

Regular Meeting  
Chautauqua County Legislature  
Live Streamed on Social Media  
Wednesday, December 15, 2021 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:34 p.m.

Clerk Tampio called the roll and announced a quorum present (Absent: Harmon)

Chairman Chagnon: Okay before we proceed with the agenda, I would request everyone in attendance in the Legislature Chambers to wear a mask this evening. I would appreciate everyone conforming with that, thank you. Next we will have the pledge of allegiance and the prayer by Legislator Scudder.

Legislator Scudder delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Ward and duly carried the minutes were approved. (11/17/2021)

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

Chairman Chagnon: That brings us to our first privilege of the floor. Members of the public may comment on any subject relating to any local law, resolution or motion appearing on the agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. Is there anyone to address the first privilege of the floor? Hearing none, we'll close the first privilege of the floor. I will again ask for all those in attendance in the Legislature Chambers please wear a mask. If you don't have a mask, we'll be happy to provide one to you.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 11/17/2021**

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**COMMUNICATIONS:**

- 1. Report – County Executive Wendel – County-Wide Shared Services Property Tax Savings Plan 2021**
- 2. Letter – Chautauqua County Legislature – Acknowledgement of Receipt of 2021 Financial Disclosure Statements**
- 3. Minutes – Conewango Watershed Commission – November 10, 2021 Meeting**

4. **Affidavits of Publication (2) – Post-Journal – Re: Legal Notice of Estoppel – Bonding Resolutions**
5. **Affidavits of Publication (2) – Observer – Re: Legal Notice of Estoppel – Bonding Resolutions**
6. **Affidavit of Publication (1) – Post-Journal – Re: Public Hearing – Local Law Intro. 3-21**
7. **Affidavit of Publication (1) – Observer – Re: Public Hearing – Local Law Intro. 3-21**
8. **Chautauqua County 2022 Adopted Budget**
9. **Letter – Marla Connelly – Parks Commission Resignation**
10. **Resolution – North Chautauqua Lake Sewer District – Re: Extension of Bounds**
11. **Email – Ben Schenk - Re: Concern about Covid Restrictions**

Clerk Tampio: Onto Communications, there are ten communications listed on the agenda this evening. There is another late communication that came in tonight, #11. It's an email communication from Mr. Ben Schenk concerning Covid restrictions. Are there any items you would wish to have read aloud?

Chairman Chagnon: Legislator Gould

Legislator Gould: I would like #11 read please.

Clerk Tampio: Okay it's addressed to the honorable Frank J. Gould and the Chautauqua County Legislature.

Dear Sir,

I very much enjoyed our phone conversation on Monday, December 13th. Thank you for listening to my concerns and sharing some of your concerns with me.

We hold many shared values. After sharing a "Cup of Coffee with a Cop" with Sheriff Quattrone, I decided to heed his advice and make attendance to the Chautauqua County Legislative meeting a habit. That was in October.

November came around and I missed my first chance to join you due to a change in your meeting time before Thanksgiving.

Now I face another hurdle which is our governor's newest mask mandate and the enforcement of it by an unelected bureaucratically controlled New York Health Department and its counterpart in Chautauqua County. I desire to attend this month's legislative session but I refuse to wear a mask. This decision is based on the following information.

There are effective alternatives to the approved narrative of mandatory masks and mandatory vaccinations. Though I believe the concerns expressed by our county health department are sincere, I cannot disregard the lawsuit filed by over 1,000 lawyers and 10,000 medical experts led by Dr. Reiner Fuellmich against the CDC, WHO and the Davos Group for crimes against humanity. I provide a link below

hoping you will be concerned enough to educate yourself from a source other than the NYS Health Department.

I can not ignore the extensive resources of America's Frontline Doctors either. For your perusal I have also included a link to their website.

The last link I will leave with you is The Great Barrington Declaration of which nearly 900,000 people worldwide have signed their names. These signatures include 140,000 infectious disease epidemiologists and public health scientists gravely concerned about the damaging physical and mental health impacts of the prevailing Covid 19 policies. I could send many more links but I will spare you the inundation of information.

My hurdle of being unable to join the legislative meetings is due to my holding to a principle of freedom and not bowing to a narrative whose foundation is built on greed, a lust for power, and total tyrannical control in New York State. States such as South Dakota, Texas, Florida, and others have adhered to principles of freedom allowing the people of their states to make their own health decisions regarding vaccination, masks, etc. There is no significant difference in levels of infection rates as compared to NY. I refuse the mask and the Emergency Use Authorization for the experimental shot, of which one has been hastily approved by the FDA.

I hope it will be said that the Chautauqua County Legislature stood against tyranny, and defended the Constitution of The United States to which they pledged.  
IN GOD WE TRUST.

Thank you for having this read by the clerk in my absence.

Thank you for your service to our great county, in a great state, in a great nation.  
Ben Schenk

Clerk Tampio: If there are any other items for which the legislature would like copies, please notify the legislative office.

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**LOCAL LAW INTRO. 4-21 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employers (Re: Undersheriff, Captain, Warden and Corrections Lieutenant)**

Chairman Chagnon: Any questions or comments on the local law? Legislator Niebel?

