

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

Chairman Chagnon called the meeting to order at 6:32 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on July 22, 2022. Would the clerk please call the roll?

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

Legislator Hemmer delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (06/22/2022)

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 wishing to address the first privilege of the floor?

Larry Wilcox: You will be appointing a new legislator this evening, and I hope that you would consider moving that to the first order of business, so that the new legislator would have an opportunity to vote on some of the local laws that will be voted on this evening.

Chairman Chagnon: That's exactly what we're going to do, Larry. Thank you for the suggestion though. Anyone else wishing to address the first privilege of the floor?

My name is Aaron Gustafson, Deputy Director of Public Facilities- responsible for the Division of Solid Waste. I would like to express a few concerns with the Local Law 7-22 Proposal to establish a Landfill Commission on behalf of the Division of Solid Waste. It is with the utmost respect for this legislative body, from the longest tenure member to the newest appointment, that we express these concerns. The hard work that you all do for the residents of this great county as well as the employees of county government, is often very underestimated and overlooked. So from me to you, I say thank you!

During the recent Public facilities committee meeting, The Division of Solid Waste asked a few questions to try to better understand the proposed Law to establish the landfill commission. A couple of those questions included:
What is the reason for this proposed commission?

What issues would this commission resolve, that could not be solved with the existing legislature committees and the resolution process that is currently in place?

The resounding answer for the questions was:

That the working group of legislators (who have proposed the law) felt that the Division of Solid Waste was in need of an advocacy or advisory group. The working group felt that there should be more communication between the Division of Solid Waste and the legislature. In order to understand the complexities of the solid waste operations of the County. As we stated in the meeting, the Division of Solid Waste, welcomes all the advocates it can get. We certainly agree that good communication is critical in all aspects of county government, as well as, life in general.

Over the years, the Division of Solid Waste has offered the legislature and county executive offices, invitations to come tour the landfill or any of its facilities. We would love to show all of you the incredible asset that the combined decisions of the Division's management and the legislature have built over the last 40 years.

Our phones have never been shut off. And, we answer all our emails. It is with the utmost respect that the Division of Solid Waste would like to express that the door of communication swings both ways.

We do not feel that an added level of government (the commission) will solve any more issues, than the current processes that are already in place. Especially, given the concerning involvement of private interests that are proposed to be part of the commission. We fail to see how private business members would help foster better communication between our Division and this legislative body. In fact, it seems that it would most certainly create an environment, for conflicts of interest. We must all remember that every voice has influence, and influence is power.

This room is full of elected advocates. Every private business, every resident, every municipality, are free and able to contact their legislator with any matter they have issue with. It is not that we do not want to be transparent and in full partnership with this great group of elected officials. Actually, it is quite the contrary. The Division of Solid Waste is eager to serve this County and its residents with the support of all of you here. We are just stating how we feel the Commission would be redundant. And, has the serious potential to be more of a negative impact than a positive one. Again, thank you for all you do to serve this great county and its residents. I will be here for any questions.

Chairman Chagnon: Thank you. Is there anyone else wishing to address the first privilege of the floor? Seeing no one, we will move on.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 06/22/2022**

COMMENDATIONS:

Legislator Ken Lawton
By
Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.

COMMUNICATIONS:

1. **Affidavit of Publication (2) – Legal Notice- Publication of Local Law 4-22 (Post Journal and Observer)**
 2. **Affidavit of Publication (2) – Legal Notice- Publication of Local Law Intro 5-22 (Post Journal and Observer)**
 3. **Affidavit of Publication (2) – Legal Notice- Publication of Local Law 5-22 (Post Journal and Observer)**
 4. **Affidavit of Publication (2) – Legal Notice – Publication of Resolution No. 162-22 (Post-Journal and Observer)**
 5. **Letter – NYS Department of Agriculture and Markets – Cooperative Agreement**
 6. **Letter – Resignation of Legislator Kenneth Lawton, District 10**
 7. **Report – NYS Department of Taxation and Finance – 2022 State Equalization Rates**
 8. **Letter – NYS Department of State – Acknowledgement of Local Law 4-22**
 9. **Letter – Senator George Borrello – Acknowledgement of Motion No. 5-22**
 10. **Minutes – Conewango Watershed Commission – June 8, 2022 Meeting**
 11. **Report – Finance Director Crow – May 2022 Investment Report**
 12. **Report – NYS Department of Taxation and Finance – 2022 State Equalization Rates**
 13. **Certificate – Fill Vacancy on County Legislature – District 10**
 14. **Certificate of Acceptance – District 10 – Jamie S. Gustafson**
 15. **Letter – NYS Department of Taxation and Finance – Acknowledgement Receipt of Res. No. 132-22**
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Legislator Harmon: I would like to make a motion to move Resolution 178-22 out of order and vote on it at this time.

Chairman Chagnon: Do I have a second? Legislator Vanstrom Seconds the motion. Any discussion on the motion? All those in favor say aye. Opposed?

Motion to move resolution 178-22 out of order – Unanimously Carried

**178-22 Appointment of Jamie S. Gustafson as Legislator from District 10,
Southwest City of Jamestown, Village of Lakewood and Part Town of Busti,
NY – UNANIMOUSLY ADOPTED**

6:35 P.M.

PUBLIC HEARINGS

**LOCAL LAW INTRO. 9-22 – A Local Law Establishing A County Legislature For
The County Of Chautauqua Reapportioned On The
Basis Of The 2020 Federal Census (17 District Plan)**

(6:47 p.m.)

Chairman Chagnon: I will convene the first public hearing. Is there anyone wishing to address this public hearing regarding Local Law Introductory 9-22? Anyone to speak to the public hearing?

Good evening, my name is Sandra Lewis - 25 Curtis Place, Fredonia. I was part of the team that came up with the 17th district map. Just to give you a little background on myself, I'm a mathematician, so I love numbers and I did notice that we had a reduction in Chautauqua County. I think it was around 7,200 so we thought it'd be good to see if we could reapportion Chautauqua County into 17 districts. I just wanted to let everyone know that it was a nonpartisan kind of thought process. It was basically trying not to go over major highways and create the right numbers in all the districts and if you have any further questions, please don't hesitate to let me know.

Chairman Chagnon: Thank you, and thank you for your service.

Ms. Lewis: Thank you, it's my pleasure.

Chairman Chagnon: Is there anyone else wishing to address the public hearing?

My name is Larry Wilcox and I served as a co-chairman on the County's Reapportionment Commission and I would argue, or encourage you not to adopt a 17 member plan. 10 years ago when the legislature went from 25 to 19 there was widespread support for a reduction in the size of the legislature and this legislature agreed and reduced it to 19 members. Fast forward to 2020, you don't see that and the arguments that I've seen for reducing it from 19 to 17 really don't make much sense, other than there's been a small population loss. In fact, a concern that I have about this 17 member plan is it has a potential be subject to a lawsuit because it dilutes the minority vote in this county. A 19 member plan we were able to create a minority district, but under a 17 member plan you cannot create that district and an argument could be made that you're attempting to dilute minority representation. The other thing that the 17 member plan does is creates a member on member primary. Primaries are good, but if you've got a 19 member plan and there's no primaries, I think the voters are well served. In short, I encourage you to go with a 19 member plan, not the 17 member. Thank you.

Chairman Chagnon: Thank you, Larry and thank you for your service as well. Is there anyone else wishing to address the public hearing?

