

Regular Meeting  
Chautauqua County Legislature  
**Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media**  
Wednesday, December 16, 2020 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:31 p.m.

Clerk Tampio called the roll and announced a quorum present. At this time I would like to mention that the motion that appears at the end of this agenda (Prefiled title: *Supporting Chautauqua County Sheriff James Quattrone's Position that Governor Cuomo's Executive Order Limiting Non-Essential Private Residential Gatherings is Unenforceable*) this evening has been withdrawn from the agenda by Legislator Niebel.

Chairman Chagnon: O.K. We will now move on to the prayer and pledge of allegiance.

Legislator Ward delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (11/18/2020)

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

Chairman Chagnon: Has there been any correspondence received for the first privilege of the floor?

Clerk Tampio: Mr. Chairman, we have not received any correspondence relative to the first privilege of the floor.

Chairman Chagnon: Thank you.

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 11/18/2020**

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**COMMENDATION:**

**District Attorney Patrick Swanson  
By  
Legislator Charles Nazzaro**

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**CERTIFICATE OF RECOGNITION:**

**Webb's Captain's Table  
By  
Legislator William Ward**

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**AWARDS:**

**New York State Association of Conservation Districts, Inc.**

**APPRECIATION AWARD  
Chairman Pierre Chagnon**

**SPECIAL SERVICE AWARD  
Legislator Lisa Vanstrom**

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**COMMUNICATIONS:**

- 1. Report – Small Business Development Center 7/1/2020-9/30/2020**
  - 2. Report – Small Business Development Center Business Permit Center 7/1/2020-9/30/2020**
  - 3. Letter – County Executive Wendel – CC Board of Health Reappointments**
  - 4. Letter – County Executive Wendel – Chautauqua Opportunities Inc. Appointments**
  - 5. Letter – R. Chris Cochran and Daniel L. Zandi – Re: Support for South Ripley Solar Project**
  - 6. Letter – County Executive Wendel – CC Ethics Board Appointment**
  - 7. Report – Finance Director Crow – October 2020 Investment Report**
  - 8. Chautauqua County 2021 Adopted Budget**
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**LOCAL LAW INTRO. 3-20 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees**

Chairman Chagnon: Are there any questions, comments, discussion on the proposed local law?

Legislator Bankoski: Mr. Chairman, I don't doubt that our supervisory staff has went above and beyond and have been working very diligently and hard during the pandemic, but I just feel that granting these raises right now with so many uncertainties in our upcoming year that I'll be voting no.

Chairman Chagnon: Thank you. Any other questions or comments?

Legislator Lawton: I just wanted to point out that really this resolution isn't related to raises for any individuals, but more than that, it's a management of salary ranges. It's something that the Legislature regularly does (*inaudible.*) This resolution would adjust supervisory and managerial payroll ranges by an increase of 1.5%. In my experience this is a conservative, prudent increase. It's an effort to stay in line with inflation and it's a pay scale that will obtain and attract employees.

Chairman Chagnon: Thank you, Ken. Other questions, comments, discussion?

Legislator Rankin: Thank you. I wanted to thank Legislator Bankoski. I want to echo his comments that it's no reflection on the kind of work everyone has done, but I know that there is an expectation with the salary ranges and what people sign up for when they go for a job and I think it's really difficult to add any kind of increase for the tax payers. It takes away nothing from the hard work these managers have done, but I can't support this given the current circumstances. Thank you.

Chairman Chagnon: Thank you. Other questions or comments? Seeing none and hearing none, will the clerk please call the roll?

LOCAL LAW INTRO. 3-20 – R/C Vote: 11 Yes; 8 No –ADOPTED (w/ Legislators Bankoski, Rankin, Scudder, Starks, Vanstrom, Ward, Whitford and Whitney voting “no”)

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**Renew & Amend Res. No. 218-20 Authorize Lease Agreement for the Office for Aging Services at The Chautauqua Center in Jamestown, New York**

Chairman Chagnon: Is there any discussion or questions on the resolution to be renewed and amended? Any discussion or questions?

Legislator Lawton: Thank you. Just a quick comment- I believe this location will allow the Office of Aging to better serve our seniors. I wanted to thank the staff and the legislature for their thorough review of this issue.