Legislator Niebel: Mr. Chairman, when this local law was first proposed I asked the sheriff and human resources to look at three or four other counties so we could make a comparison. They ended up looking at thirty two other counties. The salary range before us now puts us somewhere in the middle of those thirty two counties. We are looking at an increase of two or three ranges for each position but given today's situation regarding law enforcement, I believe these increases are warranted, thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the local law? Hearing none, will the clerk please call the roll?

Local Law Intro 4-2 – R/C Vote: 18 Yes – 1 Absent – UNANIMOUSLY ADOPTED

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Clerk Tampio: Moving onto Resolutions, Mr. Chairman.

Chairman Chagnon: Legislature Gould?

Legislator Gould: I would like to make a motion to block Resolutions 278-21 to 315-21.

Chairman Chagnon: Okay, we have a motion to block and a second by Legislator Bankoski. Are there any discussion on the motion to block resolutions 278-21 through 315-2? At the end of the reading of the blocked resolutions there will be an opportunity for questions, comments and individual voting on individual resolutions. Any other questions or comments? Hearing none, all those in favor of the motion to block please say I. Opposed?

*Unanimously Carried to Block Resolutions 278-21 through 315-21.*

### **RESOLUTIONS:**

**RES. NO. 278-21 Confirm Appointment and Re-Appointments – North Chautauqua County Water District Administrative Board**, by Public Facilities Committee– UNANIMOUSLY ADOPTED

**RES. NO. 279-21 Confirm Re-Appointments – Parks Commission**, by Public Facilities Committee– UNANIMOUSLY ADOPTED

**RES. NO. 280-21 Reestablish County Sewer Agency for Proposed Extension of North Chautauqua Lake Sewer District**, by Public Facilities Committee - UNANIMOUSLY ADOPTED

**RES. NO. 281-21 Amend Landfill and Transfer Station User Fees**, by Public Facilities, Planning & Economic Development and Audit & Control Committees - R/C Vote: 16 Yes – Vote: 2 No - 1 Absent – CARRIED w/ Legislators Penhollow and Ward Voting “No”

**RES. NO. 282-21 Amend 2021 Budget for MEP Grant Award**, by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 283-21 Amend Resolution 151-21: Authorize Agreement for the Purchase and Removal of County Owned Timber from the Thomas Erlandson Park in the Town of Carroll**, by Public Facilities and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 284-21 Amend Resolution 152-21 Authorizing Agreement with NY State DOT for Performance Of Federal-Aid Project PIN 5762.56,** by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 285-21 Authorize Extension of Lease Agreement with G. H. Graf Building, LLC for Office Space in Dunkirk, New York,** by Public Facilities and Audit & Control Committees- UNANIMOUSLY ADOPTED

**RES. NO. 286-21 Renew and Amend Resolution 213-21 to Amend 2021 & 2022 Budgets to Implement the County Internet Bandwidth Upgrades Project within the Chautauqua County American Rescue Plan Act(ARPA) Spending Plan,** by Administrative Services and Audit & Control Committees- UNANIMOUSLY ADOPTED

**RES. NO. 287-21 Adjust Accounts for the Real Property Tax Office,** by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 288-21 Financial Management Policy for the County of Chautauqua,** by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 289-21 Amend Chautauqua County Purchasing Policy,** by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 290-21 Amend 2022 Budget to Implement the Emergency Services Message Boards Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Public Safety and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 291-21 Amend 2022 Budget to Implement the Office of Emergency Services (OES) Emergency Medical Service (EMS) Gear Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Public Safety and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 292-21 Amend 2022 Budget to Implement the Emergency Services Office Upgrades Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Public Safety and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 293-21 Amend 2022 Budget to Implement the Office of Emergency Services Dive Boat Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Public Safety and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 294-21 Amend 2022 Budget to Implement the Emergency Services Paving Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 295-21 Amend 2022 Budget to Implement the Office of Emergency Services (OES) Communications Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 296-21 FY2021 State Homeland Security Program (SHSP)**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 297-21 Authorize Acceptance of 2022 Crimes Against Revenue Program (“CARP”) Funds**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 298-21 Amend 2022 Budget to Implement the District Attorney Office Expansion Project in the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 299-21 Authorize Agreements with Various Entities for Enhanced Police Protection Services FY22**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 300-21 Amend 2021 & 2022 Budgets for Capital Projects**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 301-21 Authorize Agreements with Various Towns for Court Security Services FY22**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 302-21 Authorize MOU with E2CCB and Chautauqua Lake Central School for Incarcerated Youth Program at the Chautauqua County Jail**, by Public Safety Committee - UNANIMOUSLY ADOPTED

**RES. NO. 303-21 Amend 2022 Budget Appropriations to Include Office of Mental Health (OMH) Workforce Block Grant Allocation**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 304-21 To Amend 2022 Budget to Implement the Environmental Permit Fee Waiver Program Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 305-21 Amend 2021 Budget to Implement the Strong Starts Chautauqua Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 306-21 Amend 2022 Budget to Implement the Strong Starts Chautauqua Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Human Services and Audit and Control - UNANIMOUSLY ADOPTED