Good evening, my name is Mary Croxton. I live at 22 (*inaudible*) in Fredonia and I am here to represent the League of Women Voters. Once drawn, our maps determine how we are represented in the government for the next 10 years. This means all state and local decisions on health care, jobs, the environment, education rely more on fair maps. Our population is declined more than 5% since the last census. That's 7,248 people or more than the entire legislative district. More concerning, is that our adults over the age of 18 have decreased 4% but our youths, those 18 or younger, has declined 10.5%. This suggests that our population will continue to decline and continuing the same number of legislators makes even less sense. The redistricting commissioners criticized the 17 Member maps drawn but we, as the League of Women Voters support it, but those commissioners never attempted to draw 17 member map themselves- never considered a smaller legislature. We need to be more efficient and cost effective as a county government. Maintaining the same number of legislative districts with all of the technical and economic challenges that we have taken place and that are expected to take place over the coming decade is not efficient or cost effective. Chautauqua County residents and taxpayers cannot afford the status quo, maintaining the 19 Member legislature is maintaining the status quo- doing what we've done in the past, without considering our future. Maintaining the 19th district legislation needlessly splits are more populous municipalities into more effective legislative districts and less characteristic in common with each other, having urban neighborhoods matched with suburban or rural neighborhoods. This works against the common interests that more populous municipalities have in certain county government issues. A smaller legislative body consolidates more populous municipalities and the commonalities of all the districts. The 17 map drawn supported by the League of Women Voters complies with the county charter requirement and the State constitution and home rule law. Whichever map wins, it should be taken by reformation to the voters for the decision. Thank you for your attention.

Chairman Chagnon: Thank you. Is there anyone else wishing to address the first privilege of the floor.

My name is Ida Golden. I'm a Chautauqua County resident, and I just want to say that I oppose the 17th district plan, and I am for the 19th district plan, I think we need more representation and not less, and I believe that during the committee meeting the 19 member plan put out facts that it would be a better plan, thank you.

Chairman Chagnon: Thank you. Is there anyone else wishing to address the public hearing?

Carol Wynom (?) Chautauqua County. I also oppose the 17. I watched the Administrative committee meeting too and listened to both sides, and I agree that it could potentially not be good for minorities and also, I think that the wages that you guys make let's be honest it's like \$8,000 or \$9,000 -I think that that's we should keep the 19. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the public hearing?

Legislator Niebel: 3199 East Main Road Dunkirk, New York. Mr. Chairman, I just wanted to address some of the comments made by the by Ms. Croxton from the League of Women Voters. I agree the county has lost 7,142 people in the last 10 years and if you look at the last 20 years the population of Chautauqua County has decreased 10.5%. But, if you look at the legislature that we had in the year 2000 it was 25 members, we reduce that the 19 in 2013 based on the last census- the 2010 census. That equated to a 24% reduction, so if in fact we're trying to equate the population loss, with the number of legislators we should have in the county legislature- we've had a 10.5% loss in population, yet a reduction of 24% as far as number of legislators. So, if we're equating population loss to legislators actually the legislature should consist of 22 members and I don't think there's anybody here that is in favor of increasing the legislature by my three members.

Chairman Chagnon: Thank you, is there anyone else wishing to address the public hearing?

Legislator Wilfong: The downsizing from 19 to 17 legislators would actually be a good thing for me, would allow me to campaign in my own neighborhood and allow me to embrace and engage the west side community of Jamestown, where I live. As I continue to looking at the reshaping of the district, I noticed that the new district boundaries did not take into account the racial fairness of the black communities in District 3-1 and District 3-2 in the City of Jamestown. The 17 legislature plan has people living on Jefferson Street and Lafayette Street in the City of Jamestown being horseshoed up into a predominantly white area like Celeron and Ross Mills where white residents have a numerical advantage at the polls. You have to ask yourself what could either these communities have in common with each other. How could a person of color ever run for a legislative (*inaudible*) try to make a positive change in the black community? The proposed 17 legislature plan has the district lines diluted and stripped away from the black community and the neighborhoods on the North side of Jamestown. Therefore, reducing impact on future elections. As I said in the beginning, I believe the downsizing of the legislature would be a good thing for me politically, but it cannot come at the cost of turning my back on my current district and watching it gutted by the redistricting process that claims to be fair and good for the people. I can certainly tell you that the 17 legislature plan is not good for the North side of the city of Jamestown and the black community that lives there, thank you.

Chairman Chagnon: Thank you, anyone else wishing to address the public hearing on Local Law Introductory 9-22.

Legislator Parker: Thank you to all the legislators for what they do to represent their constituents and the county. Right now, though, we need fair mapping for redistricting. We should not continue a status quo that no longer applies. We have once again lost population, which has been mentioned, but we continue to grow our county government. In the case of the redistricting plan for 19 districts- (*inaudible*) maintaining the size of the legislature. A good redistricting process should help the community to secure meaningful representation. Only every ten years do we get this opportunity and we have- I personally believe that the legislature should reimagine representation with 11 or fewer districts. That aside, what benefit is there for our

county and its residents if we do not reimagine any change to the number of districts? It suggests that nothing needs to change, that everything is working fine, our county doesn't need to change itself despite the continuing loss of population and all the changes happening around us and to us. I respectfully ask the legislature to support the local law proposing to reduce the number of districts to 17. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the public hearing?

Legislator Bankoski: I'd just make a couple comments just from things that I've heard and read in the paper. Some of the legislators are saying that they'd have to attend more meetings, go to other towns and villages and do more traveling around and I did some homework on that myself and I've reached out to a few municipalities and asked how many times has your local legislator been to a meeting? Some say none -never been there, never saw anybody. That's a weak excuse not to downsize and one of the things that was that we shouldn't deter from reducing our legislators due to that we'd have a primary. That was one of the things that was listed. (*Inaudible*) and I just feel that we're afraid to do the right thing and right size Chautauqua County.

Chairman Chagnon: Thank you. Anyone else to speak to the public hearing?

Legislator Proctor: (*Inaudible*) created by the 17 member legislature and talking to the board of elections, the 17 member plan would create more election districts and that, in turn, will not allow them to consolidate as much as they could and realize cost savings in regards to personnel that need to be working at the polling booths and it's hard now to get people to work at the polling booths just because of labor shortages everywhere, and I know myself, in my town, I've tried to get people to work and they just won't do it. It's a very long day it's like 16 hours from 4:30 in the morning until 9:00 at night and. Any cost saved by eliminating two \$9,000 salaries will be at least partially reduced by more costs in the Board of Elections and what they need to do on Election Day and primary day.

Chairman Chagnon: Thank you, anyone else to speak to the public hearing?

Yes, my name is Barbara Colt and I am a resident of Brocton and I'm here to support the 17 legislator districts and the reason why I am is because so many have already said, it can make a lot better for people of color to have some representation. Remaining at 19 could potentially leave them without a voice unrepresented and we live in a democracy that should be based on all people- everyone having a voice, everyone having a say, everyone has a vote and we need to make sure that everyone- all of us have that opportunity, thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address public hearing.

My name is Robert Dando I live on Fredonia Stockton Road in the Town of Pomfret. Just listening to the comments now (*inaudible*) and therefore I do support the going to 19. Now, one of the comments that came up was about primaries. I think one thing you have to remember- look at last election. About half of the seats weren't contested at all. I think there was only one

primary last year or last time, but most of the seats were run unopposed. I think reducing the size of legislature recreates more competition for the seats and I feel the competition is always better when it comes to elections because it forces people to make stands, make their views better known and just gives the voters a better choice, therefore, I speak in favor of reducing the size of the legislature.

Chairman Chagnon: Thank you. Anyone else to speak to the public hearing? Is there anyone else wishing to speak to the public hearing? If not, I will close the first public hearing.

(7:07 p.m.)

**LOCAL LAW INTRO. 10-22 – A Local Law Establishing A County Legislature For
The County Of Chautauqua Reapportioned On The
Basis Of The 2020 Federal Census (19 District Plan)**

Chairman Chagnon: I will now convene the second public hearing. This is the 19 District Plan. Is there anyone wishing to address the public hearing on Local Law Introductory 10-22?

