

Regular Meeting
Chautauqua County Legislature
Live Streamed on Social Media
Wednesday, April 27, 2022 6:30 p.m.
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on April 27, 2022. Would the clerk please call the roll?

Deputy Clerk Zink called the roll and announced a quorum present (Absent: Rankin)

Legislator Scudder delivered the prayer and pledge of allegiance.

MOVED by Legislator Harmon, SECONDED by Legislator Bankoski and duly carried the minutes were approved. (3/23/22)

1st 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?

Good Evening my name is Michael Dea and I am from Silver Creek. We were told that the COVID 19 vaccine were both safe and effective. Both claims are demonstrably false now that we have the data to support that conclusion. I will talk more to that. Spending tens of thousands of dollars to hound people into getting this vaccine is both a waste and perhaps a threat to public health if you look at the data. Let me offer some data points that have been kind of missed in the politics of all this. As of February 1st, the (*inaudible*) database which is maintained by the CDC to monitor adverse reactions to the vaccines have recorded 25 thousand confirmed deaths directly from the vaccine. A study by the Center for Medicaid and Medicare services, US Government, determined that these deaths were under reported by a factor of 5. Another study from Columbia University Medical Center determined that these deaths were under reported by a factor of 7.5 so let's go with the conservative number. That's means that as of February 1st, 2022 at least 125 thousand people were killed directly by this vaccine and the majority were healthy, under 40 and not at risk for COVID 19. The cause of death in almost all cases were either myocarditis or pericarditis which leads to massive cardiac failure or stroke. 90% of those within 48 hours of getting it, almost 100% within 2 weeks. I don't know if anyone saw the videos of all the athletes dropping dead, you should. Data shows that normally healthy people under the age of 40 years of age are more at risk to dying from the jab than from the virus itself. These are pure numbers, this is pure data. COVID 19 vax immunity is practically useless because it is designed to stimulate only production of Alpha variants spiked antibodies which are useless against the omicron variant which is 34 mutations removed from the Alpha variant and

which is now 99% dominant and if anyone wants to see a list of those mutations of it I would be glad to send you a copy of it. So to the contrary, natural immunity gained from any variant including the very mild omicron variant, is sterilizing and attacks and kills nucleocapsid machinery of all the variants of the virus. So if you get omicron, you get sterilizing immunity to all. So what we are now finding out from the immunologist, the even big guys like Bill Gates were complaining that we don't need the vaccines anymore because we have omicron. Interestingly, the FDA earlier this year filed in federal court to sequester all Pfizer test data for 75 years. The test data is supposed to be made public domain so why would they try to hide it? Well the courts gave the FDA 8 months to release the data and they had to start doing so right away. Low and behold, we find that 1.3%, that's over 1000 people, in the initial test were killed by the vax itself.

Chairman Chagnon: You have exceeded your 3 minutes, please wrap it up.

Mr. Dea: Okay, I shall. So my question is why would you promote a deadly treatment for a mild illness? Why would you want to encourage more people to get this when natural immunity would give them better protection and safer protection.

Chairman Chagnon: Thank you. Next to address the first privilege of the floor.

Hi, I am Natalie Luczkowiak, and I'm the First Ward councilwoman in the City of Dunkirk and I am here to speak about resolution #132-22 about the sales gas tax. States municipalities have been levying taxes on gas since the early days of automobile travel. The basic concept behind the tax is the benefits received (*inaudible*). Whoever benefits from something that the government provides should help pay for it. Thus, drivers pay a gas tax to help cover the cost of building and maintaining roads and bridges. Well, I think it's fair to say that hasn't been going as well as we had all hoped. Our nation's infrastructure is in dire need. So, we are all about to receive vast monies through the Biden infrastructure plan. Therefore we can give our county citizens a break. It might not seem a lot to some people however that is relative but to some it will make a difference. It doesn't address the recent increases in an already high and rising cost of living but it will let the county citizens know you are thinking of them and hoping this will be some relief. The county shows a surplus of 8.5 million dollars for last year. Why not reach every county citizen and help out a bit? Thank you.

Chairman Chagnon: Thank you. Next to address the first privilege of the floor.

Hello my name is Marsha Johnson and I live in Fredonia, New York. The high cost of gas has affected many people very much. I personally commute to Buffalo for my job so I am definitely feeling the effect. Many people with small businesses are surely having a difficult time. Add to that, having to buy groceries, go to doctor appointments and just spend time with friends. In these times, every penny helps. Some say that we can't afford to but it is likely that any money saved will stay locally. People will certainly spend their money around here. There is also a question as to what happened to the 8 million unexpected money we got from unanticipated sales tax revenue last year. Much of that was due to the taxing of items sold over the internet so it is not going to go away. What happened to that revenue? I'd like to know. In

conclusion, I want to urge you to lower the gas tax temporarily to help the people and your constituents in our area, thank you.