**RES. NO. 307-21 Amend Chautauqua County Health & Human Services 2021 Budget For Rollover of Community Development Block Grant - Septic and Wells Program**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 308-21 To Accept National Association of County & City Health Officials (NACCHO) Wastewater Surveillance Mentorship Pilot Program Funding**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 309-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Contractual Costs – Nursing**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 310-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Contractual Costs – Environmental Health**, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 311-21 Amend 2021 Budget – Clean Energy Community Grant (2019)**, by Planning & Econ. Development and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 312-21 Authorize Agreement with Small Business Development Center at Jamestown Community College**, by Planning & Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

**RES. NO. 313-21 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Business Development, Promotion, and Assistance**, by Planning & Econ. Development and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 314-21 Authorize Agreement with County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses**, by Planning & Econ. Development and Audit & Control - UNANIMOUSLY ADOPTED

**RES. NO. 315-21 Authorize Extension of Lease Agreement for Department of Planning & Development at the BWB Center**, by Planning & Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

Chairman: Okay are there any questions, comments, discussion on any of the blocked resolutions? Legislator Nazzaro.

Legislator Nazzaro: Mr. Chairman I just want to make a general comment. We went through these very quickly but rest assured, in committee we went through these very thoroughly and just a tally as you know we received 24.6 million in ARPA funding, The American Rescue Plan, and to date now with what we have before us tonight we will have approved just under 10.2 million in projects. So each year we receive 12.3 million for 2021 and 12.3 million for 2022 and again we've (*Inaudible*) here awarded 10.2 million today.

Chairman Chagnon: Thank you. Legislator Penhollow?

Legislator Penhollow: Thank you Mr. Chairman. I just wanted to be recognized and noted that I was the only no vote for the increase of the landfill and transfer station tipping fees, thank you.

Chairman Chagnon: So you intend to vote against that this evening as well?

Legislator Penhollow: That is correct.

Chairman Chagnon: Okay thank you.

Clerk Tampio: And what was that Resolution number?

Legislator Penhollow: Resolution 281-21 and I'm sorry.

Chairman Chagnon: Okay other questions, comments, discussion on any of the blocked resolutions?

Legislator Ward: To correct him, he is not the only "no" vote on that particular resolution.

Chairman Chagnon: Okay, so Legislator Ward you intend to vote "no" on that resolution as well?

Legislator Ward: Yes.

Chairman Chagnon: Okay thank you. Other questions, comments on any of the resolutions that were blocked? Hearing none, all those in favor of the blocked resolutions please say "I". Opposed? With the two votes in opposition so noted. Okay then the blocked resolutions, I believe –

Clerk Tampio: Are all carried. All unanimously except for resolution 281-21 with 2 "no" votes and 16 yes votes.

**RES. NO. 281-21 Amend Landfill and Transfer Station User Fees – R/C Vote: 16 Yes – Vote: 2 No - 1 Absent – CARRIED w/ Legislators Penhollow and Ward Voting "No"**

**RES. NO. 316-21 Setting Salary for Coordinator of Aging Services II, by Administrative Services, Human Services, and Audit & Control Committees – R/C Vote: 18 Yes - 1 Absent – UNANIMOUSLY ADOPTED**

Chairman Chagnon: Okay, that bring us to Commendations on the agenda. We're going to have commendations for our four outgoing legislators.



**COMMENDATIONS:**

**CHRISTINE STARKS – DISTRICT 4  
CHARLES NAZZARO – DISTRICT 9  
ROBERT WHITNEY – DISTRICT 11  
WILLIAM WARD – DISTRICT 18**

**MEMORIALS:**

**Ronald Szot  
By  
Legislator Robert Bankoski**

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**Victoria James  
By  
Legislator Charles Nazzaro**

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**Alvin McGrath “Mac” Crowe  
By  
Legislator Bob Scudder**

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**Robert Duff  
By  
Legislator Bob Scudder**

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**Thomas Harte  
By  
Legislator Kenneth Lawton**

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**ANNOUNCEMENTS**

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County Executive Wendel: On an announcement front, this Thursday, Friday and Saturday a young man walked in and reminded me Keith Martin will be at the Jamestown Cycle Shop collecting nonperishable food items for the Saint Susan’s Kitchen usually braves the cold but obviously he will be braving some tropical weather this year but I urge everybody to please – the Saint Susan’s Center is such a great service for Southern Chautauqua County residents but Chautauqua County residents as a whole. So if you have the opportunity, please stop down and see Keith and make a donation to the Saint Susan’s Kitchen. The next one is a challenge. If a goal is met, yours truly will be swimming in Chautauqua Lake this January. Brad Barmore, a

teacher at Sherman Central School has linked with the Dwyer Foundation to provide and purchase coats – gently used coats collecting for our veterans. There are many veterans in need – people don't realize that when veterans serve their country some of them are often forgotten and have a tough time adjusting back to the community. So I urge everybody to please – it's BDB on Facebook, you'll find the website and urge everybody to please support the Dwyer project. It's an incredible project we here support in Chautauqua County and I ask everybody to please support those funds, thank you.