Larry Wilcox, again I served as a co-chairman on the Reapportionment Commission, and I would encourage the adoption of the 19 member plan. It's far superior to the 17 members that was created, and just as a point of information, initially when the commissioned sat down to work on the plans we thought we were going to be dealing with a plus or minus 5% population figure, which would be a total deviation of 10% in population. Turns out that we had to work with a plus or minus two and a half percent deviation. Originally I felt there were seven districts that would have to be reconfigured because of population losses or population gains. Using the two and a half percent deviation there were only two districts that didn't need to change that was District 12 in Jamestown and District 19 which was Westfield and Ripley. All the other districts with a two and a half percent deviation had to change. But one of the guidelines that we had to work with was the fact that if you had a town that was less than 40% of the legislative district, you should try and avoid cutting it in half, putting it into two legislative districts. The 19 member plan pretty much accomplished that. The Town of Chautauqua is divided in the Town of Poland is divided. Compare that to the 17 member plan, where you have Sheridan divided, Arkwright divided, one of the smallest towns in the county, Charlotte, the Town of Gerry. The Town of Gerry is actually divided into three different districts. Trying to elect a legislator from Gerry if you're divided into three different districts? The Town of Ellington, the Town of Clymer, Town of of Ellery, the Town of Westfield. One third of the small towns in this county are divided into two or more legislative districts under the 17 member plan. That's one of the reasons that the 19 member plan, which I encourage you to adopt, is far superior than the 17 number plan. The people in this rural area would have their voting power diluted under that 17 member plan, but it would be intact under the 19 plan.

And the other consideration is this this county legislature, by adopting a 19 member plan is going to create history and I'm surprised at some of the people that are speaking out against it because we're going to create a majority - minority population district in this county. That's never happened before. I would think minorities and people like the League of Women Voters who

support issues like that would support that kind of a plan. The first local law will be voted on first the 17 Member plan, I expect that will be defeated, but I would encourage anybody who planned to vote against the 19 Member plan to reconsider because they should be part of Chautauqua County history and creating that minority district. This should be a bipartisan effort, not a partisan effort. That 19 member plan, creating the minority district should pass unanimously. Thank you.

Chairman Chagnon: Thank you, anyone else wishing to address the public hearing on Local Law Introductory 10-22. Anyone else wishing to address the public hearing? Seeing no one, I will close the public hearing on Local Law Introductory 10-22. I'll now turn it back over to the Clerk.

LOCAL LAW INTRO. 6-22 – A Local Law Amending Local Law 7-90 Providing For a Management Salary Plan for County Officers And Employees (Re: Public Relations Officer)

Chairman Chagnon: Are there any questions or comments on the local law. Any questions? Any comments?

Legislator Bankoski: Mr. Chairman, at this point in time, with our uncertainty and our finances, I mean we just got done just extending CSEA's contract only by one year because there was concerns by our finance department that we didn't want to get locked into a long term contract. I think at this point in time, we should suspend this proposal for the public relations officer for at least another year or so until we know exactly where our finances are coming from.

Chairman Chagnon: O.k., any other questions or comments on the local law?

Legislator Parker. Yes, I would also like to reiterate what Legislator Bankoski said. I have some concerns about the continuing cost of establishing this position with a salary that will continue indefinitely, when we are not sure as Legislator Bankoski said, we are not sure what the economy is going to look like in 2022, and this is a huge investment in money that I'm concerned that the county really doesn't have available at this point, thank you.

Chairman Chagnon: Thank you. Any other questions or comments on Local Law Introductory 6-22

LOCAL LAW INTRO. 6-22 – R/C VOTE: 14 YES; 3 NO (Bankoski, Parker, Torres); 2 ABSENT (Penhollow, Whitford) – ADOPTED

LOCAL LAW INTRO. 7-22 – A Local Law Establishing the Chautauqua County Landfill Commission

Chairman Chagnon: Any questions or comments on Local Law Introductory 7-22?

Legislator Hemmer: I would like to amend the local law in the last sentence of “Section V. Meetings, Compensation” I would like to add at the end of that sentence the words “in accordance with applicable County reimbursement policies.” This is talking about possible reimbursement for *(inaudible)* of the commission.

Chairman Chagnon: O.k., we have a motion to amend. Do I have a second? Legislator Wilfong is the second. Is there any discussion, questions, comments on the motion to amend Local Law Introductory 7-22? All those in favor of the motion to amend please say aye. Opposed?

Motion to Amend is carried with Legislators Bankoski and Parker voting “No”

Chairman Chagnon: The motion to amend is adopted, so now we’re back to further discussion on Local Law Introductory 7-22 as amended.

Legislator Parker: Any further amendments won’t come yet, is that correct?

Chairman Chagnon: Other amendments may be proposed, yes.

Legislator Parker: O.k., thank you. I’d like to make a few comments about this landfill commission. In my conversations with a number of county officials and some constituents of Chautauqua County, I have heard a lot of information about this landfill commission being a layer of bureaucracy that has not been adequately examined or explained. The questions remain. What problem is this commission addressing? What purpose do they have? What study has been done as to the need of a commission? One of the arguments was that there’s a need to better monitor the landfill. County government already has effective ways to monitor the landfill. The NYDEC closely monitors the Landfill operations with inspections and very detailed reports, about all environmental issues. The Budget Director issues reports about the finances of the Landfill, monthly. The Public Facilities committee meets monthly and any landfill issues can be and are reported and discussed. In addition, the DPF committee can establish a sub-committee to do a study or examination as to a particular subject of concern. Any Legislator who receives a complaint from a resident or a business who needs some assistance with an issue in his or her district can contact the DPF and the Landfill directly. The Landfill website has contact information with complaint reporting mechanisms for any resident or business to use.

The second argument is that the Landfill needs advocates. The Legislators and the County Executive are very accessible and can advocate for the landfill or for customers. Anyone from the Public Facilities Committee including its chairperson, can be contacted. Again, as I said, subcommittees can be created to study issues and come back with recommendations. If they need more detailed reports, the Landfill can provide them as they are required and they also *(inaudible)* prepare and submitted. The County Law Department is available for the Landfill and Legislators concerning legal issues, and can use their services, when needed.

The last question- what problem is being fixed? A County-Wide survey should be conducted, to determine if there are any issues with the solid waste management and depending on the findings, can then determine how to resolve them. Is a landfill commission the best

choice? Will it add a layer of bureaucracy? To determine if there is a need for the County municipalities to be part of a Landfill Commission, a survey should be conducted and an explanation of the needs with a detailed report should be submitted to the legislature and/or Public Facilities Committee. That was one of the things- I'm on the Public Facilities committee and that was one of the things that was not addressed. It appeared that everything is running incredibly well at the landfill and there was no mention of complaints or anything that had not been addressed and were a problem. Before we know if and what is wrong, we cannot invent and manufacture the tool to fix it.

I would like to make two amendments- I probably have to do them each individually. Section 2- under Establishment and membership- I have a point of information question for the County Attorney. Do I need to read this entire motion? Or do you have it in front of you? Either of those motions?

County Attorney Abdella: You could make your motion to amend to include any amendments that you're seeking, or you could make a motion to amend the different pieces separately. You have that choice. I think you could read into the record the changes that you have and any of the amendments.

Legislator Parker: Thank you. I'm making a motion to have an amendment under Section four- powers and duties. I'd like this added under section H. "Commission members, individually or otherwise and keeping with the intent of this local law as set forth in section one in order to maintain the county's solid waste as a municipal service are prohibited from considering reviewing and or recommending privatization of any facilities or operations of the county solid waste system, except for the use and collection of landfill gas, including the existing gas to energy plant."

Chairman Chagnon: O.k., so we have a motion to amend by Legislator Parker. Do I have a second? Legislator Bankoski seconds. Is there any discussion, questions, comments on the motion to further amend local law introductory 7-22 as amended? All those in favor of the amendment, please say Aye. Opposed?

Motion to Amend is Defeated with Legislators Chagnon, Davis, Gould, Harmon, Hemmer, Muldowney, Niebel, Pavlock, Proctor, Rankin, Scudder, Torres, Vanstrom, and Wilfong Voting "NO"

Chairman Chagnon: O.k., the proposed amendment is defeated.

