairwoman Church made the following comments:

Welcome everybody to our special legislative meeting with our guests, O' Mara and Palmesano, and if we could, stand for the pledge. Again, welcome, gentlemen, and thank you for coming to talk to us today. Hopefully, we can solve all the problems of New York State. If you both could take turns on doing an opening statement.

Senator O'Mara & Assemblyman Palmesano made their opening statements (audio file available).

The Legislature asked the following questions (for full questions and responses, please refer to the audio file available):

Q. Mr. Banach stated that they have been waiting for a long time to hear from NYSEG on whether BQ's application has been approved for the needed 20 megawatts for them to move forward with solar panels at their closed landfill. Is this something either of them could assist with?

A. Senator O'Mara replied that they certainly work on these issues with NYSEG frequently, and put a lot of pressure on them. In many areas when it comes to economic development opportunities that need a greater power supply. He thinks that it is a perfect use for those locations and it makes complete sense. He has inquired already, since getting their question, with NYSEG, where they stand on this, and he will report if and when he gets an answer, but they're not always responsive. They have had some success, and they have had some where they haven't had success.

Q. Mr. Banach stated that last week, at their Public Safety Committee meeting, the Director of Emergency Management, came in with a proposal that the county add an ambulance or maintain an ambulance service to supplement volunteers. They are losing volunteers every week. They are looking at least a million dollars to get started, a lot of that is equipment, and Dan was wondering if there's anything in the scheme of things in the New York State Government to help out upstate counties? This is something happening all across the State, is there something, maybe some grants or something that that could help alleviate the startup of some of this?

A. Assemblyman Palmesano replied that they know the volunteer issue has been a big problem for a number of years. It's really getting to a point where it's really getting to make a break. They hear from other municipalities, in Hornell they provide an ambulance service to surrounding communities and they have a paid professional staff, not volunteers. They basically just said, they can't afford to keep providing the services to the outline areas, and it's becoming a critical issue. They passed an ambulance task force that was supposed to be looking at recruitment retention costs, and how to deal with their ambulance issues in their communities, and they're supposed to issue a report later on that. It is always going to come down to money and how that's going to work in that collaboration. One of the ideas he has heard is to maybe create a

program like the CHIPS program to provide some direct assistance to their municipalities for something like that, but they have to look at every alternative that's out there.

Senator O'Mara stated that volunteer recruitment and retention has struggled for a long time and not just in volunteer fire departments. Look at any non-for-profit agency, they're all struggling for volunteers. It's just not what it used to be, not really sure what the cause of that is other than just a change in society, busy families with the dual working families, demands on raising a family, and all that has certainly impacted that. They sponsor volunteer recruitment and retention for fire departments. So it's kind of an omnibus bill which got a bunch of different aspects to provide some incentives for the volunteers, whether something as simple as paying their vehicle registration if they use their own vehicle for volunteer fire services.

Q. Mr. Holgate stated that they are still waiting on NYS DOH reconciliation of our enhanced Federal (eFMAP) reimbursement. Our last reconciliation was for NYS fiscal year 2015-16 and we received that payment on 12/13/17. We are owed well over \$700k from NYS. Where does NYS stand with this reconciliation?

A. Assemblyman Palmesano stated that Yates County is in the same boat as a lot of other counties around the State on this issue. They haven't heard anything more from the Department of Health, through the Division of Budget on where they are with this. This is certainly something that needs to be pushed and pushed harder. One of the areas they can look to address this in is when they have the budget hearings of February and January. That's an issue they have to bring up, and NYSAC has been working real hard on it. That's something that needs to be addressed, because, for whatever reason, the Federal State Government likes to hold on to funds as long as they can before they distribute it to local governments. It's something that they can continue to push for on their end, but hopefully, it would come to the forefront, especially around the budget time next year.

Senator O'Mara stated that he has a direct request into the Division of Budget right now. As of the end of last week, they haven't got a response on that yet. If and when he does, he will let them know, but it's probably New York States cash flow management impacts a lot of these, and that is, they hold on to their money as long as they possibly can.

Q. Mr. Willson stated that the new gun laws require a "license" for semi-automatic rifles. What will it take to exempt semi-automatic rimfire rifles from the need for a license?

A. Senator O'Mara replied that it's going to take a Republican legislature and a Republican governor. They just passed this in knee-jerk reaction basically overnight. These laws are not well thought out. They are not easily implemented and most importantly, he believes they are an infringement on their second amendment right.

Assemblyman Palmesano stated that they need to change the law. The language matters, the words in that bill matter. This bill has many ramifications beyond just the constitutional rights of law abiding citizens for wanting to protect their family and their safety. It's had other ramifications on other issues about a sensitive area. For example, the battle reenactments are closing down and those types of operations are shutting down, because the way that language is, it talks about whether it's on State land or State Park, or wherever may be a sensitive area. Words matter, laws matter, same thing on shooting sports for high school trap club teams that are

participating. They brought this up in the debate and they roll and rush together in the matter of hours, and then didn't have any review public hearing.