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

Good Evening, my name is Ida Golden. I'm a resident of Chautauqua County and I'm speaking on behalf of the Western New York Freedom Seekers. I am here to speak on 4 resolutions on the agenda, 121, 124, 125 and 126. We are asking you to vote "no" on all of these resolutions. They are a waste of money. Resolution 126, although it says it's for reopening of schools, will be used for a mobile unit to vaccinate rural communities. We oppose resolution because we have many unanswered questions about future funding and ongoing costs as well as being an over reach of the health department's role. The Department of Health is relying on future grants for maintaining and financing the mobile unit program. Further grants are not guaranteed if no grants are offered the cost would come out of the Department of Health's yearly budget becoming an unnecessary burden on the tax payers of Chautauqua County. We should not support the financing of a program without a signed financial plan that contains the future costs that the county may be responsible for. Also, other financial costs to consider is will the county pay for medication being distributed? Do we have liability insurance? Will malpractice insurance be needed? Will this (*inaudible*) additional insurance charges? Also, since there are government regulation being put in place for school buses having to become electric, will all government vehicles need to be electric? Will this vehicle be outdated before long? And it's just a waste of money. We contacted the Department of Health and asked these questions. The Department of Health advised by their lawyer to not answer our questions and have us submit a foil. This is concerning that we nor will the Legislators have the information before the vote. Far too many questions remain unanswered. Resolution 124 targets minorities, the Amish, which are a religious community, children with vaccine propaganda. COVID is not new. Everyone is aware of the vaccines and where to get them and if they want it. By accepting this grant, you are adding to the inflation and tax burden. In addition to wasteful spending, we do not approve of the Department of Health targeting any group but targeting our children will not be tolerated. They are off limits. Children are not a at risk population. My 13 year old already has to deal with peer pressure. She does not need to be targeted by the Department of Health. Parents decide what is best for their children, just leave the kids alone. Sorry, that upsets me that children will be targeted. Resolution 125, this resolution is more wasteful vaccine promotion. 167 thousand towards radio and newspaper ads promoting the vax as well as pamphlets. 50 thousand going to the Chautauqua Center to work with Martin Group to combat COVID hesitancy. We ask the Department of Health these questions. Why are we funding the Chautauqua Center and Martin Group? Was there an application process for the businesses to receive this funding? How are these groups selected and was a bidding process put out to the public? We were told we need to do a foil request for this information. Lastly, resolution 121. This resolution is for 200,000 and is basically for the County Health Department to have a retreat day for health officials and for nurses to debrief. Lunch at the Chautauqua Institution, a guest speaker and jackets for all county officials estimated to be about 60-70 employees. Department of Health Director said "the remainder of the money goes back to ARPA for future funding approval". My question is why does the Department of Health have unlimited spending power? They provide no financial plan. The Department of Health appears to feel that the department deserves a retreat. What she fails to understand is that residents of this county have lost jobs, closed businesses and her department

was fortunate to have been employed. We all have experienced stress and burden. Find a creative way to use the money to actually help to relieve the stress and struggling businesses of people who lost their jobs. We suggest you look at Cattaraugus County and what they have decided to do with the money. They decided not to give the Department of Health all of this COVID money. The short term funding will create a situation where –

Chairman Chagnon: Ida, please wrap it up.

Ms. Golden: Sure. These department will request additional funding in the future. We ask you to vote “no” on all four, thank you.

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

Robert Dando and I'm a member of the town of Pomfret. I'm basically urging the Legislature to adopt 132. Helping our citizens in this county in this time when inflation is running rampant. Any reduction of taxes to the people, this reimbursement on the sales tax on gasoline will help people. I also wanted to point out is that in the surrounding counties around us, a number of them have already adopted a similar resolution and reduce their gas prices. Plus the fact that we have the reservation bordering the northern part of our county that has not been paying the state sales tax for years and many residents in the county go there for gas. I think in this time it would help to keep revenues in our county by matching this reduction that these other counties are providing plus of course as I said the reservation. So I really think you should approve this in order to help the citizens in this county and keep the funds here because if they go to other counties because the gas is cheaper and they are not spending it here and that will not only apply for gas but for other products. They are going other places to get gas they are also going to be stopping by and buying products so it's going to reduce our revenues from sales tax on products sold in this county because the people will be going out of the county. I urge your support.

Chairman Chagnon: Thank you, anyone else wishing to address the first privilege of the floor?