Chairman Chagnon: Thank you, are there any other announcements for the good of the order. Hearing none, I will just point out that our organizational meeting for the 2022 legislature will be on Monday January 3<sup>rd</sup> at 4:00 p.m. So then we will move onto our second privilege of the floor.

### **PRIVILEGE OF THE FLOOR**

Chairman Chagnon: Members of the public may comment on any subject. A member of the legislature may speak on any subject. Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. And I will again request anyone addressing the legislature at the second privilege of the floor, please wear a mask. Is there anyone wishing to address the second privilege of the floor?

Kathy Abbate: (*Inaudible*) But I can't wear a mask alright I'm nervous enough, I'll just keep my distance. Good evening my name is Kathy Abbate of Ashville New York. I'm here to thank and encourage our county executive and those on this legislature who stood behind him in the decision to stand against the illegal and unconstitutional mandates and fines associated with noncompliance. I also appreciate that Andy Goodell and George Borrello also gave statements against these mandates. Please continue to stand against all forms of illegal unconstitutional mandates including vaccine passports, they are not what the USA stands for. My concern is though that I don't see our county actively pushing the early treatment approach that has been effective around the world to eradicate this bioweapon/virus. I want to encourage each of you as our elected representatives to research these protocols through the frontline critical care Covid alliance group. It's an amazing group, you can find them out online. These doctors are not only helping people get these medications but sharing data from (*Inaudible*) studies around the world. Why is this being ignored here in the USA? My conclusion is that there is much money to be made by the pharmaceutical companies with these vaccines and not much to be made with cheap long time safer and effective drugs we have used for decades. I would think it would be much safe and more effective to promote getting people the protocols as soon as they test positive. I know for a fact this is not happening. Those I personally know that have gone to the emergency room and tested positive are given prednisone, maybe an albuterol inhaler, sent home and told if they get worse to come back to the ER. They then get admitted – these are the people that I know that have had that happen – they then get admitted to the hospital and many times end up on a ventilator. We could keep people from even entering the hospital by treating with ivermectin, hydroxychloroquine, inhaled budesonide, vitamin C and D, coricidin, zinc, z packs and corticosteroids if needed. These are being used very effectively by fearless, courageous doctors and they have very few patients who end up in the hospital or die. Some of these doctors are Dr.

Peter McCulla, Dr. Zev Zelenko, Dr. Pierre Corrie, Dr. Simone Gold and that's just a very small amount here in the United States. There must be bold actions taken against the vaccine narrative to care for people's health. Continuing to promote a vaccine that has no long term studies and has injured 1.8 million in the USA as reported to the VAERS of which 20,000 of those are deaths as in my opinion (*Inaudible*). How would it feel if you told someone to get the vaccine and they died shortly after or they were permanently injured for life? I personally know of 3 people – 3 people who experienced severe adverse events right after receiving the vaccine. One of those people used to live here in Chautauqua County and is in Pennsylvania now. He got the vaccine, within one week he came down with Covid, ended up unconscious and in a coma for 4 weeks and because of micro clotting, lost both of his feet, his right hand and several fingers. These stories need to be told. There are thousands and thousands of them all over the country and the world.

Chairman Chagnon: Excuse me, you've exceeded your 3 minutes please wrap it up.

Kathy Abbate: I'm wrapping it up right now. I believe in freedom to choose what is best for your own body. If you have complete informed consent and you choose to take the vaccine, that is your choice but please also start promoting early treatment and stop making those who choose to not take the injection feel that they are wrong in doing so. There is something very wrong with bribing people to get a vaccine – let people make their own choice without dangling carrots in front of them, thank you.

Chairman Chagnon: Thank you, anyone else wishing to address the second privilege of the floor? There are masks available on the table.

Ben Schenk: Thank you for the mask. My name is Ben Schenk. I'm here because of Sheriff Quattrone because I have seen our government slipping away or I should say the freedoms of the people of the United States and you guys are citizens also. Our freedoms have been slipping away. Your freedoms have been slipping away. And I'm very concerned about that. Where do we start? You know, I guess for 30 years – I've noticed it for 30 years since 1997 – safety. The Constitution – there is - no you show me one place in the Constitution where it says “it is the government's responsibility to keep the citizens safe” – you show it to me. If you cannot show it to me, it is not your authority to keep the citizenship safe. And if it's not in your – it's not your responsibility if it's not written in the constitution it is the responsibility of the citizenship to keep ourselves safe and so if you think that it's the right thing to do because the health department says it's the right thing to do – they have no authority and you have no authority and you have no authority to keep me safe and to keep these people safe and to keep yourself safe because you are citizens. You are nothing more than a servant to these people to these people right here and you have no authority because the constitution gives you no authority to keep us safe. So do not tell me that you have the authority or the state has the authority to mandate masks or to mandate a vaccination. You have no authority. I'm sorry that I'm a little bit passionate. Or even test. You just have no authority. And it's time for the – for years I've worked and I didn't have time to get involved in government because man I just want to go home and rest. And so the citizenships – the citizen just says “well we just got to trust our government”. And we've been conditioned for that for years to just trust that the government is going to take

care of us and the government just keeps getting more and more (*Inaudible*) and it's got to stop. So we've got to stand up, citizens, you citizens, we need to stand up to (*Inaudible*).