Q. Mr. Willson asked if it is true that the new gun laws prohibit concealed carry on public sidewalks. If so, how can anyone legally walk from one place of business that permits concealed carry to another? What can be done to change that situation?

A. Senator O'Mara replied that he hasn't heard of this being illegal. His read on this is that it is still legal to carry a concealed weapon on your person on a public sidewalk as long as it's not in a designated area with signs around, saying, they can't carry within there.

Assemblyman Palmesano stated that he thinks that just goes to the, to the whole point about the words in the law matter, and it just this created so much chaos and confusion. It's so poorly drafted and unconstitutional in so many different ways. That's why it's frustrating, that's why they are going to keep pushing, and that's why they have these lawsuits that are all over the place, that hopefully, ultimately strike it down, which it should be.

Q. Mr. Willson stated that no bail is a dangerous, dumb law, how can we protect citizens and return to using bail?

A. Assemblyman Palmesano replied that the Governor has said she wants to tinker with it around the edges of some of the legislature, there are socialist members of the legislature, Democratic Socialists of America, basically taking out their own. They're trying to take over the Democratic Party. The Democratic Party of today in New York State is not the Democratic Party of their parents and grandparents, they have been co-opted by the liberal, progressive wing. The only way it's going to change is to change the law right now. New York State can try to tinker all they want with the law and say, this crime is bail eligible, and this crime is not bail eligible, but that's not going to get them where they need to be. The one thing that needs to be done to make this law better is they should basically strike it and start over. Deal with law Enforcement, deal what it is like to be a part of the process, they were totally excluded from the process. New York State right now is the only state in the country that does not allow a judge to use their discretion, to deem and take into consideration the dangerousness of an individual, and the danger to a community when dealing with bail. They have to release these dangerous individuals back to the street and that's a problem. We need to change that law and the Democratic Socialist of America don't want to do it, and Governor Hochul does not seem interested in doing it, she can make that happen through the budget process, she refuses to do so.

Senator O'Mara stated that it's unlikely, with the current legislature make up that they have, unless the public in those majority members districts revolt, but they think they're doing the right thing. It's not just no bail, it's raise the age, it's parole, it's halt legislation in their presence to do this. The whole approach to criminal justice, coddling criminals, is leading to the lawlessness. They saw lawlessness for nearly two years in the streets across America, with no consequences anywhere. The taking over a police station, the arson of a Federal courthouse, and no consequences. What's the public supposed to think, there's no consequences. It is a disaster, and it's only getting worse.

Q. Dr. Cutler asked how much longer the NYS Legislature and Senate are going to continue to extend the Governor's executive powers going forward?

A. Senator O'Mara replied that the Covid one has expired, the Governor let that expire, but now she's got two other ones, Polio and Monkey Pox. He is not really sure she's taking any actions on those at this point, but the Covid ones have ended. They went on far too long. As he said before, these unelected, unaccountable commissions that the Legislature routinely sets up to make the tough decisions that they don't want to make themselves on the floor of the Legislature. They're more than happy to have the governor make all these decisions. They have no dirt on their hands, and if something doesn't go right, they can always point to the Governor. They're not taking their responsibility seriously, of what the Legislature should be doing, what the Legislature should be overseeing, and how the Legislature should be a balance and a check on the power of the executive.

Assemblyman Palmesano stated that any governor can declare an emergency. With that emergency declaration, they have the ability to suspend laws. They don't have the ability to create laws. Declaring Another Covid emergency gave her the ability to use the executive authority to do certain things, not to necessarily make laws. What she did allowed her to operate not through the normal channel, especially for bidding on contracts.

Q. Dr. Cutler stated that there has been a lot of changes in the election law. Mostly driven by downstate that doesn't fit well, and this isn't just a Yates County thing. Most Upstate Western New York, Central New York, and other rural counties want to get away from mandated early voting. He understands how they might work well in high density areas, but it doesn't work well in Yates County. They give them a lot of extra cost, and their Election Commissioners have been trying, with other counties to get the word out that rural counties shouldn't have to conform to some of these new election regulations.

A. Senator O'Mara replied that he agrees completely. It's a huge, unfunded mandate, it's the direction that this legislature and the governor is doing trying to encourage more voter participation. Which, in his opinion, is a good thing, but one size does not fit all, and there's no resources that came with it for the cost. So few votes that are turning up in the early voting, it just isn't making sense for them to have to do that. He certainly opposes this and at a minimum there should be resources to come with it. He doesn't see this legislature backing off of that with the current make up of it. In relation to the absentee ballots, it's still an excuse this year, for an absentee ballot that they fear getting Covid by going to a polling place, it's absurd. There is no emergency anymore. He knows an example of at least one county where the Democrat party apparatus in that county sent pre-filled absentee ballot request to every Democrat registered voter in the county, with the excuse fear of Covid already pre-checked. All I they to do is put a stamp on it and mail it back in.