Hello my name is Anthony Toda and I live at 144 Clifton Avenue in Jamestown, New York and again I'm addressing 124-22 as I'm opposed to it. There was a (*inaudible*) article in the Jamestown Post Journal here titles on the front page “Taken a shot”. I'm not sure what that means in regards to the article but in regards to giving grants and determining policy by use of grants, I believe that the county is taking a big liability chance here. You can check with your county lawyer. This is not about a grant for a specific project, this is about a grant that's supporting a policy by governor Hochul and also a policy that affects all New Yorkers even though it's specific to Chautauqua County. And as somebody else mentioned, it does target minorities which makes it a violation of equal protection of the law. It makes it discriminatory. This type of thing is going to empower the Chautauqua County Department of Health to force vaccinations as the article describes some of the people in this Legislature said is this going to end up giving (*inaudible*) the county to encourage force vaccinations. Well we just had a statement from Dr. Fauci concerning the pandemic is now an endemic which means it's going to

be localized and around for a long time so they're taking the first step for forced vaccinations. This is a matter of choice, this is not Ebola. When you have a pandemic similar to this or if you want to call it a pandemic, you have to compare the damage it does. If you have an Ebola type of pandemic, then you have to be prepared to take emergency action which may include quarantine and other drastic measures or people are going to die. You don't send people to Walmart in (*inaudible*). This type of hypocrisy with this disease has caused the government to pray on the guilt people, get them to comply with orders that don't make sense and do not apply to the enforcement or the safety of the American public. George Borrello is presently in court as everybody is probably is aware of with executive orders directly from Kathy Hochul which are going to result in quarantine mandates where Department of Health can take you out of your house and put you wherever they want in the face of an epidemic apparently similar to this which really doesn't go into the bounds of the Ebola vaccine, pandemic or any other serious pandemic. So I hope the Legislature will vote against this proposition, thank you very much.

Chairman Chagnon: Thank you. Next to speak to the first privilege of the floor.

Hi, my name is Ben Shank and I'm from French Creek Township. My question is concerning proposal 124, 125 and 126 I guess. Sheriff Quattrone with my meeting with him, you know getting to know him, he's always interested in solution based problem solving. That was one of the things that I've learned from him but anyways you know, we've got this COVID, COVID, COVID, COVID etc. and it's never going to go away you know and it's just like you know what, give me a break. We've got the state shoving it down our throats and we just don't want to deal with it, you know it's just like come on. So I guess I'm asking any Legislator here that is interested in maybe taking – being creative and coming up with a solution that isn't based on vaccinations. There has never been a single person harmed by Ivermectin. We were talking about coming up with radio advertisement. Instead of advertising vaccines, vaccine, vaccine, why don't we use a little bit of our resources and advertise Ivermectin? Nobody has been harmed by Ivermectin. People have been harmed, people have been killed by these vaccinations and we're still getting them shoved down our throat. I just ask – you guys – I think I've pretty much contacted everyone one of you through my email. If there is somebody that would stand up and propose I don't know exactly how to do this, you know, legislation or proposal to promote – to have the Health Department educate themselves about Ivermectin not just educate themselves about how they can shove the vaccine down our throats. How about other solutions, Ivermectin I don't know there are several other ones. Let's get creative and let's find a solution. You know what? If we promoted Ivermectin, this whole vaccine thing would go away, you know why? Ivermectin costs very little and it works, thank you.

Chairman Chagnon: Thank you. Next to speak to the first privilege of the floor.

Karen Engstrom, Town of Chautauqua addressing especially resolution 124 but all 4 of these that are concerned with COVID which many other areas have rejected this money coming because it has so many strings attached to it that State's and Counties. I'd like to submit that in an effort to assist your performing the due diligence necessary to understand this situation which we know you take seriously and we respect your attempt to do what is right and to help the community. I submit that you and we are in the midst of a surreptitious war on the bulk of the population. It's difficult to see any other understanding of why this continues and why we

continue to see these things imposed on us. The leaders of the war against us include the war economic forum which has an agenda that's clear. The world health organization headed by Klaus Schwab and Yuval Harari who now advocates for transhumanism. George Soros, Bill Gates includes bit players such as Anthony Fauci, President Biden, and his government and on the state level, our current governor. What they have in common is they want us all inoculated, why? And they must suppress any information that interferes with the narrative that the so called vaccines are safe. Any information that there are alternatives to COVID such as hydroxychloroquine, Ivermectin, Zinc, Vitamin C, Vitamin D, exercise and (*inaudible*) immune systems. Those assisting in this effort to achieve mass inoculations are collaborators with an enemy that is threatening our entire country and civilization. They are determined to silence those who oppose this narrative, the mass formation psychosis or what philosopher Julian Jaynes refers to as collective cognitive imperative that is we go along as a group because we can't see any other way to go. The first person that steps out is in trouble. But there must be courageous people to lead us out of this, to say "no" as those in Cattaraugus County have done. Every last Legislator there has done so. Many who oppose the mandates, people who don't want themselves or their children to be vaccinated have been labeled domestic terrorists rather than people who are concerned for their community and their children. All sorts of threats and penalties include quarantining such as what is going on in China are largely pushed through the Health Department's which now have great authority and great power from the National level to the State level to the local level. They are being used to (*inaudible*) into compliance. We don't want big pharma's untested vaccines. We know instances of severe side effects and deaths are occurring those who push these so called vaccines are wittingly or unwittingly collaborating with mankind's enemies. Please vote "no" especially to the one that's targeting children, resolution 124, and thank you.