Chairman Chagnon: Mr. Schenk you've exceeded your 3 minutes, please wrap it up.

Ben Schenk: Thank you. God Bless American, God Bless Chautauqua County, God Bless you people. Courage is the act of standing against fear and I would ask you to take these silly masks off.

Chairman Chagnon: Anyone else wishing to address the second privilege of the floor?

Diana Pretski(?): My name is Diana Pretski(?) I live in Gerry, New York. Thank you for not reminding me again to put a mask on my face, I appreciate that.

Chairman Chagnon: May I interrupt you for a moment?

Diana Pretski(?): Sure

Chairman Chagnon: You are a guest in the Chambers of the Chautauqua County Legislators. I requested you to wear a mask and I would expect and appreciate some respect for this chambers, these legislatures and my position. You may continue.

Diana Pretski(?): Thank you, I get to continue. So I actually was going to stand up here and say thank you to P.J. for his seemingly support of not enforcing the mandates however, prior to waking up and speaking truth, I actually got paid to be a social worker and I worked in clinical work and I was a trauma specialist and all those fun things and so now I'm just a lunatic that stands on the corner with a flag and have people like this gentleman make fun of us for not having enough people here tonight as he walks in. And so –

Legislator Ward: Are we going to go on record?

Diana Pretski: Go on record for what?

Legislator Ward: Are we going to go on record ignoring the state mandate? As a body, are we going to go on record here because that's what we're doing?

Diana Pretski: It is not a law. Mandates are not laws.

Legislator Ward: I'm just asking a question (*Inaudible*)

Chairman Chagnon: Legislator Ward, please you've interrupted one of the speakers. You're free to make that comment as another participant and a second privilege of the floor. Please continue.

Diana Pretski: Thank you. So one of the things that we know about in social work is that language is the first place of safety. So when you read in the paper that we're not going to

support these mask mandates and then you say things like the “non-compliant patrons”. I am not a non-compliant patron. I am a God Fearing citizen of the United States of America that has certain rights under God of which the Government is supposed to make sure that my rights are upheld, not tell me what I am supposed to do with my body. Not tell me that I have to get a jab that is experimental and by the way it is not FDA approved. The version that is FDA approved has not even hit the market until 2023 when the clinical trials are over. Everything that’s being handed out right now is an experiment. Everything that we’re sending you is factual information and you are participating in crimes against humanity by telling our citizens to go out and get this jab. You’re all going to be held accountable, it’s coming. You’re going to be held accountable so it’s your time to start doing the research, finding out how many people that have died from this jab, what it does to the body, follow Dr. David Martin, and watch the damn video. He shows all the patents, all the – the bioweapon covid19 and the bioweapon of the jab. Its toxic spiked proteins. Stop telling your citizens to inject themselves with a killer bioweapon and stop telling me that I have to put masks on my children. My son was born 10 weeks early in the NICU on a ventilator. Do you think that I stood 52 days next to his side in the hospital, came home on oxygen so that I can now put a mask on his face so that I could kill him in society? Wake up and know your role, thank you.

Chairman Chagnon: Anyone else wishing to address the second privilege of the floor?  
Legislator Ward.

Legislator Ward: Okay my apologies for the interruption, I should have waited for your answer for the point of order, I am sorry about that. That is my question though, are we in a position to go on record as ignoring the state mandate here in this chambers tonight because we are so far. I would presume that if we continue that that is our position. I hate to begin anything that I say at the last meeting that I attend with the words that I’m disappointed. Especially since Christine wrote us such a beautiful letter and in that letter in caucus she said that “I’m always positive and to keep smiling” and I really appreciate that Christine, thank you for those words. And because of that letter I’m just going to – I’m going to leave my disappointment and just say that I stand with the county’s stance, the health department’s stance that encourages folks to wear masks, that encourages all businesses, schools and public gatherings to follow the health department guidelines, require masking and social distancing. I would encourage the Chautauqua County Government to support those practices and save lives. Our hospitals – the simple fact is there are no hospital beds left in this county or near it. We are at crisis stage because people can’t breathe. That’s a simple fact. It has been said by the health department that if you’re not in health care you don’t know that. Businesses right now are in an unfortunate and (*Inaudible*) predicament and they’re facing boycotts. They’re facing – I was at a health care facility who said they are being (*Inaudible*) boycott because of the stance that the county has taken. I love you P.J. but fear that we have put the businesses and individuals in Chautauqua County in this (*Inaudible*) predicament. I would urge the county to change its stance on the state mandate, thank you.

Chairman Chagnon: Okay, next for the second privilege of the floor, please.