Chairman Chagnon: Thank you.

Legislator Rankin: Thank you. Mr. Lawton, I appreciate your comments and I would echo them. I know how hard the Office for the Aging works for this vulnerable and important group of people that we serve and I believe that this move will help continue and improve the services that we provide for them. Thank you.

Chairman Chagnon: Thank you. Steve Abdella's hand is up.

Mr. Abdella: Yes Mr. Chairman, procedurally- I apologize for not mentioning this at the leadership meeting, but we would have you entertain a motion first to renew this resolution and get a second to bring it back up on the floor as renewed and then we would ask for a motion to

amend as shown in the prefiles and then the third step would be if amended to then vote on it as amended.

Chairman Chagnon: O.K.

Legislator Gould: I would make that motion.

Chairman Chagnon: O.K., we have a motion by Legislator Gould to renew. Do I have a second?

Legislator Whitford: I'll second that.

Chairman Chagnon: Any discussion? All those in favor please say aye. Opposed?

*Unanimously Carried to Renew RES. NO. 218-20*

Chairman Chagnon: Next, I'll be looking for a motion to amend.

Legislator Gould: I'll make that motion.

Legislator Nazzaro: Second.

Chairman Chagnon: Motion was made by Legislator Gould and seconded by Legislator Nazzaro. Discussion on the motion to amend? All those in favor please say aye. Opposed? Carried.

*Unanimously Carried to Amend RES. NO. 218-20*

Chairman Chagnon: Steve, am I now looking for a motion to bring the renewed and amended resolution to the floor. Is that correct?

Mr. Abdella: It is now on the floor and it has been amended, so at this point it is open for discussion and then a vote when that is over.

Chairman Chagnon: O.K. Thank you. Discussion on resolution 218-20 as renewed and amended? Any discussion? Hearing none, all those in favor please say aye. Opposed

Renew & Amend Res. No. 218-20 – **UNANIMOUSLY ADOPTED**

Chairman Chagnon: Steve, thank you for your help and sorry for the procedural shortcoming there.

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**LOCAL LAW INTRO. 4-20 – Authorizing Lease of Real Property for an Extended Term for Office for Aging Services**

Chairman Chagnon: Are there any questions, comments, discussion on the proposed local law?

LOCAL LAW INTRO 4-20 – R/C Vote: 19 Yes – **UNANIMOUSLY ADOPTED**

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**RESOLUTIONS:**

Legislator Bankoski: Mr. Chairman?

Chairman Chagnon: Legislator Bankoski, go ahead.

Legislator Bankoski: I'd like to make a motion to block resolutions 248-20 through 253-20.

Legislator Gould: I would second that.

Chairman Chagnon: O.K., thank you. We have a motion and a second to block resolutions 248-20 through 253-20. Is there any discussion on the motion? All those in favor please say aye. Opposed?

*Unanimously Carried to block Resolutions 248-20 through 253-20*

**RES. NO. 248-20 Re-Appointments – Chautauqua Opportunities Board of Directors, by Human Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 249-20 Confirm Re-Appointments - Chautauqua County Health Board, by Human Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 250-20 Confirm Appointment - Chautauqua County Ethics Board, by Administrative Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 251-20 Confirm Appointment – Portland-Pomfret-Dunkirk Sewer District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 252-20 Confirm Re-Appointment – Portland-Pomfret-Dunkirk Sewer District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 253-20 Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 254-20 Amend 2020 Budget Appropriations–South & Center Chautauqua Lake Sewer Districts, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 255-20 Amend 2020 Budget Appropriations – North Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 256-20 Amend Resolution 120-20 Authorizing Hangar A Lease Agreement with Luscombe Aircraft Corporation at the Chautauqua County Jamestown Airport to Enable Accelerated Recovery of Capital Improvement Expenses, by Public Facilities and Audit & Control Committees**

Legislator Vanstrom: Good evening. Thank you, Mr. Chairman. I just want to say that I hope this resolution passes due to its good merits and I also am excited that Luscombe is coming to Chautauqua County. The mighty Luscombe Aircraft Corporation has a great history and a very great reputation and I wish them the best in their future successes. Thank you.