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

Hello, my name is Ed Seleski and I'm from Panama. The one thing that sticks out in my mind about this whole vaccination thing and the money that the Health Department (*inaudible*) which seems like the Health Department (*inaudible*) but that hasn't been said. I would hope, I don't know if you guys, ladies meet in an executive session or on your own time you decided already how you are going to vote. I hope if you have decided how to vote that you would reconsider that tonight after what we have said up here. Otherwise, if you have already made up your minds before you hear the public, then how do you represent us you know what I'm saying? It wouldn't make any sense so if you made up your mind already, please reconsider before you vote I guess that's the main thing I wanted to say. Consider our point of view, thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor? Seeing no one, Kristi please take us away.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 3/23/2022**

COMMUNICATIONS:

1. Letter – NYS Department of State – Acknowledgement of Local Law 2-22
2. Letter – NYS Department of State – Acknowledgement of Local Law 3-22
3. Affidavit of Publication (2) – Legal Notice of Public Hearing – Re: 2022 CDBG – CV Funding (Observer and Post Journal)
4. Report – Finance Director Crow, Re: January 2022 Investment Report
5. Letter – Assemblyman Andy Goodell – Ack. Receipt of Motion No. 2-22 (Opposing Senate Bill S.7855 as it Relates to the Membership of the Board of Directors Of the Western Regional Off-Track Betting Corporation)
6. Reports – Quarterly reports – Small Business Development Center
7. Reports – Quarterly reports – Business Permit Center
8. Minutes – Conewango Watershed Commission – April 6th, 2022 Meeting

Deputy Clerk Zink: There are 8 Communications listed on the agenda tonight, are there any items you wish to have read aloud? Please contact our office if you would like a copy of any of these.

6:35 P.M.

PUBLIC HEARINGS**REGARDING A POTENTIAL APPLICATION FOR 2022 CDBG-CV FUNDING**

Opened 6:59 p.m.: Chairman Chagnon: Thank you. At this time we are scheduled for a public hearing so I will call to order the public hearing regarding a potential application for the 2022 CDBG-CV funding. Is there anyone wishing to address the public hearing? Any comments regarding the public hearing? Hearing none, I will close the public hearing. *Closed 7:00 p.m.*

RESOLUTIONS:

RES. NO. 109-22 Confirm Appointment – Chautauqua County Planning Board, by Planning and Economic Development Committee - UNANIMOUSLY ADOPTED

RES. NO. 110-22 Standard Workday and Reporting Resolution, by Administrative Services Committee - UNANIMOUSLY ADOPTED

RES. NO. 111-22 Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) for the Adoption of Chautauqua County Agricultural Development and Enhancement Strategy, by Planning & Economic Development Committee - UNANIMOUSLY ADOPTED

RES. NO. 112-22 Authorizing Public Hearing Regarding Agricultural District State Environmental Quality Review Act (SEQRA) Cooperative Agreement with NYS Department of Agriculture & Markets, by Planning & Economic Development Committee - UNANIMOUSLY ADOPTED

RES. NO. 113-22 Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Extend North Chautauqua Lake Sewer District Bounds in the Town of Chautauqua to Encompass the Mandolin Ridge Development, a Chautauqua Institution Property, and an Adjacent Property, by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 114-22 Amend 2022 Adopted Budget Due to Modified Grant Budget for Conflict Administration, by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 115-22 Close Additional Capital Projects – 2021 Year End Reconciliation, by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 116-22 Amend 2022 Budget Due to Debt Restructuring, by Administrative Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 117-22 FEMA Hazard Mitigation Grant Program (HMGP), by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 118-22 Amend 2022 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 119-22 Authorize Agreement Renewal with Crown Castle International LLC for Lease of Space on Crown Castle's Tower in the Town of Sherman, by Public Safety and Audit and Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 120-22 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY22, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 121-22 To Amend 2022 Budget to Implement the Community Contracts/ PH Emergency Response Planning & Preparation Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 122-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal – Septic and Wells Program, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 123-22 To Accept New York State Department of Health Childhood Lead Poisoning Prevention Program (CLPPP+) Grant and to Amend Chautauqua County Health & Human Services 2022 Adopted Budget, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 124-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for National Association of County & City Health Officials (NACCHO) Vaccines Information Equity and Demand Creation (COVIED) Project Funding, by Human Services and Audit & Control Committees

Chairman Chagnon: Any questions or comments on the resolution?

Legislator Harmon: *(inaudible)*

Chairman Chagnon: Okay, we will have a roll call vote. Are there any other questions or comments on the resolution?