Legislator Parker: Thank you, Chairman Chagnon: I would like to make a motion to make another amendment to the local law concerning the landfill commission establishment. This is under Section two- establishment and membership. "There is hereby established a Chautauqua County Landfill Commission that shall be composed of seven members appointed by the County Executive"- and do I have to read all of the parts that I the entirety of it?

County Attorney: If you would like to read Section Two as you would like it to exist and make this an amendment by substitution. So, read it in the form that you're seeking and then

after you read that into the record, you could explain what the changes are that you are wishing to make.

Legislator Parker: O.k., thank you. "There is hereby established a Chautauqua County Landfill Commission that shall be composed of seven members appointed by the County Executive subject to confirmation by the county legislature. Two of the members so appointed shall be County Legislators, one of whom shall be designated as Chairperson of the commission by the County Executive. The remaining members shall include two" and this is where it changes- "the remaining members shall include two citizen members and representatives, one each of the government of the Town of Ellery, a large municipal customer" and this is where I would like to remove, "the large private customer and a waste hauler." I would like that eliminated and "a representative of the community hosting a county transfer station. Except for the county legislators serving on the landfill commission, no member of the commission shall be a family member, as defined in the Chautauqua County Code of Ethics, of an elected county official or of a County Department Head. No member of the landfill commission shall have a financial interest in the private sector solid waste industry, including, but not limited to, an employee, officer, director, member, partner or shareholder of more than 5% of a private sector entity that processes or produces waste." I have included this language for the simple reason that I think that given that commissions have no power, it really is important that those commissions have- they have no power, but they do have the potential for influence. I think that including members of private haulers and also large private customers- there's a large waste hauler that's actually a competitor of our own landfill. I think there is some potential for conflict of interest there- a very strong potential for conflict of interest. So, that is why I included that amendment. Thank you.

Chairman Chagnon: Thank you. So, we have a motion to amend Local Law Introductory 7-22 by Legislator Parker. Do I have a second to the motion? Seconded by Legislator Bankoski. Is there any discussion and the motion to amend Local Law Introductory 7-22 as previously amended? Any discussion on the motion. Hearing none, all those in favor of the motion to amend Local Law Introductory 7-22 please say aye. Opposed?

Motion to Amend is Defeated with Legislators Chagnon, Davis, Gould, Harmon, Hemmer, Muldowney, Niebel, Pavlock, Proctor, Rankin, Scudder, Torres, Vanstrom, and Wilfong Voting "NO"

Chairman Chagnon: O.k., back to further discussion on Local Law Introductory 7-22 as amended. Is there any further discussion?

Legislator Rankin: I'm not sure that this commission is necessary and I'm not sure if this is advocacy or oversight. I know we talked about it being more advocacy, but I have a hard time believing that at some point there wouldn't be oversight influence as Legislator Parker said. I think that it'd be nice to be able to achieve what we need, through regular- we have we have channels of communication already in place and I think an additional layer of time and effort and potential bureaucracy- potential conflict of interest, I think could be a waste of time. I think we have things in place already, that we could make things work. I hate to see people putting a lot of

time and effort into something that may not be necessary if we could make better use of what's already in place so. Those are my comments, thank you.

Chairman Chagnon: Thank you. Are there any other questions or comments on Local Law Introductory 7-22 as amended?

Legislator Bankoski: That was some of my concern, too. I mean, when we have Mr. Panteli, who we've spoken to and has concerns with this, Mr. Gustafson, who's going to be taking his place, who has been there for a long time has concerns with this, it throws up red flags for me that it's probably not the right thing to do at this point in time. I think the best thing to do is put this off to the side for a while and let the process run with Mr. Gustafson in charge and then if we have issues down the road, maybe we could revisit this at a later point in time.

Chairman Chagnon: Thank you, any other questions or comments on Local Law Introductory 7-22 as amended? Seeing none, will the Clerk please call the role?

LOCAL LAW INTRO. 7-22 – R/C VOTE: 12 YES; 5 NO (Bankoski, Parker, Rankin, Scudder, Torres); 2 ABSENT (Penhollow, Whitford) – ADOPTED

Chairman Chagnon: Just to clarify, on the advice of the County Attorney, we proceeded to vote for this Local Law introductory 7-22 even though it was amended because the amendment was deemed to be not substantive. So, normally when a local law is substantively amended it must be laid on the table.

LOCAL LAW INTRO. 8-22 – A Local Law Amending the Chautauqua County Self-Insurance Plan and Providing for the Administration Thereof Pursuant to Article 5 of the Workers' Compensation Law

Chairman Chagnon: Are there any questions or comments on Local Law Introductory 8-22? Any questions or comments? Hearing none, will the Clerk please call the roll?

LOCAL LAW INTRO. 8-22 – R/C VOTE: 16 YES; 1 NO (Parker); 2 ABSENT (Penhollow, Whitford) – ADOPTED

LOCAL LAW INTRO. 9-22 – A Local Law Establishing A County Legislature For The County Of Chautauqua Reapportioned On The Basis Of The 2020 Federal Census

Chairman Chagnon: Are there any questions or comments on the Local Law Introductory 9-22?

Legislator Wilfong: I just wanted the people in the audience to know that we are voting at this particular time- this local law is for the 17 member legislative body.

Chairman Chagnon: Thank you. Thank you for that clarification. Any other questions, comments, clarification?

LOCAL LAW INTRO. 9-22 – R/C VOTE: 3 YES; 14 NO (Chagnon, Davis, Gould, Gustafson, Harmon, Hemmer, Muldowney, Niebel, Pavlock, Proctor, Rankin, Scudder, Vanstrom, and Wilfong); 2 ABSENT (Penhollow, Whitford) – DEFEATED

LOCAL LAW INTRO. 10-22 – A Local Law Establishing A County Legislature For The County Of Chautauqua Reapportioned On The Basis Of The 2020 Federal Census

Chairman Chagnon: Are there any questions or comments on the Local Law Introductory 10-22? This is the 19 member plan.

Legislator Scudder: I'm speaking as a legislator that was here 10 or so years ago. Last time we redistricted, I voted in favor of downsizing. In fact, I pushed for downsizing because the county was much smaller than it was in the mid 1970's when the legislature was established. When I say smaller I mean because of technology and modern communications. In the 1970s, there were no cell phones, no Internet, no texting, no emails, etc., in fact, the 1970s most homes did not even have an answering machine. I have instant communication right here on my desk with all the legislators and most county department heads. My vote to downsize was not on population, but more on what I've just stated. I also felt that 25 there were just too many people in the room, we could make all the same decisions with 19 as we could with 25. Saving money was also not a driver in my decision. In fact, I'm hearing that less districts would actually cost us more than the savings of two less legislators. Since the downsizing the function of the legislature has been great. I was there before, I'm here during. No politics and everyone is working for the good of the county. Not an organization or political party. It's so refreshing to be a part of a government body that does its work in committee and there is no grandstanding on the floor of our monthly meetings. I believe legislators, all legislators are elected, because they are the best choice by the people, regardless of political affiliation. I think 19 is the right number. It's proven. Look at the last few years, good government. Thank you.

Chairman Chagnon: Any other questions, comments, discussion on local law introductory 10-22?

LOCAL LAW INTRO. 10-22 – R/C VOTE: 14 YES; 3 NO (Bankoski, Parker, Torres); 2 ABSENT (Penhollow, Whitford) – ADOPTED

RESOLUTIONS:

~~179-22 Submission of Local Law Introductory No. 9-22 to Referendum~~

Chairman Chagnon: Resolution 179-22 is regarding Local Law Introductory 9-22, which was defeated, so resolution 179-22 is ruled out of order

Resolution 179-22 - Ruled out of Order

180-22 Submission of Local Law Introductory No. 10-22 to Referendum, by Administrative Services Committee

Legislator Parker: (*Inaudible*) understanding that the local law maintaining 19 districts, I respectfully ask that my fellow legislators also support the resolution, providing for a public referendum in November, thank you.

Chairman Chagnon: Thank you. Other questions or comments and the resolution? Any other questions or comments? Hearing none, all those in favor please say Aye. Opposed? I will ask the Clerk to call the roll.