Assemblyman Palmesano stated that he does know that the State Democratic Party is sending it out. He has talked to people in Steuben County, they got the same vote with Covid mentioned as the reason, not that they are out of town for a school or anything like that, but Covid as a reason, and they're trying to expand these opportunities. There's issues, real relative signature requirements, if they wanted to kind of displace and move aside as well. So there's a whole host of issues with this.

Q. Ms. Chilson stated that they are having an increased need for mental health services, availability of services, and transportation to services is challenging at best. The statement was made that their youth are not the youth they had ten years ago. There is a problem with violence

that they have not seen. There are limited places to house their youth and to get them help when they need it. New York State makes mandates without provisions or a complete plan. The sheriff had to wait two weeks for their doctor to address a mental health concern for a prisoner that was on suicide watch in the jail. This was due to lack of staff from the local hospital, they've lost their mental health service floor at the hospital as well. How can they help with these issues?

A. Senator O'Mara stated that the mental health issues have been a consistently growing concern for many years now. The state, under Governor Cuomo, retracted a lot of state provided mental health services, closure of mental health beds at state facilities, trying to push those services onto the non-governmental organizations, not for profits, hospitals, and other entities. He put the cart before the horse. They have extremely limited services for mental health and the resources for that has been dwindling over time. It's certainly not keeping up with the demand in these rural areas that they represent.

Assemblyman Palmesano stated that they need more collaboration. They need resources to do that, but it always seems like the rural areas get left out when it comes to this issue. It needs to be a priority moving forward because it's not by this administration or others. They don't even have the opportunity now for limited mental health services. Without bail, these individuals aren't even getting a brief stint in an environment where they can possibly get some of these services, and they're just rotating back out of the street where it's just going to escalate more, issues that really stem from mental health issues are being addressed in jails. The jails were providing some of those services, now they don't have the opportunity to do that limited amount, and he's not advocating that jail should be their mental health institution at all. But they don't have mental health institutions, and at least these individuals were getting some treatment or direction through the criminal justice system.

Q. Ms. Flynn stated that she is putting together the budget for next year and there's a line in the budget for the Seneca Nation gambling revenue, they didn't have that revenue for quite a while, and then that was settled, and they received the back payment, they've received one quarter payment for this year. Can she be confident that they would receive that revenue again for next year?

A. Senator O'Mara stated that he knows exactly what she is talking about. As far as the state making payments, it goes back as they talked before, the state doesn't like to let go of its money. The Governor pledged the entire state share of that money to build a new stadium for the Buffalo Bills. The payments are going to continue.

Q. Ms. Chilson asked if they are in support of passing the Commitment to Veteran Support and Outreach (CVSO) Act (H.R. 4601).

A. Senator O'Mara replied that is a federal legislation that he is not infinitely familiar with that. He has been extremely supportive of veterans' issues over his time in office and work to advance those. He did reach out to Congressman Sempolinski on that and he's aware of legislation. It does have bipartisan support, it has moved through committee, and he expects that if it gets to the floor, he will be supportive of that legislation.

Q. Mr. Holgate asked about as far as permitting for cannabis dispensaries, as he understands, they have to be a convicted of B felony conviction in order to get a permit? Do they actually have discussions on the floor about these sort of things?

A. Senator O'Mara replied that they are front of the line. He doesn't believe it is part of the law, just to the legalization aspect of it was. Again, an unelected and unaccountable commission is set up on this office of Cannabis management. They weren't even set up for a year and a half after the law was passed to start making these rules and regulations. So at the time, the localities had to make a decision on whether to opt in or opt out of whether they want a dispensary or a smoking parlor. They didn't even know what the rules and regulations were going to be, they really didn't have time to go through the zoning process, so a lot of entities opted out of that. The carrot was there, they get some sales tax cut if the locality that allows it. A lot of them did opt in, but not knowing what it is, and they can't opt back out later on. If they opt out, they can opt in later on, when they know what the real playing field is. If someone has a marijuana conviction in their past, they are front of the line and not only that, the state's going to give them grant money to set up shop.

Assemblyman Palmesano stated that this created another bigger problem that they are seeing here in Yates County and that they're seeing in counties across upstate New York. These sticker stores, people go in and pay money for a t-shirt or a sticker, and they give them marijuana. They are outright breaking the law and what happens is they'll get a cease and desist order from the State. This basically is just a cost of doing business for these stores.

Chairwoman Church made the following closing comments:

Well, we thank you so much for coming and I think we covered all the topics that we're on the list and more.

Meeting adjourned at 11:05 p.m.