Legislator Niebel: Thank you Mr. Chairman. The county Health Department will soon have a health van will travel around the county to rural and underserved areas including the black and Hispanic areas of the county to dispense vaccines, educate the public concerning vaccines and with money from this grant to help overcome vaccine hesitancy. A concern that I had was what happens if a 12 year old comes up to the van and wants a COVID 19 vaccine? What do the nurses do? In Audit and Control we were given assurance by the Health Department that persons under 18 would not be given vaccines without parental consent so I'm okay with this aspect of the program. As far as overcoming vaccine hesitancy, educating people mentioning the benefits of getting Smallpox, Polio Diphtheria vaccine, that's fine. But when it comes to the COVID 19 vaccine, that's something entirely different. I think we are talking about a vaccine that has only been around for 2 years. This is a vaccine that relies on a spiked protein and gene therapy. It's a vaccine that has been genetically engineered and there's no long term results to look at. Some parents and members of minority populations have genuine concerns about the safety of the COVID 19 vaccine. I think it's alright to educate people to the benefits of vaccines but I think there's a thin line between education and coercion and we need to be careful we don't cross that line. With some reservations, I will be voting in favor of this resolution.

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

Legislator Bankoski: I just had a couple thoughts on that. The resolution, it's basically singling out African Americans, Amish people because of their religion and children. At this point in time, this has been around now, COVID's been here for 2 years and I think people have decided that if they're going to get vaccinated or they're not going to get vaccinated and in general, this should be for all and not just singling out certain groups.

Legislator Vanstrom: I'm going to oppose this based on the fact when you use the word "children" these children have parents and guardians that are appointed to make these important decisions on their behalf. So when they cop out and use the word children, they are really saying "we're going to target parents that haven't complied with our programing or our mindset at this time". Thank you.

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

RES. NO 124-22 R/C Vote: 6 YES – 12 NO (Bankoski, Davis, Gould, Harmon, Lawton, Penhollow, Proctor, Scudder, Vanstrom, Whitford, Wilfong and Chagnon voting “No”) – 1 Absent (Legislator Rankin) - DEFEATED

RES. NO. 125-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Increased ELC COVID Grant, by Human Services and Audit & Control Committees

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

Legislator Wilfong: Chairman, can I ask for a roll call vote on this?

Chairman Chagnon: Yes, we will have a roll call vote on this. Are there any other questions or comments on this resolution? Hearing none, will the clerk please call the roll?

RES NO. 125-22 R/C Vote: 17 YES – 1 NO (Wilfong voting “No”) – 1 Absent (Legislator Rankin) - ADOPTED

RES. NO. 126-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for New York State Department of Health ELC Reopening Schools Award, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 127-22 Authorizing the Submittal of a New York State CDBG-CV Grant to Establish and/or Fund Business Assistance Program(s), by Planning & Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 128-22 Authorizing Public Hearing Regarding a Potential Application for 2022 CDBG-CV Funding – COI Affordable Housing Unit Improvement Project, by Planning and Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 129-22 Amend 2022 Budget for NYS Housing Trust Fund Corporation Community Development Block Grant Award – Microenterprise Assistance Program, by Planning and Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

RES. NO. 130-22 Canceling Outstanding Tax Balances on Duplicate and Discontinued Special Franchise Assessments, by Administrative Services and Audit & Control Committees –

Chairman Chagnon: Are there any comments or any questions on the resolution? Would the clerk please call the roll?

RES NO. 130-22 R/C Vote: 18 YES – 0 NO – 1 Absent (Legislator Rankin) - UNANIMOUSLY ADOPTED

RES. NO. 131-22 Quit Claim Deeds, by Administrative Services and Audit & Control Committees

Chairman Chagnon: Are there any discussion on the resolution? Would the clerk please call the roll?

RES NO. 131-22 R/C Vote: 18 YES – 0 NO – 1 Absent (Legislator Rankin) - UNANIMOUSLY ADOPTED

RES. NO. 132-22 Resolution of the County Legislature of the County of Chautauqua electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York

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

Legislator Vanstrom: As we all know, sales tax projections are based solely on consumer purchasing choices and patterns. All of our town highway departments across the county are directly correlated with sales tax. As we were just exiting a brutal winter if anyone can look outside, we got hit again with a lovely winter afternoon this spring. We've spent exorbitant prices on salt. I support salt, salt saves us from crashing into things we don't want to crash into even when we are going at low rates of speed. At least in the town of Ellicott, we're constantly making equipment repairs because it's far cheaper than buying giant new pieces of equipment regularly and if anybody's noticed the road conditions, we need resurfacing and road project like nobody's business. You could lose a tire in any town in this county. Those are directly expenses that are taken care of directly through sales tax. So this is a public safety issue. This proposal won't guarantee a consumer cost reduction and reducing or capping this motor fuel tax will not guarantee a lower price at the pumps because the retailers have the ultimate choice of setting the price. So even if we're kind and gracious enough to understand the need of a consumer for a break, it may not result in anything at the end of the day out of your pocket being saved. Unfortunately, gas prices are at a sky rocketing price but so are groceries. If anybody has gone to purchase a candy bar, which are delicious, they are ridiculously priced right now. If you don't eat candy, you won't have to pay for that. And also delicious french fries from McDonalds which are my absolute favorite, are extremely expensive so I try to make it a big treat when I do indulge in that but they aren't a low priced product. So that is why I am going to be voting "no" on this and thank you for your consideration.