RES. NO. 180-22 – R/C VOTE: 3 YES; 14 NO (Chagnon, Davis, Gould, Gustafson, Harmon, Hemmer, Muldowney, Niebel, Pavlock, Proctor, Rankin, Scudder, Vanstrom, and Wilfong); 2 ABSENT (Penhollow, Whitford) – DEFEATED

181-22 Confirm Appointment - Director of Human Resources

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

Legislator Bankoski: As yourself, and myself and Mr. Harmon were on the interview committee. This person - we all were in agreement that she was definitely the best candidates for the job, and I feel that she's going to do great things for Chautauqua County and I'm looking forward to bringing her on board today, thank you.

Chairman Chagnon: Thank you. Well said.

Legislator Harmon: (*Inaudible*) comments. She interviewed very well and we're looking forward to welcome her to the County.

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

RES. NO. 181-22 – UNANIMOUSLY ADOPTED

Chairman Chagnon: Debbie, please come down and introduce yourself.

Good Evening everybody. I am Debbie Makowski, 25 years of HR experience. Born and raised in Buffalo. I have been in Cherry Creek in Chautauqua County for about 13 years. I'm very excited to get things rolling in the HR Department, thank you.

County Executive Wendel: If I could just really quick – one of the things that we learned after our last director, Jean Riley, something called a sherm certification which is a society of human resource managers and I have been told by several people that this is the gold standard. We found that out in our last – and we successfully found that in Debbie again so we're very excited for her to begin her work here in Chautauqua County and I said as an echoed (*inaudible*) very well and we're excited to have her as part of our team.

182-22 Create Capital Budget for Retaining Wall at Ellery Transfer Station, by Public Facilities and Audit & Control Committees - UNANIMOUSLY ADOPTED

183-22 Calling a Public Hearing Pursuant to County Law §268 Upon a Proposal to Rehabilitate the North County Industrial Water District No. 1 Water Storage Tower, Public Facilities Committee - UNANIMOUSLY ADOPTED

184-22 Calling a Public Hearing Pursuant to County Law §268 Upon a Proposal to Reduce Infiltration and Inflow in the Portland Pomfret Dunkirk Sewer District - UNANIMOUSLY ADOPTED

185-22 Acceptance of FAA Funds for the Rehabilitate Airport Perimeter Fence (Phase 1) at the Chautauqua County/Jamestown Airport, by Audit & Control Committee

Legislator Wilfong: You know, acceptance of these funds is going to be a great investment for the airport and it provides us a lot of funding that we would not normally get so I encourage all of my fellow legislators to vote in favor of this.

Chairman Chagnon: Thank you, any other questions comments discussion on the resolution?

Legislator Parker: From my understanding is that there is no other strings attached to this funding, is that correct from committee? Like to continue anything? Any projects? Is that correct?

Chairman Chagnon: I wasn't going to attest to that because I don't have firsthand knowledge but County Executives head is shaking up and down so that's affirmative.

Legislators Scudder: Just so no one falls over, I will be voting in favor of this because there are no strings attached, thank you.

Chairman Chagnon: O.k., any other questions or comments on the resolution? Hearing none, all those in favor please say aye. Opposed?

RES. NO. 185-22 – UNANIMOUSLY ADOPTED

186-22 Transfer American Rescue Plan Act (ARPA) Spending Plan Budgets from 2021 to 2022 (Interfund Transfers to Capital Projects), by Administrative Services UNANIMOUSLY ADOPTED

187-22 Close Mental Hygiene Petty Cash Funds, by Human Services and Audit & Control Committees - UNANIMOUSLY ADOPTED

188-22 To Amend 2022 Budget to Close the Address Isolation/Quarantine Housing Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Human Services and Audit & Control Committees

Legislator Bankoski: (*Inaudible*) bidders on this so this project will not move forward and we'll put those funds back into our ARPA bank accounts so to speak and we'll re-appropriate those funds on something else?

Chairman Chagnon: That's exactly what the situation is, yes. Well stated. Any other questions or comments on the resolution?

RES. NO. 188-22 – UNANIMOUSLY ADOPTED

189-22 To Amend Chautauqua County Health & Human Services 2022 Adopted Budget for HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) Fiscal Year 2022–Healthy Homes Production Grant, by Human Services and Audit & Control Committees

Legislator Rankin: I just want to make a mention that Health and Human Services that staff who work with these Lead Programs are – they work so hard behind the scenes. We don't realize everything that's going on where there working with the schools, municipalities, homeowners and renters. They follow children through all of their programs and they work really hard. They're helping a lot of kids especially stay safe and it all happens kind of behind the scenes and we don't see it so I just want to thank them for all the hard work they're doing and I'm happy to support this.

Chairman Chagnon: Thank you, well stated. Any other questions, comments or discussion on the resolution?

RES. NO. 189-22 – UNANIMOUSLY ADOPTED

190-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Pandemic Emergency Program (PEAF) Family Pandemic Payments, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

191-22 Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism, by Planning & Economic Development and Audit & Control Committees

Legislator Rankin: *(Inaudible)* I want to mention Andrew Nixon and the Chautauqua County Visitors Bureau for all the hard work they do to promote our tourism throughout the county and how important that is to our economic wellbeing and I think that this is well placed to have them be the promotion agency, thank you.

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

RES. NO. 191-22 – UNANIMOUSLY ADOPTED

192-22 Amend 2022 Budget to Implement the Water/Sewer Infrastructure for Shovel Ready Site(s) Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees - UNANIMOUSLY ADOPTED

193-22 Prospective Cancellation of Uncollectible Tax Liens, by Administrative Services and Audit & Control Committees - R/C VOTE: 17 YES; 0 NO; 2 ABSENT (Penhollow, Whitford) – UNANIMOUSLY ADOPTED

194-22 Quit Claim Deeds, by Administrative Services & Audit & Control Committees - R/C VOTE: 17 YES; 0 NO; 2 ABSENT (Penhollow, Whitford) – UNANIMOUSLY ADOPTED

195-22 Quit Claim Deeds – Reacquisitions, by Administrative Services and Audit & Control Committees

Legislator Scudder: It's always nice to see a long list of reacquisitions. These are people that were able to retain their properties and not have them go into the foreclosure auction so it's always good to see a long list and it's a long list of taxes paid so it's very positive for the county.

Chairman Chagnon: Well said, thank you. Any other questions or comments on the resolution?

RES. NO. 195-22 – R/C VOTE: 17 YES; 0 NO; 2 ABSENT (Penhollow, Whitford) – UNANIMOUSLY ADOPTED

Chairman Chagnon: Okay, we now have on your desks a resolution that was passed in Human Services Committee and prefiled in a timely matter but unfortunately it was admitted from the prefile for this meeting. So we will now take that resolution up for discussion, please introduce it.

**196-22 Confirm Reappointments – Chautauqua Opportunities Board of Directors, by
Human Services Committee – UNANIMOUSLY ADOPTED**

ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements on the agenda. Are there any Legislators who would like to make an announcement?

Legislator Scudder: Even though the summer season is almost half over, the village of Fredonia has a farmers market every Saturday morning from 9 a.m. to 1 p.m. so if you want some fresh produce there is also jewelry and stuff like that, come on over and you might even be fortunate enough to see myself of Susan Parker at the event. How exciting is that? So come on over to Fredonia on Saturday mornings, it's really nice.

Legislator Vanstrom: I just want to say Chautauqua County Fair went beautifully this year and if anybody had an opportunity to visit and see the *(inaudible)* over there, the animal barns were fantastic. I know I took extensive tours with all of those and the 4H-Food building was exquisite also. It was good to see the kids getting their hands on and interacting, taking orders, exchanging money and funds so I think it was a very very welcome renewal after everything had been shut down for so long.

Legislator Hemmer: The Westfield Arts and Crafts festival is going on this weekend. It's for the benefit of the Y.W.C.A. in Westfield. Come on down.