Anthony Tada: Good evening my name is Anthony Tada. I live at 144 Clifton Avenue in Jamestown and I appreciate and I would like to say it separately the responses of our county executive and Assemblyman Andrew Goodell, concerning for showing that New Yorkers that

governor Kathy Hochul's mask mandate is illegal and it makes Kathy Hochul a ruling *(Inaudible)* similar to the royalty of old England. Such behavior that sparked a revolution in free system of government that's being threatened right now by Kathy Hochul. Because Covid is a state wide issue affecting all New Yorkers, we have the right to be heard through our state representatives, through due process of law as assemblymen Goodell stated in the paper for the purposes of establishing laws regarding Covid 19. Governor Hochul is disregarding HIPAA law, privacy protections concerning our medical treatment and denying New Yorkers the right to make an informed decision as to treatment based on the reliability of the medical information. Further, Governor Hochul is tampering with the 14<sup>th</sup> Amendment to the U.S Constitution and its companion in New York State Constitution which protect the right to bodily integrity or in other words, the right to do whatever you want with your own body. For these reasons and more, Kathy Hochul has exceeded the authority for executive orders allowed to a governor by federal and state constitutions resulting in these orders being unenforceable and requiring Governor Kathy Hochul's impeachment. Governor Hochul is oppressing the other two branches of government and destroying the protection someone like her given to Americans under the balance of power doctrines. Now just for a looking at Kathy Hochul's defense of promoting the general welfare. Well you allow thousands – tens of thousands of people in football stadiums every week. You allow people to go shopping in malls and plazas. Is that an intent to promote the general welfare? President Biden allows 60,000 illegals to cross the border every month. Those illegals statistically have multiple the times of Covid infection that we have here in the Americas. He then puts them on a plane and disperses them to the four corners of the United States along with Covid 19 and other diseases. Is President Biden – is his intent to promote the general welfare or is he failing to do his job as the President, being a hypocrite and allowing this disease to spread unnecessarily while oppressing the rest of us? Thank you.

Chairman Chagnon: Thank you Mr. Tada for respecting my request to wear a mask when you spoke, thank you. Next, Legislator Nazzaro.

Legislator Nazzaro: Thank you Mr. Chairman. I am up here not as a legislator but as a lifelong resident of this county. I live in Jamestown, New York Springdale Avenue. I respect all of you and I thank you for coming. You have the right of freedom of speech and I honor that. And most of you know I'm pretty bipartisan and non-political so I'm not here to debate the political issue. What I am here to tell you is that 24 hours ago I was in the ICU saying goodbye to one of my best friends who died of the Covid. He refused the vaccine, his choice, freedom of right. He would not wear a mask unless he had to. Again, freedom of choice. He thought he could beat the Covid. Today, I went with his wife to Lind's Funeral home to help to make arrangements for his burial. Today also I was at the Catholic Church saying goodbye to a close relative at a funeral who died of the Covid. Not a good couple of days for me. Thank you, and again I respect all of you. What I'm here for is to do the right thing. We are in a health crisis. Over 800,000 people have died nationally. We can debate the issue, sure we can. This county, we had 11 deaths last week. Two weeks ago we had over 800 new cases. This past week I did not hear the exact numbers but I heard it was close to 700. We are in a healthcare pandemic and the reason I wear the mask is because I believe it's the right thing to do and that's my right but also I don't want to give this virus – I've been vaccinated as you probably could guess and I *(Inaudible)* booster and I was reluctant to get the booster and I had – I got pretty sick from it but I want to protect my family. I want to protect my friends and my loved ones, the people I'm

sitting here with. So non-political, I'm not trying to infringe on your rights but my opinion, the right thing to do is get vaccinated unless you have a medical reason not to and wear the mask and let's get through this damn pandemic that is crippling this country and the world. Thank you for letting me speak.

Chairman Chagnon: Is there anyone else wishing to address the second privilege of the floor?

Carrie (?): Hi, I want to say I'm very sorry for your loss and for anybody that has lost anybody due to the pandemic, relating to Covid or any illness whatsoever. Death is not an easy thing to deal with. I know I've worked as a nurse for a long time now and I'm here to say that there's always going to be diseases that we are dealing with and to put Covid aside, I'm not trying to speak of it lightly because it is very serious and we should take it very seriously but –

Chairman Chagnon: Excuse me, I neglected to ask you to introduce yourself.

Carrie (?): Oh I apologize, Carrie. My name is Carrie.

Chairman Chagnon: And you live?

Carrie (?): I live in Stockton. I've never been to any political event at all I am just now trying to get involved because of common sense. Things that are happening now and actually since the pandemic has begun, common sense has just kind of gone out the door and it's – fear has set in. And what I'm trying to tell you is that our healthcare system has had a lot of issues, way before the pandemic even started. I could tell you horror stories, horrific stories that I have experienced personally working in the ICU, working in the ER, working on the med surge floor, working in our community and all of our nursing homes in this area I've been throughout every single area as a nurse. I apologize I'm really nervous right now. What I wanted to say is that I know it's hard because we're all getting really emotional based on fear – fear that our rights are being taken away, fear that we're going to die from a disease, from a virus. But we have to think logically about what is happening and common sense as a society right now. There are rights being taken away but for what? It's out of fear right now. We have to think logically. As a nurse, I'm taught basic 101 nursing school to question things. I could tell you so many times if I didn't question orders from a physician or another nurse or another medical professional, my patients would have died if I did not question it, use my nursing judgement. So this what a lot of the people, a third of the population right now are doing are questioning the practices that are happening because they don't make sense. Just again throughout the pandemic I was told to not wear a mask at the very beginning even though I was the one that started wearing a mask originally and then it was okay wear a cloth mask and then wear an N-95, oh no now it's just surgical, oh wait now you have to wear a N-95 and then a surgical mask, now wear your face shield, oh wait now this week it's okay to just wear a surgical mask. I know that's just one silly example but there's so many different things that do not make sense so as a healthcare professional I have to question what is going on right now and again Covid is serious and it should be taken very very seriously but we are missing just these very basic facts and it's just frightening what is happening and to not allow healthcare workers in our state to not work because of a vaccine that we're questioning the (*Inaudible*) of – that's just insane to me so now