Legislator Parker: I would just like to ask my fellow Legislators to support this county reduction in gasoline sales tax. It is for a (*inaudible*) period of time from June 1st to December 1st. It is a small amount of tax relief because we were given information that told us what exactly our county could afford without putting towns and villages in the county at a disadvantage. This caps the gasoline tax at \$3.00 a gallon and should the price of gas go up, this will also give more tax relief if we go to \$5.00 or \$6.00 in this time period. This is actually for our residents and that is simply what it is, to give them some tax relief during this time when we have inflation at a limit that the county, towns and villages can afford, thank you.

Legislator Niebel: Okay so are we electing a 12 cents per gallon reduction? It doesn't really say in this resolution and is it sunseting on December 1st? I don't see it in the resolutions.

Mr. Abdella: Legislator Niebel, if you look down in the third paragraph of section 1, it refers to the tax being limited to \$3.00 per gallon of such fuels and so given that our local tax rate is 4%, that's how one arrives at 12 cents as the cap.

Legislator Niebel: Okay, so it equates to 12 cents but shouldn't the 12 cent had been - shouldn't that have been in the resolution here in the top? It would have made it clearer.

Mr. Abdella: Unfortunately the state requires that the resolution be exactly the words you see before you so I was instructed by Albany that we could not change 1 word. So we could fill in \$2.00, \$3.00 or \$4.00.

Legislator Niebel: Okay, so to be clear, if we're voting in favor of this resolution, we're voting in favor of capping the gasoline tax at \$3.00?

Mr. Abdella: At 12 cents per gallon because we have a 4% local sales tax.

Legislator Niebel: Okay, and it does sunset on December 1st?

Mr. Abdella: Correct.

Chairman Chagnon: Okay, anyone else? Questions or comments?

Legislator Gould: In Audit and Control, I asked the question of how bad would the towns going to be hurt thinking of my town, a very poor town, Harmony, French Creek, Clymer and Busti, a little richer and the finance department made us a list and I got the list tonight and my 4 towns would be losing \$1,400 worth of sales tax. I don't feel that's enough to cripple them so I will be voting in favor of the gas tax reduction.

Chairman Chagnon: Anyone else? Questions or comments? We'll go with Legislator Wilfong first and then Legislator Bankoski.

Legislator Wilfong: I just want to let the people know that there is no guarantee that the gas prices are going to drop but we'll drop out for our citizens if we remove our share of the sales tax. The petroleum industry has set the local price. The resolution is not a mandate that would make the petroleum industry guarantee that they will lower prices at the pump of distribution, the pump or point of distribution. The 4 cents that Chautauqua County will no longer be collecting for fuel sales. I do feel comfortable however, going along with this resolution because I do believe the hard working people of our county deserve tax breaks. I really wish it would actually be a little bit more, thank you.

Legislator Bankoski: Just to speak about what Mr. Wilfong said, granted there is no guarantee that quick fill or whoever is going to abide by the rules but I think we need to make a considerate effort to our tax payers to try to help them out and it's not just the people that drive cars I mean we are at an agricultural community. There is a lot of farming going on and tractors use gas and so on and so forth. So I think it's a goodwill gesture amongst ourselves here to try to

do something and it's only for a short period of time, 6 months starts June 1st to December 1st and that's it so I think it'll be budget neutral since we've budgeted our taxes were lower for gas expenditure at the beginning of the year. Gas has gone up so I think we have enough money in our sales tax (*inaudible*) to cover the difference for the next 6 months.

Chairman Chagnon: Okay, anyone else?

Legislator Davis: Thank you Mr. Chairman. After we heard about this in committee, I did some quick math just considering what the average driver in the United States drives every year which is about 12 thousand miles per year divided by 52 weeks is roughly 230 miles a week. Then I divided that in the car that I drove here in today that gets about 24 miles to the gallon so at those average numbers we're putting in about 10 gallons a week. This is not to trivialize the fact that we can make a difference for the tax payers here in the county but at 10 gallons a week, we're talking about \$1.00 a week savings here. It's not huge amount of money. I would be so bold as to state that I believe if we're going to relief at the pumps, it needs to start at the federal level. I believe that the high prices of gas, diesel fuel and all of those fuels are being driven by federal policy and that any small change that we make here would not have an impact on those policies at this point so I will not be supporting this resolution.

Legislator Lawton: (*Inaudible*) have certainty that the savings will be passed along to tax payers.

Chairman Chagnon: Other questions or comments?

Legislator Parker: I just wanted to make a comment about the amount of money being passed along to the gas pumps that I think that – I did some research on that and the state has already initiated process for updating how to enforce this and also consumer protection can also be part of that and I know that because the state is going to reduce the tax for 16 cents per gallon if people vote for this, it would be 4 cents amounting to at \$4.19 a gallon. It would be 4 cents per gallon but I think that the state is very invested in making sure that this goes to the consumers and that they are going to make sure that this happens by a number of means. There are you know, I did talk to the weights and measures person today who said that they do monitor the gas tanks. There are a number of ways to actually monitor to make sure that this goes to the consumer so while I understand the concerns, I believe that this will be addressed.