Legislator Proctor: *(Inaudible)* starts at 11 and shops *(inaudible)* and have some fun.

Chairman Chagnon: Sounds like a busy weekend.

County Executive Wendel: Next week is very packed. We have the longest lasting rodeo east of the Mississippi, the Gerry Rodeo that will start next Wednesday the 3rd. We also have the almost famous, their very famous comedy Lucille Ball Comedy Festival will begin. We already have some residents or some of the *(inaudible)* have been in town or coming to town to visit us a little bit early and we also have the Ellington Town Picnic that will start next Friday, Saturday and into Sunday so plenty to do next week along with Sherman days. We also have this weekend in Westfield so again, Chautauqua County is coming back strong with our festivals and I urge everybody to get our and support them, thank you.

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. Please introduce yourself.

Hi I'm Cheryl Feidler and reside in Ellery. I am here to in support of New York Citizens Audit and their findings. New York citizens audit is an all-volunteer team of concerned citizen volunteers working to restore integrity to the New York State election system. A copy of a petition for redress of grievances was submitted to the state attorney general, the New York State board of elections commissioners and the secretary of state earlier this year. This petition outlines violations of New York State election law based on an analysis performed by the New York Citizens Audit team on the publicly available New York State voter rolls. In the fall of 2021, the New York citizens audit team obtained voter data from several official sources including the secretary of state, the New York State precincts, the State Board of Elections, the recent census and some New York counties. A complete analysis and comparison was undertaken which uncovered shocking and egregious violations of law, irregularities and irreconcilable data in the 2020 general election. The petition you will be given tonight also details grievances specific to Chautauqua County with signatures from county residents. If you would like more information about the New York citizens audit team processes and findings, I refer you to their website auditnewyork.com as well as their town hall presentations around the state on their rumble page [Inquiries to New York Citizens Audit](#) can be made via (*inaudible*). The Chautauqua County citizens who have signed this petition asked the Chautauqua County Legislators to review, investigate and take all corrective measures as stated in the proposed resolution that will be made available made to you, thank you.

Good Evening my name is Diana Perepski(?) and I reside in Gerry, New York. I am also here with much pride to support the New York Citizens Audit and their findings. Fair, honest and transparent elections are a bedrock of our constitutional republic. Citizens must have confidence in election process and the end result must be verifiable. The number of irregular votes for Chautauqua County totals at least 2,861 which puts in question many down ballot races in 2020. The complete list of findings are detailed in the position presented to you tonight. The (*inaudible*) of the New York voter rolls include many duplicate voters and votes, missing voters and votes, dead voters, as well as the fact that numbers between the precincts county and state don't reconcile with each other. This violates the rule of law, equal protections under the law and proper administration of the election, rendering the election, defective and uncertifiable. Decisions are being made by representatives who may not have been legally elected by the citizens of Chautauqua County and New York State. The information discovered by the New York Citizens Audit team in a simple mathematical analysis of the voter rolls should have been easily discovered by government by government officials and trusted with the sanctity of our elections. The fact that those officials did not do so calls into question the integrity of the whole election system. The citizens of Chautauqua County who have signed this petition ask you that you review the information presented to you and provide a response within 30 days so that corrective action can be taken in a timely manner. I thank you for your time.

My name is Timothy Omalia and I am a resident of Brocton, New York. I'm also here in support of New York Citizens Audit and their statewide findings. Across the state, New York Citizens Audit discovered over 321,000 unique instances of identity theft with the official New York State Board of Election records. Identity theft in this sense relates to voters having more than 1 SBOEID. Across the state legitimate or forged voter registration records were apparently

cloned and assigned an additional unique New York State Board of Elections ID number (*inaudible*) law. The Audit also found 30,000 to 50,000 instances of likely identity theft where matching records and (*inaudible*) appear to represent the married and maiden name of the same individual. It is possible that the true number of excess registrations and votes is higher than stated here provided any of the record are holy fictitious. For now, New York State Citizen Audit presumes that for every set of matching records, 1 is legitimate and the remainder is fraudulent. Each instance represents several felonies under Federal Law, New York State penal law and New York Election Law. It is inconceivable that over 321,000 New York State residents all intended and succeeded in duplicating their official voter record. Let's put this number in perspective. The magnitude of 321,000 instances is greater than the population of our County plus the County of Cattaraugus plus the County of Alleghany. In this sense we are being unrepresented, we are being (*inaudible*) by the number of duplicate records that voters have across the State. (*Inaudible*) Chautauqua County has been quite good – (*inaudible*) are very consistent but state wide, this appears to be quite a problem and that's why New York State Citizens Audit is bringing this forward. These are actually crimes. Voter fraud is a crime, it is a felony. These crimes could only have been (*inaudible*) by someone with official access to voter rolls because it is not up to the voters themselves but they were given ballots based on name and address not by board of election ID numbers so someone else could cast multiple votes or be able to cast multiple votes. Research by New York Citizens Audit also indicates that this pattern of identity fraud within the New York Board of Elections can be linked credibly too evident of mass disenfranchisement of voters across New York State regardless of political party, age or any other democratic indicator.

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

Mr. Omalia: I thank you for your attention and this is just to bring this to everyone's attention that this is an issue state wide but not particularly in Chautauqua County, thank you.

I'm Carl Fiedler and I'm a resident of Ellery. I'm here also in support of the New York Citizens Audit and their findings. I would like to share with you a few of the findings related to this County. The Chautauqua County voter rolls maintained by the New York State Board of Election demonstrate that 919 voter (*inaudible*) that's between our precinct vote to (*inaudible*) count in the New York State record. And (*inaudible*) voter discrepancy exists between our precinct vote to (*inaudible*) and the New York Secretary of State certified results. Additionally, 453 vote discrepancy exists between the New York State Board of Elections and the Secretary of State regarding Chautauqua County. Chautauqua County voter rolls maintained by the New York State Board of Elections demonstrate that there are 1,979 duplicates State Board of Election ID numbers that signed. 30 of which registered votes in the 2020 election. Chautauqua County voter rolls maintained by the New York State Board of election demonstrate that 1,184 people voted without a resident address on record in their voter roll. Our County voter rolls maintain by the New York State Board of Election demonstrates that 475 people registered to vote after the legal cutoff date and voted on Election Day. The petition assessed these facts and combination with other facts presented in the petition tonight. Prove beyond a reasonable doubt that the 2020 general election was defective and must be recertified in Chautauqua County, thank you for your time.

Good Evening, my name is Erica Myers and I am from Jamestown, New York. I'm also here in support of New York Citizens Audit and their findings. Part of the analysis conducted by New York Citizens Audit included using Dr. Douglas Frank's algorithm to analyze the voter turnout in each county in New York State by age from 18 to 100. Using Albany County as a baseline, the New York Citizens Audit team created a 6 factor polynomial equation. They then applied this equation to the data of every other county outside of New York City, 57 counties in all. They also created an algorithm for the 5 New York City (*inaudible*) using Queens County as the base line. They were able to predict with an average accuracy of 99.3% what the actual voter turnout by age was for each county in the 2020 general election. Specifically, Chautauqua County's voter turnout by age was predicted with a 99.5% degree of accuracy. I don't know if you can see this but this is the graph for Chautauqua County. The red line represents the projected results and the blue line represents the actual results. When human behavior is involved, this level of accuracy between predicted and actual voter turnout is extremely unusual. It did not matter whether the county had a higher level of college students or retirees or that there are any other number of outside factors that might influence voter turnout on any given day. The predicted and actual patterns were almost identical. This would appear to indicate that there was an artificial algorithmic control of the results of the 2020 election. You can find a more detailed explanation of the Dr. Frank analysis in the petition that is presented to you tonight, thank you.

