

Regular Meeting  
 Chautauqua County Legislature  
**Meeting was Held Virtually due to Social Distancing Guidelines  
 And Live Streamed on Social Media**  
 Wednesday, June 24, 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.

Legislator Nazzaro delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (05/27/2020)

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

Chairman Chagnon: Are there any submitted comments for the first privilege of the floor?

Clerk Tampio: No, I have not received any communications.

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
 NO VETOES FROM 05/27/2020**

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COMMUNICATIONS:

1. Letter – Town of Mina – Re: Chautauqua County Sewer Agency Update
  2. Letter – NYS Agriculture and Markets – Agriculture District 8 Year Review
  3. Letter – Town of Chautauqua – Public Hearing re: Application for Special Use Permit
  4. Report – Fn. Director Crow – Investment Report – April 2020
  5. Letters (2) – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2020 State Equalization Rates
  6. Letter - County Executive – Appointments to Chautauqua County Emergency Medical Services Council
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Chairman Chagnon: At this point I would entertain a motion to adjust the sequence of the agenda.

Legislator Nazzaro: I move that resolution 149-20 be taken out of order so that SEQRA findings and determinations can be made prior to consideration of local law introductory 1-20.

Legislator Vanstrom: I'll second that motion.

Chairman Chagnon: Discussion on the motion? All those in favor please say aye. Opposed?

*Unanimously Carried*

Chairman Chagnon: We will now move on to resolution 149-20 for discussion at this point.

**RES. NO. 149-20 Approving SEQRA Findings and Determinations for Solid Waste Flow Control Local Law in Chautauqua County, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

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**LOCAL LAW INTRO. 1-20 – A Local Law Providing Solid Waste Flow Control in Chautauqua County**

Legislator Gould: I move that the local law be amended as shown in Print 2 of the local law, which contains the amendments included in the pre-file packet that were recommended by the Audit & Control Committee, and one additional grammatical edit.

Legislator Nazzaro: Second.

Chairman Chagnon: Is there any discussion on this motion to amend the local law print 2?

Legislator Nazzaro: I just want to emphasize the importance of these two amendments. The one is that they are both positive amendments. The one is that the Legislature intends to maintain the County solid waste historical economic rate structure for the benefit of the in-county users and we will continue to operate the solid waste system in a manner that provides a competitive business environment for the County's residents and industries. So, this is to protect our residents (*inaudible.*) Also, the other amendment under section 3, flow control B- this will protect those (*inaudible*) for waste process pursuant to environment sustainably programs that are approved by the deputy director of the landfill that these will be allowed to separate organic waste and other items. This gives us some flexibility for those industries that have those type of programs. Thank you.

Chairman Chagnon: Thank you. Are there any other questions or comments on the motion amend local law 1-20? All those in favor of the motion to amend local law 1-20 please say aye. Opposed?

*Unanimously Carried to Amend*

Clerk Tampio: Mr. Chairman and legislators, I have received a message of necessity regarding the local law introductory 1-20 from Paul M. Wendel, Jr., County Executive.

*"I hereby certify that immediate passage of Print 2 of Local Law Introductory No.*

*1-20 , entitled "A Local Law Providing for Solid Waste Flow Control in Chautauqua County," is necessary in order to facilitate the execution of proposed renewable natural gas (RNG) agreements pursuant to Resolution 148-20."*

Chairman Chagnon: Thank you. I will entertain a motion from Legislator Bankoski. Would you read the motion?

Legislator Bankoski: I don't have it in front of me.

Legislator Nazzaro: I would be happy to read it. I move that debate and action proceed on Print 2 of the local law to allow for its immediate passage.

Chairman Chagnon: Thank you. Legislator Bankoski, is that the motion that you're making?

Legislator Bankoski: Yes sir.

Legislator Vanstrom: Second.

Chairman Chagnon: Is there any discussion or question on the discussion on the motion to proceed with immediate passage of print 2 of local law 1-20? The question before us now is if we will agree to proceed with consideration of print 2 of the local law 1-20? Any discussion? Questions? All in favor? Opposed?

*Unanimously Carried*

Chairman Chagnon: Now we can proceed with discussion and consideration of print 2 of local law intro 1-20. Are there questions or comments on this local law print 2? Will the Clerk please call the roll?