Legislator Niebel: Yes, thank you Mr. Chairman. This is the headline in the newspaper dated April 12th, "County Dems Propose Axing Tax on Gas". I've read through the article and it talks about the gasoline tax being regressive tax and about the county having a tax surplus, a lot of platitudes but where's the plan? Where was the specifics? Where are the questions that should have been asked? Questions like, at what level can we place a gasoline tax? When would it take effect? How long would it last? What would be the impact on the counties 2022 budget? And because the county shares its sales tax with cities, towns and villages, what impact would a county gas cap tax have on the budgets have on these municipalities? This was absolutely the right question to ask and for doing so, Legislator Gould was criticized in the front media. I have an email from the county attorney's office dated March 28th, 15 days before the loyal opposition's press release and this was in response to my question – many of these questions that

I just mentioned. The questions that I had of the county attorney the previous week, the questions we just talked about. It wasn't just myself but it was other republicans that were asking questions about the tax cap as well. Was the democrat's press release political? I'm sure it was. Do I have a problem with it? Not really. Government is politics. I do wish the democrats would have had a plan. I wish there had been some specifics but part of that was the fault of state. The state didn't have a lot of guidelines to begin with but regardless of how this resolution was proposed, it is good to legislation. Anytime you can save the tax payers money whether its 5 cents on the county property tax rate or \$2.00 every time they fill up at the gas pump, that's a good thing. But the key – and I think Legislator Wilfong hit on it is whether or not the distributors and the gas stations will pass the savings onto the tax payer. I will be voting in favor of resolution 132-22.

Legislator Pavlock: Some comments that I would like to state is that when I first heard about this proposed resolution I was a little surprised in the manner that it was delivered. I also was expecting to see some information around it and some good research about the big decision. I didn't see any so as we worked through these in committee, we generated a lot of questions and discussion which is good. That's what we have the committee process for, it's an open forum for discussion, comments and time to research things so we did. We brought up county shares portions of its taxes with its local municipalities. What's it going to do to them? Up to that date the municipalities hadn't been reached out to. I personally reached out to my municipalities and had conversations with them and I know many Legislators did also. That's good research. I made a statement earlier in part of the discussion is that residents at some point of time need to take into consideration the amount that they do consume in fuel. There is responsibility on a user. I personally, if I can save a trip for the next day because I'm going by there to save on gas, I will. My statement really was to go along that line that a consumer can probably save more than what the county is going to offer in a sales tax cut. I agree with Legislator Davis that the gas price is a higher level than what we are in control of. The (*inaudible*) cost is driven from powers way above us and those individuals need to try and come up with a corrective action to provide us with a better price or more accurate price. For the counties to try to save some money there for its residents is putting a band aid on something. I will be supporting this resolution because I do feel as a whole we are over taxed as New Yorkers and any sort of a tax cut would be helpful as long as the end user can see it. Through some math and through questions, I believe that the county and municipalities will fare okay. With a little bit of guess work, we may not have any surplus but we should fare okay. Will we lose some service? Maybe, but I'll support this.

Chairman Chagnon: Other questions on the resolution? Other comments? Hearing none, will the clerk please call the roll?

RES NO. 132-22 R/C Vote: 12 YES – 6 NO (Davis, Harmon, Lawton, Penhollow, Scudder, Vanstrom voting “No”) - 1 Absent (Legislator Rankin) – ADOPTED

ANNOUNCEMENTS

Chairman Chagnon: Okay that brings us to Announcements on the agenda. Any of the Legislators have any announcements to share for the good of the order? Any announcements? No one wants to complain about the weather I see, okay.

PRIVILEGE OF THE FLOOR

Chairman Chagnon: That brings us to the second privilege of the floor. 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. Is there anyone wishing to address the second privilege of the floor?

Legislator Pavlock: (*Inaudible*) a lot of phone calls regarding any certain topic and I've recently received a lot of phone calls about garbage on the side of the road. It's visible now, the weeds are down and I just would say to each Legislator to promote in your districts that the local municipalities to run a cleanup day to promote you know, we have earth day coming up. My wife and I personally walk our road and pick up what we can. A lot of people do that and some of the people I've talked to have done that. They are getting old and there is nobody replacing them and garbage is piling up on their road so just promote it within your towns, within your citizens and I would hope that we can promote people from littering also. I witnessed an incident this morning and the problem happened right in front of me so let's combat it together.

Legislator Gould: Thank you very much Mr. Chairman. Last month we had a little set back with the second privilege of the floor and I feel terrible about that but they were getting way too lengthy. We were hearing the same thing time and time again and I would like to set a time limit of a half hour. We won't have any longer talks than a half hour so try to keep it brief and I am a firm believer that everybody should be able to say what they think, thank you.