Hello my name is Lynn (?). I live in the town of Gerry. I'm also here to support the New York Citizens Audit and their findings. Because of the massive discrepancies between the official sources regarding the 2020 general election voting, New Yorkers are facing a crisis in (*inaudible*). When the discrepant counts outnumber the margin of victory in a particular race, the outcome is no longer know. A majority of our State Senators cannot prove that they won due to the problems highlighted by the New York Citizens Audit research. When the discrepancies are added to the illegal votes casted in the district in question, more and more races are effected. If the margin of victory was small, the discrepancies do not need to be very large to impact the legitimacy of the contest results. New York Citizens Audit is working to analyze outcomes district by district. The results for Chautauqua County will be made available to you when they are completed by the end of July. Until this work is finished, New York Citizens Audit can say with confidence that the issues uncovered state wide affects over 50% of our State Legislature. This means that the Legislation currently being passed by the State Legislature is likely not done by duly elected representatives of New York residents. These petitioners (*inaudible*) these facts in combination with other facts presented tonight. Proof beyond a reasonable doubt that the 2020 general election was defective and must be decertified in Chautauqua County, thank you.

I'm Scott Cunningham of Jamestown. I'm also here in support of New York Citizens Audit and the findings. The proposed resolution being presented to you tonight reads in part "to the New York State Attorney General and New York State Board of Elections, be it resolved by the Chautauqua Legislators of New York State." The members concurring following points that the members of the Chautauqua Legislature recognized that loss voters expect that election officials in State Legislators will do their sworn duty to ensure that lawful votes of the people as cast are honored and not diluted or debased by acts classified by the New York Legislature as criminal acts. That substantial irregularities in violation of New York State Election laws section

16 are specifically classified as criminal behaviors. That there was infringement on the Legislature of the State of New York authority pursuant to the U.S. Constitution under Legislative plenary power and the supremacy clause regulate elections. That the selection of presidential electors and other statewide electoral contest results in this state involving federal offices is in dispute. That based on the clear and convincing nature of evidence cited in this resolution that remains in irreconcilable controversy that cannot be resolved with the Declaration of a clear winner and as such as irredeemably compromised. That the numbers of the Chautauqua Legislature here by notify the President of the New York State Senate, the speaker of the New York State Assembly and the members of Congress from the State of New York. That it is the justifiable position of the Chautauqua Legislature that we set aside the results of the Chautauqua County elections as irredeemably compromised and the following sub points reclaim the 2020 Presidential electors. Decertify the 2020 Federal Presidential Election, decertify New York State down ballot races where the winner cannot prove that they won by a margin in excess of the total irregular registrations and votes in that voting district. Conduct the full forensic audit of the 2020 election and reject electronic voting and move to paper ballots. A copy of this resolution is going to be presented if they hadn't already – okay at the end and emails are going to be delivered by Erica Myers to all of the full team will receive the (*inaudible*).

My name is Greg Rader. I'm from (*inaudible*) in Sherman. My comments here tonight have to do with Chautauqua County having a garbage addiction. As many of you know, our county landfill accepts 1,800 tons of municipality's solid waste which includes but is not limited to food, paper, yard trimmings, glass etc. at \$30 a ton. The food scrap law in New York State specifies that any compostable material be put in our landfill as a last result. Chautauqua County has no plans to follow this law. In fact, your own slow control law goes against the food scrap law. It actually puts more material in our landfill and has created a monopoly of the garbage industry. This would be one thing if it would benefit private businesses, the residents of Chautauqua County and especially the residents of Ellery. But as you know, the residents of Ellery, are not too happy about having a garbage mound in their backyards and another one potentially on the horizon once this one gets filled. We all pay \$30 a ton which to some may seem like a bargain. It certainly is for Pro Waste, a garbage business in Erie, Pennsylvania. Instead of paying the waste management landfill, their neighbor, Pro Waste is hauling their waste to our landfill. Waste management charges \$97.36 per ton as compared to our \$30 per ton. It keeps this in perspective to haul 25 tons or 80,000 pounds to our landfill, it would cost \$750. If Pro Waste was to take their same load of waste to Waste Management landfill, it would cost them \$2,434. This is a 3 to 1 ratio in a savings to the garbage collectors. It's smart business for Pro Waste. Too bad Pro Waste doesn't pay taxes in Chautauqua County or employs people here. Pro Waste is but one example. Yes, we are getting \$30 a ton but this leads to other questions. Why are we accepting out of state waste? Why do out of state waste companies pay the same as Chautauqua County residents? Most importantly, why are we not trying to follow the law that keeps compostable material out of the landfill? What is your plan moving forward to follow this law? Let's make recycling a priority in Chautauqua County because it's the law. Now I'm going to go off script here and every time I do I get myself in trouble but in September the DEC gave me the green light to move forward and after 30 years of composting and 14 years they never told me one time why I couldn't compost the way I have been composting and Lisa Vanstrom,

you know that that's not true, that they are keeping me from entering the recycling business. You know that's not true.

Chairman Chagnon: Greg, please wrap it up, thank you.

Mr. Rader: Like I said, I get off script – but it's been a long time (*inaudible*).

Jim Quattrone, Jamestown, New York. This probable should be an announcement but you said Legislature so I'm not one but just to back up I wanted to say when I was a kid, I had an opportunity to hang out at the Chautauqua perennial gardens for the pay of usually to take flowers home to my mother. Then later as a teenager I got to work for Mr. Chris on his farm throwing hay around. Now what's that have to do with this meeting tonight? I was looking over at Emily and this last week I got to participate at the fair and the 4H auction and it was just such a rewarding experience to have 8, 10, 12 year old young men come up to my office and present a business plan, how much it cost to raise their steer, how much they had to have back in order to make a profit and they just knew so much about their industry. This is just young kids but such a rewarding time and in a day in age when we hear so much negative and so much negative about our young people. There's a great example so I encourage you all to participate in the future years and get up there for the 4H especially the meat auction and I don't know how this has to do with – maybe Emily can help me, but August 23rd is the farmers neighbor dinner in Ellington so I would encourage you to sign up for that, thank you.

Carol Winham, District 19 and I'm speaking on behalf of the Western New York Freedom Seekers. First, thank you for listening and taking our concerns seriously and supporting the residents of Chautauqua County by voting against the 75,000 NACCHO COVIED Grant. We have recently discovered some recently discovered some very concerning communication via a foil request regarding this grant. The following excerpts are from emails from 2 Chautauqua County Department of Health staff and Chautauqua Health Network, a nonprofit organization. An email dated May 9, our Department of Health wrote to Chautauqua Health Network "As you know, the Chautauqua County Legislature voted against accepting the \$75,000 NACCHO COVIED Grant funding so when we alerted the NACCHO COVIED team about this vote, we asked to discuss possible ways to keep the funds coming into Chautauqua County." It seems to make sense to have the contract transferred to CHN. NACCHO would contract with CHN using the same application budget. NACCHO has taken this option up the chain to their contracting department to. They would like to see the funds stay here too. If we come back and everyone is agreeable, we can move forward with our plans. So basically this is what would change, CHN would contract with NACCHO submitting invoices and accepting funding. So let that sink in for a minute. I just read you unelected staff members knowingly discussing a work around to get a grant that you are elected officials declined. Moving on, another excerpt from May 10. Chautauqua Health Network wrote to our Department of Health "I wonder about the politics of perception and how we might work to be sure that this is not viewed by the Legislature (*inaudible*) wording their decision the longer term consequences to trust in public health might exceed the value of the award. So literally, it's clear that the CH Network is concerned that the deceptive strategy is funnel the grant through the nonprofit instead of the County will cause trust issues. Additional FOIL excerpts from May 13, from the Department of Health in response to CHN Network "we're grateful for your partnership and for your team's willingness to pick up this fall and run with it".