Chairman Chagnon: Thank you. Other questions or comments?

Legislator Hemmer: I also would like to say that this resolution is a win for the county as well as win for the Luscombe Aircraft Company. The end result of the improvements that they are planning will provide a better equipped hangar for our Chautauqua County Airport in Jamestown as well as helping this company to overcome the economic hardships caused by the current Covid crisis. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the resolution?

**RES. NO. 256-20 – UNANIMOUSLY ADOPTED**

**RES. NO. 257-20 Acceptance of CARTS 5311 2019-2020 Consolidated Grant, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 258-20 Approving SEQRA Determination for Purchase of Land and Building for CARTS Hub in the City of Jamestown, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 259-20 Approve Purchase of Land and Building for CARTS Hub in the City of Jamestown, by Public Facilities and Audit & Control Committees**

Chairman Chagnon: Are there any comments or discussion on the resolution?

Legislator Nazzaro: Yes, thank you Mr. Chairman. I just want to thank everyone involved in putting this together- the County of Chautauqua, the City of Jamestown, JURA- this is a great example of a partnership between different municipalities working towards a common goal. We all know CARTS has been looking for a permanent home in the City of Jamestown for several years and now it has found a place that is in an excellent location to service residents. I do consider this an essential service to residents, contrary to some beliefs by our local newspaper and comments in the paper. This is a good use of grant funds. It is 100% funded with no local share and if we did not accept this grant it would go outside of our community. So, I am pleased

that the citizens of Jamestown will now have a permanent home for CARTS and with the pandemic that we're currently experiencing, public transportation is critical for our citizens to get to their doctors appointments, to go to the grocery store to buy the things they need. Again, I'm very supportive of this and I want to thank everyone involved for making this happen. Thank you.

Chairman Chagnon: Well said. Thank you. Other questions or comments on the resolution?

**RES. NO. 259-20 – UNANIMOUSLY ADOPTED**

**RES. NO. 260-20 Amend 2021 Budget Appropriations for Capital Project for Landfill Vehicle and Equipment Purchases, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 261-20 Accept Donation from Schrader Family for Luensman Park Bench, by Public Facilities and Audit & Control Committees**

Legislator Hemmer: Thank you. I just wanted to say thanks to the Schrader family from the Parks Commission for this donation of the bench in memory of their (*inaudible*) and I think it will be a great addition to the Luensman Park. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the resolution?

**RES. NO. 261-20 – UNANIMOUSLY ADOPTED**

**RES. NO. 262-20 Amend 2020 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 263-20 Authorize Contracts and Agreements with Local Police Departments for 2021-2022 STOP-DWI Enforcement Efforts, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 264-20 Authorize Agreement with Town of Charlotte for Enhanced Police Protection Services FY21, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 265-20 Authorize Agreement with Chautauqua Lake Central School District for Enhanced Police Protection Services FY21, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 266-20 Amend Emergency Services Appropriation Accounts for 2020 Budget, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 267-20 Amend Emergency Services Budget for Vehicle Purchase Allocations and Sale of Surplus Vehicles, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 268-20 Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program, by Planning & Economic Development and Audit & Control Committees**

Chairman Chagnon: Questions or comments?