all my experience as a registered nurse, my professionalism and I could – I'm not trying to boast myself by any means but my patients were well taken care of and I could tell you thousands of other nurses who are not working right now that need to be working to help advocate and take care of everybody's family members for Covid. I have a good friend in the ICU going on 3 weeks right now at Brooks still there related to Covid because her primary physician would not see them. They wouldn't take care of them, why? Again, common sense to me like I can't tell you what your lungs sound like just from looking at you. I have to be able to assess. Why are we not treating Covid patients? We would have a lot better outcome if we just did a better job instead of forcing things.

Chairman Chagnon: You've exceeded your 3 minutes please wrap it up.

Carrie (?): Oh, I'm sorry. Thank you for your time and I hope everyone has a safe Merry Christmas. Thank you for allowing us to come and speak. Just please try to open your minds a little bit more. We have to not think fear, fear, fear and yes we want to save lives but we have to do it with common sense. Thank you very much for your time.

Chairman Chagnon: Anyone else wishing to address the second privilege of the floor?

Gerrit Cain: Good evening Mr. Chairman, members of the legislature, Mr. Wendel. First of all I would like to thank executive Wendel in this body for taking the constitutional motion passed a few months ago seriously. And again, thank you to Mr. Davis and Mr. Pavlock for putting that forward and everyone else who voted in favor of it. And thank you for having the courage to resist or return to government overreached to deal with this Covid situation. I think with nearly half the counties in our state refusing to participate in the enforcement of our interim governors recent unconstitutional mandates. There appears to be hope that we're coming to our senses. Myself, many others and perhaps some of you especially from what I've seen tonight have (*Inaudible*) the extreme politicization around this virus and the tension and division it has caused and is causing in our lives and in society. What I've hoped we've learned or will soon understand is that heavy handed government mandates are not how we should deal with this type of virus. I believe as a county, you as a body and especially executive Wendel have an opportunity to demonstrate more a leadership and responsibility in taking some additional steps to further help depoliticize this situation. And I think that's the main problem that we face tonight is that we started off, right off the bat politicizing this virus. Wouldn't it have been nice if no politician ever grabbed the microphone and spoke about this virus if only real scientists and real doctors were allowed to disseminate the information and keep the politics out of it and keep the politicians out of it? I don't think it's a – putting the toothpaste back in the tube type situation. I think we do have an opportunity here and I think we as a county can lead this if we're willing to be courageous and take a few next steps. And this is going to sound extreme but I really think that we can do it and I think that it can be the next logical step that hopefully other counties will follow and help us like I said, depoliticize this situation further. I think the county health department should see spending public resources in the form of tax money and personal and personnel for materials promoting vaccination as well as running and administering vaccination clinics or drives. I am not opposed to people making the decision to get themselves or their children vaccinated. The issue I have is with government being involved to the point of using tax money that belongs to all of us for this purpose which is clearly controversial and is



fanning the flames of division in our community. Case in point, this meeting tonight. Another case in point, the Chautauqua County health department has had to pull and disable comments from their Facebook page regarding vaccination drives for children. The money used to fund our county health department is collected from a wide range of people with a wide range of strong opinions of the virus and the vaccine. To put it to use for things that are so controversial and so (*Inaudible*) is both immoral and irresponsible. Additionally, our health department is also responsible for services such as mental health, addiction treatment, as well as foster care.

Chairman Chagnon: Excuse me, you've exceeded your 3 minutes please wrap it up.

Gerrit Cain: I'm speaking for the Libertarian Party as well as myself.

Chairman Chagnon: Okay would you please introduce yourself and your address.

Gerrit Cain: Oh sorry Mr. Chairman. Gerrit Cain, 2486 Falconer Frewsburg Road, Jamestown New York. As a Libertarian, I gladly go to the matt, rhetorically not literally Mr. Wendel in favor of these services being better handled by non-government entities. Yet at this place in time it remains in the hands of the counties and state departments of health for now. Vaccinations are readily available at primary care doctors and pediatricians as well as most area pharmacies. We don't need to spend valuable public resources on max vaccination clinics and bring many people to one location. What some would call a risk for spread? Inclosing, I encourage this body and the executive to direct the county to cease participation in vaccination promotion and administration in the interest of using their resources to better address of issues of mental health, addiction and foster care that are lacking in this area and throughout the state. Likewise, this is in the interest of depoliticizing the issue of Covid and vaccination in good faith the county could help those signed up for the upcoming vaccination clinic to schedule an appointment with their physician or nearest pharmacy. If we take this step, hopefully similar to the recent state mandate nullification, other counties will take notice of our courage and follow our lead to get their departments of health refocused on less politically contentious priorities. It is my hope that we can deescalate the emotions and the vitriol that is poisoning our government, communities and families. That we can get to the point where government is restored to a very limited role, where our founding fathers intended it and a society where people and their God given rights matter more than politics. Thank you, Merry Christmas.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor? Legislator Niebel.