I wanted to chime in with a few of my perspectives as they pertain to this project grant. I believe the funds from the other 2 sources (*inaudible*) and hand supplemental funds and (*inaudible*) should provide ample funds to support the media by. NACCHO is a great organization to work with and I expect that they would be willing to support our community in whatever way we see fit to meet the goal. It is completely logical that they would attempt to make inroads to support this work under the umbrella of our rural health network rather than the local Health Department County Government. With the Legislature is not in support of this fund project, they have no say in how NACCHO does or does not fund non county entities and this is difficult because I never liked to – anyways and I'm quoting "honestly they probably wouldn't even know if the funds do come to our community if it isn't being funneled through the County's accounts". I believe that our Legislator serves to benefit from some education about not just health equity but equity in a broader sense. Perhaps we can use some of these funds to strategize about how to educate our leaders. I appreciate your perspective on trying again with the Legislator but to be frank, we are out of scene. We will not be going back. NACCHO is agreeable to transitioning the funds to CHN for this work and if you're willing, we want to take you up on your offer to accept funds. We're on board if you are. Lastly, an excerpt from May 13th from Chautauqua Health Network to the Department of Health "I agree we should proceed. Next step - so we as a group employ you to seriously consider the implications of this type of communication, call it sneaky, back door or whatever". I don't know how you can trust what they bring to the table from this point on. This should raise a red flag for you, it sure does for us, the residents. We ask that from here on out, you be on guard concerning any Department of Health requests. We're presenting a copy of the entirety (*inaudible*) entered into the record so you can read the whole thing.

Chairman Chagnon: Would you present that to the clerk?

Miss Winham: Okay.

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

Thank you, Ben Shank from French Creek Township. Mr. Muldowney, I don't recognize you. Thank you for that prayer this opening – it was heartfelt and awesome. I appreciate Chautauqua County Legislature opening in prayer. I'm not here with New York Citizens Audit but unfortunately I sent out to several of you people concerning election integrity. It is very concerning. I'm with New York election truth network. But anyways, I stand with these people and wholeheartedly why if we have an election or I'm sorry, electronic voting can't we get out totals from the County to the State to be identical? Now I can understand maybe a little bit with paper ballots but electronics? Our State cannot get the exact number that the County submitted? That is unbelievable and that is to me, inconceivable. That is why in Europe they outlawed electronic voting machines. They do paper and you people in Chautauqua County have the authority to say "no more to electronic voting, we will do paper" because people and that's who we are, we're the voters we're people. We have the ability to count papers but we have to rely on an election voting machine company and their manipulations of our voting. Who's the citizens going to doubt them? Who amongst you can doubt them? They're just simply saying "Yeah well that's just the way it is. We flip the switch and the electronics yep yep yep everything's good."

And we have to trust them right? So we trust just a few people whereas we could be counting the vote with our own eyes and our own mind and saying “yes we trust that vote”. There’s a lot of disenfranchise people with these electronic voting machines. So please, I beg you to take the authority that God gave you and do the right thing but that is not what I wanted to start off with.

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

Mr. Shank: Okay, this is the one thing I want to say, let us return to our first love and who is our first love? Jesus Christ. He loved us so much that he was willing to lay his life down and then he took it back up because you guys - we are awesome and he loves us so let’s return to him and let him guide us, thank you.

Chairman Chagnon: Thank you.

Hi, my name is Ida Golden and I’m a Chautauqua County resident. I wanted to give an update to the Legislators and community about the status of the isolation and quarantine lawsuit. As you know, Senator Borrello along with other State Legislators have sponsored a lawsuit against governor Hochul and the New York State Department of Health. New York State’s Supreme Court Judge Ronald (*inaudible*) has ruled in our favor. The Governors forced quarantine regulation has been struck down as unconstitutional and there’s no void in unenforceable and the court has prohibited the Governor and the Department of Health from continuing to issue these regulations. Unfortunately, the Governor plans to appeal (*inaudible*) for power she is attempting to have the State Supreme Courts judge’s decision overturned. It is imperative that the decision be upheld. I am for everyone to visit unitingnys.com to learn and to do your part to ensure that our rights and freedoms remain. I am asking you, our Legislators, to support the case and our previous County Executive George Borrello by making a public statement supporting our win whether in the newspaper or on social media. Help us bring attention to the Governors appeal and her unconstitutional power grab, get involved because this affects us all. Write to the governor and tell her not to appeal as there are already provisions in place and public health war that give her abilities but allow for (*inaudible*). As we have just heard from Western New York Freedom Seekers, the Department of Health does not consider how the Legislators vote. Whether on a local or a State level, the tactics are the same (*inaudible*) to achieve their agenda, thank you.

Chairman Chagnon: Thank you. Next.

Good evening my name is Lilian May (?). I live in Jamestown and I’m a member of the Board of Health. There are 3 things I would like to share with you. The first is the farmers market in Jamestown is Saturday from 11-2. Number 2, I understand the emotional effects of COVID and the vaccine, I get it. But I do want to share with you one of the – well I’d like to go back to a discussion that was just talked about – about the Chautauqua County health network and the reaching out by the Department of Health to that organization. One thing that if you involved with the Board of Health, you recognize the huge number of partnerships and organizations that work together on behalf of public health. This is just sort of the way things are with hospitals, with the college and with CCHN. There is ongoing partnerships and working

together to get to the end of the mission which is the health of the public so that is not at all unusual to reaching out for sharing and for working together. The third thing is I just sort of feel compelled to tell you why I thought that particular – and I'm not asking you to go back and rethink. I just want you to know why I thought that particular grant was meaningful because the very first thing I thought of when it came up that it was going to be education about vaccine. I don't know what any of you thought. I fear that you didn't think the way I did because I couldn't help but think that during the lockdown, a mothers did not – I mean I am assuming, just say I was a mother during that time and had a 1 and a 6 month old and a 12 month old, I don't think I would want to go to the doctor's office for routine immunizations because you know, there was a lot of COVID around and during the lockdown I probably would not want to go but I would hope to be reminded that my infant or my toddler was due for an immunization. We have been blessed by not seeing terrible effects of mumps and measles. Children can die of these diseases and an additional to that, they can become disabled with various situations of medical deficits. So I was happy about it and maybe I didn't know everything that the Legislators knew but that was the only thing that occurred to me and I didn't realize it at the time that it was of questionable value. So no problem with what you've decided but I just wanted you to know where sort of I came from and I think it's important to understand the interrelationships between these organizations, thank you.

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

Good Evening my name is Anthony Toda and I live at 144 Clifton Avenue in Jamestown, New York and it's amazing that this stuff that I'm working on for a speech here is so prevalent. I just want to make a *(inaudible)*. *(Inaudible)* isolation rules unconstitutional. This kind of stuff has been going on since Andrew Cuomo and this is basic constitutional law and to sit around and tell you why there's a separation of power and why there's a balance of powers, well you could talk for hours on that subject. Kathy Hochul has bypassed the process, bypassed the right to be heard by citizens of New York and bypassed basically New York State constitutional system which mimics the federal constitutional many times, is more liberal than the federal constitution. An agency in what we're getting here under the last 2 governors is abused by agencies in violation of the balanced powers and the separation of powers. Those agencies should go back to what an agency is. An agency is part of the executive pursuant to rules that are compliant *(inaudible)* representative government. So when an agency is formed, it's got to follow the parameters of what the Legislature feels that the agency should follow to maintain a democracy and a represented government. That goes right down to the Health Department where you're accepting funds. This was brought up a couple months ago, a few people and myself decided to say how bad this was, well its illegal. You're bribing somebody when you're giving money to an agency part of the executive. That's basically what it is because you're denying people representative government the right to be heard on a policy that's being dictated by the executive through even a local agency. It's illegal and I stated that 2 months ago and it's will remain illegal as long as the particular agency decides to accept this kind of money. So they don't have the authority. The constitution does not give an agency an authority under executive to bypass *(inaudible)* bypass votes and it cannot be done and as Mr. Borrello did with the State, you're going to be looking at a lawsuit on the local level so I said that 2 months ago and I believe it and

I believe that as I said 2 months ago, check with your County Attorney – that’s what will happen so thank you for listening.

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

Legislator Gould: At this time I would like to make a motion to adjourn at this time.

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

Unanimously Carried (8:02 p.m.)

Respectfully submitted and transcribed,
Olivia Lee, Clerk of the Legislature & Kristi Zink, Deputy Clerk