Legislator Odell: Thank you very much. These next several resolutions regard authorizing budgeted agreements with the County of Chautauqua Industrial Development Agency for business assistance, industrial development and promotion, and the attraction and development of tourism related businesses. The IDA significantly leverages this budgeted funding to successfully (*inaudible*) and it's worth noting that the funding in these resolutions represent a 17.5% or more decrease from last year. I am pleased to represent this legislative body as a member of the board of the County of Chautauqua Industrial Development Agency- sometimes with a little contention, but that's O.K. I feel it's important (*inaudible*) some of the significant wins in Chautauqua County that have been spurred on by the IDA. A few of the wins that we've seen that are clearly evident are Celeron Harbor Hotel, (*inaudible*), Cockaigne in Cherry Creek, Holiday Harbor in Dunkirk, (*inaudible*) at the Mason Industrial Park and the retention (*inaudible*) million dollar expansion investment by Wells in Dunkirk, formerly known as Dunkirk Ice Cream and several more projects are also in the pipeline. The IDA manages a 10 plus million dollar revolving loan fund and were invited to apply for and recently won, as we've all learned, \$10 million plus in CARES Act funding to establish a new revolving loan fund, which can encompass much more diverse sectors. Early on in the pandemic we were given permission by the state to use a portion of the (*inaudible*) revolving loan fund to develop and launch an emergency working capital loan fund, which helped provide critical working capital funding for 25 of our local businesses, who are all grateful for that, especially early on when we were trying to figure out what was going to happen and keeping their doors open. During this time they also developed a grant program with matching funds provided by the Gebbie Foundation, Chautauqua Regional Community Foundation and the Jamestown Rotary with technical assistance being provided by our own Jamestown Community College. This awesome collaboration helped dozens of businesses get up and running by keeping the employees and customers safe with the necessary equipment and protocols to reopen responsibly. I think one of our first commendations by Mr. Ward is a testament to that. So, thank you. I just wanted to share these highlights, commend the management and staff for their outstanding work today with plenty more in line for 2021. Thank you.

Chairman Chagnon: Thank you for sharing. Other questions or comments on the resolution?

**RES. NO. 268-20 – UNANIMOUSLY ADOPTED**

**RES. NO. 269-20 Authorize Agreement with Small Business Development Center at Jamestown Community College, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 270-20 Authorize Extension of Lease Agreement for Department of Planning &**



**Development at the BWB Center, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 271-20 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 272-20 Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 273-20 Confirm Updated By-Laws for the Lake Erie Management Commission, by Planning & Economic Development Committee,**

Chairman Chagnon: Questions or comments on the resolution?

Legislator Bankoski: On behalf of myself and my colleague Mr. Muldowney, because we both sit on this commission as at-large members, this is probably one of the only committees I've ever been on where we have so many people that want to be part of it and part of amending these bylaws is to allow some of our volunteers that show up at all the meetings and our events to allow them to expand our committee and allow them to have a vote and a say in matters that are concerning our waterways and lakes.

Chairman Chagnon: Thank you. Other questions or comments on the resolution?

**RES. NO. 273-20 – UNANIMOUSLY ADOPTED**

**RES. NO. 274-20 Approval of SEQRA Determination for Dutch Hollow Phase II Streambank Stabilization Project , by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 275-20 Authorize Collection of Fines, Civil Penalties, Rent, Rates, Taxes, Fees, Charges and Other Amounts via the Internet, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 276-20 Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

Chairman Chagnon: Legislator Bankoski? I see your hand up.

Legislator Bankoski: I would like to make a motion to block resolutions 277-20 through 284-20.

Chairman Chagnon: Thank you.

Legislator Gould: I will second that motion.

Chairman Chagnon: Thank you. Any discussion on the motion to block resolutions 277-20 through 284-20? All in favor of blocking the resolutions please say aye. Opposed?

*Unanimously Carried to block resolutions 277-20 through 284-20*

**RES. NO. 277-20 Making Appropriations for the Conduct of County Government For Fiscal Year 2021 – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 278-20 Authorize Tax Levy – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 279-20 Authorize Levy of Town Taxes – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 280-20 Authorize Levy of Unpaid Town Charges – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 281-20 Authorize Levy of Omitted Taxes – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 282-20 Authorize Tax Levy – North Chautauqua Lake Sewer District – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 283-20 Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 284-20 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED**

**RES. NO. 285-20 Fixing Equalization Rates for 2021 – UNANIMOUSLY ADOPTED**

**RES. NO. 286-20 Authorize Execution of Livescan Equipment Grant Program FY20 – UNANIMOUSLY ADOPTED**

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**MEMORIAL:**

**Charles Porpiglia  
By  
Legislator Robert Bankoski**

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**ANNOUNCEMENTS**

Legislator Odell: Thank you very much. Just a brief announcement regarding the Ripley Solar Project and any recommendations this legislative body may or may not have going forward (*inaudible*) I just wanted to communicate for the public's benefit what's kind of going on behind

the scenes. After (*inaudible*) with bipartisan leadership here in the County Legislature, as well as receiving confirmation from our Deputy County Executive for Economic Development, who is also our CEO of the (*inaudible*), Mark Geise, that our Ripley Solar Project has no actionable items regarding a PILOT agreement at least for the next foreseeable 8-12 months. What that does is it allows our legislative body to do its diligence. We had initially some nice discussions and it was a good start, but I don't think we know enough to make an informed decision. This will give us the opportunity to (*inaudible*) and make the right recommendation going forward. Thank you.