**LOCAL LAW INTRO. 1-20** – R/C Vote: 19 Yes – **UNANIMOUSLY ADOPTED**

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**RESOLUTIONS:**

**RES. NO. 141-20 Confirm Appointments and Re-Appointments – Emergency Medical Services Council**, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

**RES. NO. 142-20 Amend 2020 Budget Appropriations and Revenues—North Chautauqua County Water District**, by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

**RES. NO. 143-20 Authorize Acceptance of Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Grant to Partially Offset Operating Costs for Chautauqua County Jamestown Airport**, by Public Facilities and Audit & Control Committees -

**UNANIMOUSLY ADOPTED**

**RES. NO. 144-20 Removing In-Ground Fuel System at Dunkirk Airport**, by Public Facilities and Audit & Control Committees

Legislator Bankoski: I would just like to state my displeasure with this whole situation. I felt that Chautauqua County has always been trying to help out Dunkirk Aviation the whole time that they were the manager of the airport and now for them to back out on their part of the deal is very sad and disappointing.

Chairman Chagnon: Thank you.

Legislator Scudder: I'd just like to echo what Mr. Bankoski said. Thank you.

Chairman Chagnon: O.K., thank you. Any other questions or comments?

**RES. NO. 144-20 - UNANIMOUSLY ADOPTED**

**RES. NO. 145-20 Authorize Acceptance of Funds from the Federal Transit Administration Coronavirus Aide, Relief, and Economic Security (CARES) Act of 2020**, by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

**RES. NO. 146-20 Acceptance of CARTS Public Transportation 2018 Modernization and Enhancement Program Supplemental Grant**, by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

**RES. NO. 147-20 Approving SEQRA Findings and Determinations for Landfill Renewable Natural Gas (RNG) Agreements** , by Public Facilities and Audit & Control Committees - **UNANIMOUSLY ADOPTED**

**RES. NO. 148-20 Authorize Landfill Renewable Natural Gas (RNG) Agreements with Chautauqua Green Energy LLC (CGE)** , by Public Facilities and Audit & Control Committees

Legislator Lawton: I'd just like to make a quick comment, Mr. Chairman. I'd like to offer my support to this agreement and thank the team that's put hard work into the effort. I'm confident that the agreement's beneficial to the county tax payers with limited risk and additionally, the agreement allows us to continue support of the county's sustainability efforts collecting methane from the landfill and allowing for its use as renewable natural gas. Thank you.

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

**RES. NO. 148-20 - UNANIMOUSLY ADOPTED**

**RES. NO. 150-20 Authorize Execution of State Interoperability Communications Grant FY19, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**RES. NO. 151-20 Amend 2020 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**RES. NO. 152-20 Amend 2020 Budget Appropriations and Revenues due to COVID-19 Department of Emergency Services, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**RES. NO. 153-20 Authorize Acceptance of the BJA FY 20 Coronavirus Emergency Supplemental Funding Program Grant for funds for 2020-2022, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED**

**RES. NO. 154-20 Authorizing SEQRA Review of Waterways Panel 2021 2% Occupancy Tax Recommendations, by Planning & Economic Development and Audit & Control Committees**

Legislator Odell: Thank you very much, Mr. Chairman. I would just like interject that 31 great projects were submitted by soil and water (*inaudible*) as part of the 2% occupancy tax funding program for our lakes and waterways. Eight of the projects were selected for funding based on anticipated revenues from the 2% occupancy tax, which may be adjusted in the future, but this will at least get the ball rolling so we can see where the funds come in in 2021 (*inaudible*) thank you.

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

**RES. NO. 154-20 - UNANIMOUSLY ADOPTED**

**RES. NO. 155-20 Authorize Extension of Lease Agreement for the Department of Planning, Division of Planning and Community Development at Welch Foods Building In Westfield, New York, by Planning & Economic Development and Audit & Control Committees**

Legislator Odell: Just another brief comment. I'd just like to point out that this (*inaudible*) on this facility is the same at the Welch Building, which is under rehab now. There's been a good presence of our Planning Department and the team that Don McCord has built there. I just wanted to give Don McCord, our Director of Planning and Community Development, a bit of a shout out. He asked as part of the lease negotiation for month to month, so should our circumstances change due to our fluid budget constraints that we are under that we do have an option of month to month going forward with this lease. Thank you very much for his diligence and doing what he has. Thank you.