Legislator Niebel: Route 20, Sheridan. To these folks in the back here, look many legislators are probably sympathetic to your views. Show me one resolution or one motion where this body has supported mask or vaccine mandates? There aren't any. Your disagreement is with the state and federal government and that quite frankly that's where your efforts should be directed. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor?

Mindy White: Mindy White, Clymer, New York Bush Road if you need the street. I think I would agree with what you just said sir however, I think and even though I appreciate County Executive Wendel who states he stands against the governors unconstitutional mandate. There is a real fear in my own small town of Clymer, the one restaurant we have has a fear of \$1,000 fine for every person who comes in. The Health Department or excuse me, whoever regulates the food industry, I'm sorry I'm not sure if it's the Health Department – that's real. So yes, we can write letters and many of us do but it's in our faces every day and that makes a big difference for a small business in these small towns. I would like to say that I agree, this disease is very real. My husband, who is volunteer EMT in our town, caught Covid by taking a patient while he was wearing all the gear to protect himself. Thankfully they both survived. It is very real and he also works as Emergency – excuse me operating room nurse but because of the mandates where health care workers unless you're vaccinated you cannot work he cannot do many of the surgeries because that has not been shut down and so now he is now working in the Emergency Room. My husband has been telling me day after day, it is a battle ground there. It is terrible at WCA, our local hospital. The beds are taken up but you also don't have the staff. It is crazy. They are overworked – it is just a disaster and I can't believe that those in charge of these decisions like our governor, have created this situation and making a bad situation worse. So please do your part to make it known that we need to approach this differently. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the second privilege of the floor? Anyone else? Thank you, please introduce yourself.

Tim Smart: Good evening everybody, my name is Tim Smart. Jamestown New York (*Inaudible*) Ave so district 11. I just wanted to speak with you guys very briefly to kind of make two sorts of points. Number 1, I am speaking on behalf of myself but I think to some degree I'm also speaking on behalf of a group of people like me and I'm not saying literally a group but just that there are a lot of people that have been on the similar journey so at the beginning of the pandemic, let's say March 2020 right around in there whenever it was that it came down to we need to all work together as a community to flatten the curve. There was projections that there might be as much as 2 million people that would die from this and we were doing the best we could with the information we had which was minimal and everybody was reacting very quickly. I'm a pastor of a local church so we – you know I'm immediately wrestling with okay where's the separation of church and state, how does this work? You know, all of these things that we haven't really had to think about that much. So we elected to go with the community response, let's all work together to do what we can to save lives. Over the course of time, we find that the information, particularly that model of 2 million people that was incorrect. We found out as we go that the testing – there's all kinds of issues and we don't need to get into all of that. The point is, that I am a representative who had very little to do with off year elections, local government. I don't want to be here you know I just want to be able to vote and trust our representative to do what they need to do but over the course of these last couple years my trust in the federal and state government responses and in a sense the local government response has gone down drastically. My trust in the system, the CDC, the FDA, the involvement of money, there's corruptions – a lot we could say about that. It has gone down drastically. My frustration and anger with government in general has gone up. I would always just say "I'm just going to vote and that's that" and leave it go and – so this most recent election I went out and voted when I normally wouldn't. If it wasn't you know a federal or state or something you know is going on.

And I think there's a lot more people than we realize that are having these same sort of realizations and waking up to a large degree to say it matters very much what we do locally. It matters very much at all levels. The one point was that someone like me standing here – this hasn't happened in my whole adult life to come and speak to the legislature – it's just the tip of the iceberg and I really believe that. It's anecdotal but I believe that and then I just wanted to ask a question – have us kind of think about that as we leave – to what degree is county government just a rubber stamp for the state? I don't know the answer I really don't. I'm trying to understand like I have not even considered county government until this very very recently. But one of the gentleman made a point that “You should be upset with the state, you should be upset with the federal, that's really where these things happen” And I understand what your point is because when the health department – this health department came to our school and threatening to shut it down and fine us every which way to Sunday and thousands of dollars here, there and everywhere and it was very aggressive. They would reference the state and the state referenced the CDC and I have zero trust in them. And what I want to have us think about and consider is like to what degree are we just a rubber stamp like do we have to do everything that the state says? And I think by definition probably yes, you know mostly as a county. But is there some room for creative solutions? Is there some room to kind of do what we need to do in terms of compliance but also not come at it as aggressively as the people up the chain who are making some of these policies?

Chairman Chagnon: You have now exceeded your five minutes, please wrap it up.

Tim Smart: That's all I have to say so thank you for listening.

Chairman Chagnon: Is there anyone else wishing to address the second privilege of the floor? Anyone else wishing to address the second privilege of the floor? Seeing no one.

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MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (801: p.m.)

Respectfully submitted and transcribed,

Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Lee, Deputy Clerk/Secretary to the Legislature/Kristi R. Zink, Senior Stenographer