Chairman Chagnon: Thank you. Any other announcements?

Legislator Ward: I had the privilege of speaking (*inaudible*) in my district and we all want to wish you all and all of the other districts a very merry Christmas and a happy New Year.

Chairman Chagnon: Thank you. Any other announcements?

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### PRIVILEGE OF THE FLOOR

Clerk Tampio: I have received two emailed letters that I will read for you at this time. The first one was received December 2, 2020 and it comes from Keith Hagenbuch, P.H.D. of Parable Farms.

*“Executive Wendel and Chautauqua County Legislators:*

*My family and I own the largest farm in South Ripley, on which we raise organic cows, pigs, and turkeys. We have been relying on the future lease payments from the solar farm to supplement the income from our farm, something we have worked diligently to keep in the family for years.*

*As a retired physics professor and someone who cares about the environment, it is incredibly disappointing to hear the gross misinformation that is being spread about both this project and solar/storage technology in general. Perhaps it is my academic background, but I prefer to make statements that are solidly grounded in fact – not fiction, unlike several of my neighbors. I implore you to do the research, as I have done, and gain the knowledge that both PV solar and storage are proven technologies that communities around the globe not only rely on, but live and work near every day.*

*Reducing our reliance on fossil fuels will result in cleaner air, cleaner water, and improved safety. This will help reduce diseases such as asthma and cancer, as well as early deaths. The South Ripley Solar Project will be a visible symbol that shows that this community considers doing the right thing as a priority in terms of helping to save a habitable climate, protecting the environment, and improving the lives of people. This will make our area more attractive to prospective business development executives and people considering moving to our area.*

*Please use this letter as my statement of support for the South Ripley Solar Project.*

*Kindly,*

*Keith Hagenbuch, P.H.D.*

*Parable Farms”*

Clerk Tampio: The second letter received by email on December 3, 2020 comes from Sarah Parker also of Parable Farms.

*“To whom it may concern:*

*I am writing today to express my support for the South Ripley Solar Project. My husband, father, and I own and operate the largest farm in South Ripley, an organic farm that our family has owned for generations. At one time, there were dozens of farms in the area, but over time they have slowly been driven out of business. The South Ripley Solar Project is the lifeline we have been looking for to keep our farm up and running. The payments we stand to receive are critical to keeping us in business. The steady, reliable income from the lease payment would change our lives. Farming is in our blood, and we have worked tirelessly to maintain it as a viable way to make a living. I have done the research am confident the project is safe and won't affect the activities we perform on the property.*

*We are aware that some of our neighbors have a different opinion about the project, but little if any of their messages are based in truth. By passing a resolution that the IDA cannot sign a PILOT agreement with the South Ripley Solar Project, which will directly benefit landowners, the Town of Ripley, the local school districts and Chautauqua County, you will be actively going against your stated mission. I care deeply about my community and believe it can be revitalized. Stay true to your mission and choose to help not only us, but all residents of Ripley, by enabling economic development and improving our way of life.*

*Sincerely,  
Sarah Parker  
Parable Farms”*

Clerk Tampio: That concludes the emailed comments.

Chairman Chagnon: Before I look for a motion from Legislator Gould, I would like to wish all my fellow legislators a very safe, healthy, and merry Christmas. I would also like to express my appreciation for your diligent work and working through this virtual reality that we find ourselves in trying to conduct the business of the county and of our constituents. So, I appreciate all of your work, all of your patience and all of your diligence in getting us through the meetings and through the actions that we need to take to conduct our business. Thank you.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:28 p.m.)

Respectfully submitted and transcribed,  
Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Ames, Deputy Clerk/Secretary to the Legislature