**RES. NO. 155-20 - UNANIMOUSLY ADOPTED**

**RES. NO. 156-20 Amend Chautauqua County Health & Human Services 2020 Adopted**

**Budget for Increased Services for Recipients Costs, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED**

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**MOTIONS:**

**A. Calling on the State of New York to Release Enhanced Federal Medicaid Matching Funds to Counties and New York City**

Chairman Chagnon: Are there any questions or comments on the motion?

Legislator Nazzaro: Mr. Chairman, I thank you and our County Executive for bringing this motion before the county legislature. I will, without hesitation, support this because as we read this motion it's the understanding that the State of New York has already received money from the federal government for FMAP to the tune of \$2.5 billion for the period of January 1, 2020 through June 30, 2020 and the federal law requires that a portion of these funds be passed to the counties, as well as New York City. As we all know, the federal government approved a 6.2% increase in the federal Medicaid medical assistance percentage, known as FMAP. Also, what is even more disturbing as I read down the motion in the last whereas, the State of New York has also been holding for roughly 3 years similar payments for FMAP that is owed to counties and New York City. I certainly encourage all of my fellow legislators to support this and I hope New York State takes action on this, not only for Chautauqua County, but all counties and New York City that are suffering and could use these federal monies that are due us. Thank you.

Chairman Chagnon: Thank you that was very well said. Are there any other questions or comments?

Clerk Tampio: Mr. Chairman, as part of the protocol we need to know that there's support of a majority of legislators to bring this to the floor.

Chairman Chagnon: Thank you very much for pointing that out. As always, I appreciate the guidance. Unless there are any other questions or comments on the motion, I would entertain a motion to bring this to the floor for consideration.

Legislator Gould: So moved.

Legislator Nazzaro: Second.

*No Objection was made to the Motion*

Chairman Chagnon: Now that it's on the floor for action we have had one comment made, are there any questions or comments? All those in favor please say aye. Opposed?

*Unanimously Carried*

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**ANNOUNCEMENTS**

Legislator Vanstrom: Good evening. I just want to share a heartfelt congratulations to all of our 2020 Chautauqua County high school graduates. I fully understand that ceremonies have been compromised due to the global pandemic and I wish all of our graduates much successes in all of their future endeavors and God bless all of them. Thank you.

Chairman Chagnon: Thank you. I see a couple other hands raised.

Legislator Muldowney: I'd like to congratulate three public servants. I am the chairman of the Chautauqua County Assessors Association and we have a meeting tomorrow to honor three long term assessors who will be retiring. One from the City of Jamestown Kevin Okerlund, and one from the City of Dunkirk, Tom Mleczo. They both have served very well and it was a true effort in the City of Jamestown- Mr. Oakland not only served the city of Jamestown, but nine other towns and communities and really has done a wonderful job. My most focus tonight is on an assessor clerk (*inaudible.*) Believe it or not, Molly Ganey will be leaving on Friday from Dunkirk City Hall after 51 years of service to the City of Dunkirk. She served under 15 mayors and (*inaudible.*) She will be truly missed and a true public servant, so on behalf of myself and Mr. Bankoski, we would like to congratulate all three of them. Thank you.

Chairman Chagnon: Thank you. Are there any other announcements?

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### **PRIVILEGE OF THE FLOOR**

No comments were received.

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Chairman Chagnon: Thank you. Before Legislator Gould puts his hand up, I would like to thank you all again for your excellent participation in these virtual meetings that we've been having this month in the committees and at this Legislature meeting. I appreciate your patience and your participation and I am hopeful that we'll all get the pleasure of seeing each other face to face in the very near future; hopefully as early as next month. As I said earlier in caucus, Bill Ward got the gold star for the caucus meeting, which assisted this meeting, so my congratulations and appreciation goes out to him. Unless there is anything else for the good of the order, I will entertain Legislator Gould

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:03 p.m.)

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