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

Hi I'm Robert Dando from the Town of Pomfret and I'm speaking on behalf of the Chautauqua County workers memorial committee. I wish to invite all the county Legislators to our event which will be May 7th. Many of you have attended in the past. We are going back to our traditional first Saturday in May which we've had problems with because of the pandemic. It's at Erickson County Park, Frewsburg, New York. Erlandson I apologize. Okay, anyway it's at 11am in the morning on Saturday, May 7th in Frewsburg at Erlandson, I don't know why I keep butchering that name. I've only been doing this for like 20 years, running this event but anyway I appreciate all of you who have attended in the past and I encourage you to not only attend yourselves but to bring other people along to the event which honors those who have died on the job while working in Chautauqua County. We have over 160 people on the list and unfortunately

that list keeps growing. Just the other day, someone died down at Chautauqua Institute falling off a roof and this is a problem that occurs fortunately less frequently than it used to but it's still a problem in this county and throughout the country. Fortunately I think our county has a better safety record than a lot of places but still. It's one of the things that we should promote and make people aware of and I thank you for your participation, thank you.

Chairman Chagnon: Thank you, next to address the second privilege of the floor.

Ms. Golden: Hi, I'm determined to get better at this.

Chairman Chagnon: Please introduce yourself again Ida.

Ms. Golden: My name is Ida Golden and I'm a resident of Chautauqua County and I'm speaking on behalf of Western New York Freedom Seekers. Earlier in the month we sent all the Legislators an email that informed you that Senator Borrello at our request, joined the quarantine camp lawsuit which was filed against Governor Hochul and the New York State Department of Health. Our efforts were instrumental in obtaining the support and engagement of Senator Borrello and assemblyman Goodell. In this vital law suit to protect New York's residents from the (*inaudible*) of a runaway government. As you may know from previous correspondence and addressing the Legislature, this issue is that Governor Hochul is circumventing the State Legislature and is in the process of making New York State Department of Health Emergency regulations permanent. This regulation gives total control to the current unelected governor and any future governor along with the appointed commissioner of health which is why we advocate implementing limitations on the local health department to safeguard personal freedoms. All of these grants that you guys have been passing are feeding the power and the reach of the local and state health department. It is not the health department's role to police community. By supporting these resolutions, our county is going against our senator and assemblyman who are fighting these regulations at the state level and they're doing this through the quarantine camp, thank you.

Good evening, my name is Susan Baldwin and I live the town of Villenova. I've been here before showing you 8 by 10's of my glowing water and my daughter's muddy, mucky, oily water and by the way now her hot water tank is going on her home. She's already got a washing machine problem because the water is just filled with muck. Ball Hill Wind has been – they told me directional drilling in Villenova. I said I called it “fracking” and they said “correction, directional drilling” and I said “well whatever it is, you ruined my water”. I said “and my daughter's water and now you're blasting”. There's dynamite going on in Villenova because 18 of the 25 turbines are getting 166 dynamites in each base to blow it up. Then they get to grind these up, put them on the roads and they'll just blend into the environment eventually and then the other ones up to 25. The other 7 are being hammered out because they are too close to a gas well. So they don't want that to explode. So the dynamites going off, 4 of them a week until there done being blown up. Nobody told us. Our town board meeting didn't put any minutes out saying “we're going to be blowing things up, be careful”. They didn't happen to put out a mailer to those of us who don't do Facebook because the people from North Land Power put it on Facebook that they'll be doing a little exploding between April 21st. I came across a sign that said “blast zone”. There you go, that was Thursday, April 21st and they were blasting and the dogs heard it and the kids heard it but our town supervisor must not have heard it because she

doesn't know what's going on so I just wanted you to know that they're making like 15 million dollars' worth of mistake there plus they're going to have to rebuild – you know where are they going to get all the gravel? They hauled it out of all of our gravel pits now and now they're going to do it again. Who's going to pay? And how safe is it for the environment when they're banging around out there with all of it because with the directional drilling they said “Oh and one more thing” because I called up Melissa (?), I think that's her name, anyway she's the one in the newspaper you can email and find out what's going on -

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

Ms. Baldwin: I will. She's invited me to every turbine base. She's given me a hat, she's given me a vest and she said make sure you wear good shoes, you're going to tour us all. So I'm going to be back I hope I won't fall in a pit. Have a great day.

Hello, I'm Marsha Johnson and I live in Fredonia, New York and I just want to address a disturbing trend that I see in these meetings. Everyone has a right to say what they want to say but when we see the horror that is going on in Ukraine with murders, buildings being torn apart, people being raped and children being killed, that is tyranny. To describe policies that you don't agree with by another entity or political party, should not be referred to as tyranny. It's overblown, I understand that it is rhetoric but I think people should be more civil and just – they can speak their mind but this just seems outrageous during this – when we watch real tyranny going on in the Ukraine, thank you.

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

MOVED by Legislator Gould, SECONDED by Legislator Scudder to adjourn.

Unanimously Carried (7:47 p.m.)

Respectfully submitted and transcribed,
Kristi R. Zink, Deputy Clerk

