

Regular Meeting
Chautauqua County Legislature
~~Live Streamed on Facebook~~

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Wednesday, October 26, 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 October 26, 2022. We are very pleased to have back with us Legislator Whitford tonight so welcome back. Would the clerk please call the roll?

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

Legislator Pavlock delivered the prayer and pledge of allegiance.

Chairman Chagnon: Now on the agenda we have the approval of the minutes of the September 28th meeting.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon and duly carried the minutes were approved. (09/28/2022)

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? Please step up to the microphone and introduce yourself.

Hi, Ben Shank, French Creek Township. Anyways, I'd like to make a comment on 261-22, Monkey Pox Outbreak Vaccine. I'm not sure exactly what 261-22 entails. I did read through it but I just want to make the comment that this is not a vaccine. Just as the COVID shots were not vaccines. They've changed the definition of a vaccine in order for it to dupe the people into taking these things. We are not guinea pigs. People are not guinea pigs. God created us equal. We're all the same but we are being treated like guinea pigs and I do not know why we are continuing to allow this deception to be on people and we continue to provide for it. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor? Seeing no one, I will close the first privilege of the floor.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 9/28/22**

COMMENDATIONS:

**Thomas Brown and Paul Vandenvouwer,
By
Legislators Robert Bankoski & Kevin Muldowney**

Clerk Lee: There are 7 communications listen on the agenda. Are there any items you wish to have read aloud? Please contact our office if you would like a copy of any of these items.

COMMUNICATIONS:

1. **Chautauqua County 2023 Tentative Budget**
 2. **Letter – NYS Department of State – Acknowledgement of Local Law 8-22**
 3. **Certified Resolution – County of Jefferson – Resolution Objecting to New York State Officials Recent Legislation That Restricts Citizens’ Second Amendment Rights**
 4. **Affidavit of Publication (2) – Legal Notice - Publication of Local Law 8-22– (Post Journal and Observer)**
 5. **Letter – Steve Abdella, County Attorney– Re: Designation of Order of Succession**
 6. **Certified Resolution – Fulton County – Resolution Objecting to New York State Officials Recent Legislation That Restricts Citizens’ Second Amendment Rights**
 7. **Affidavits of Publication (2) Re: Public Hearing- Chautauqua County Tentative Budget (Post Journal and Observer)**
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PUBLIC HEARING

(Opened 6:40 p.m.)

**Public Hearing on 2023 Tentative Budget & Maximum
Salary of Members of the Chautauqua County Legislature and its Chairman**

Chairman Chagnon: Anyone wishing to address the public hearing? Seeing no one, I will close the public hearing.

(Closed 6:41 p.m.)

RESOLUTIONS:**248-22 Confirm Appointments – Landfill Commission**, by Public Facilities Committee

Legislator Bankoski: I just wanted to continue to be on the record that I do not support this commission but at this point in time it doesn't matter because it's going to move forward and I do support the appointees that are being put fourth for the committee this evening.

Legislator Rankin: Like Legislator Bankoski, I was not in favor of the Landfill Commission. However, since it is to be, we can hope we have the best people possible on the commission and I have the utmost trust and respect for the people who have been nominated to this commission and will vote to confirm their appointments in the hopes that we can make the very best use of this Landfill Commission.

Legislator Parker: Thank you, Mr. Chairman. I continue to oppose the Landfill Commission and now the appointment of members since the outset there has not been an explanation of the actual need for the creation of this committee. We still have a number of questions. What is it charged with doing? What kind of help is it expected to provide and how it will work with the Public Facilities committee and the landfill? We don't know what these new commissioners are expected to do. We don't know why we need to have this commission separate and apart from our Public Facilities Committee and we don't know how much the separate commission will cost or whatever it is they might do. Thank you.

Chairman Chagnon: Thank you. Any other comments or questions? I think it's advisable that we call the roll for this one.

RES 248-22 - R/C VOTE: 17 YES; 1 NO (Parker); 1 ABSENT (Vanstrom) – ADOPTED

249-22 Confirm Appointment - Chautauqua County Industrial Development

Agency Board, by Planning and Economic Development Committee – *UNANIMOUSLY ADOPTED*

250-22 Appointing a Chautauqua County Director to the Western Regional Off

Track Betting Corporation, by Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*

251-22 Authorize Supplemental Agreement No. 1 with NYSDOT for PIN 5761.83, by Public Facilities and Audit & Control Committees

Legislator Torres: I am definitely supporting this. I know they're probably maybe halfway or a little over halfway through with that project but pretty soon it'll be done and people are being inconvenienced right now but the sooner they get it done, the better but yes definitely supporting this.

UNANIMOUSLY ADOPTED

- 252-22 Amend Resolution 266-19 – Confirming User Charges: South and Center Chautauqua Lake Sewer Districts**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 253-22 Amend 2022 Budget for Environmental Monitoring and Treatment of County owned Property**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 254-22 Amend 2022 Budget for Public Facilities Road Machinery Division**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 255-22 Adjust Capital Project Accounts-Road Machinery**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 256-22 Emergency Services 2022 Budget Adjustments**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 257-22 Authorize Renewal of Lease Agreement with the City of Dunkirk for Office Space for the Public Defender’s Office**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 258-22 Authorize Agreement with Various Towns for Enhanced Police Protection Services FY23**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 259-22 Authorize Agreement with Various Towns for Court Security Services FY23**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 260-22 Authorize Contracts and Agreements with Local Police Departments for 2023-2024 STOP-DWI Enforcement Efforts**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 261-22 To Approve Submission of New York State Department of Health Monkeypox Outbreak Vaccine Provider Agreement**, by Human Services Committee – *UNANIMOUSLY ADOPTED*
- 262-22 Amend 2022 Budget Appropriations to include Substance Abuse and Mental Health Services Administration (SAMHSA) Grant-Certified Community Behavioral Health Clinics, Improvement & Advancement (CCBHC, IA) Project Allocation**, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 263-22 Authorize Lease Agreement with City of Jamestown for Office Space for the Department of Mental Hygiene**, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

264-22 Authorize Lease Agreement with Town of Chautauqua for Office Space for the Chautauqua County Department of Mental Hygiene, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

265-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Second Round of Pandemic Emergency Program (PEAF) Family Pandemic Payments, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

266-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Home Energy Assistance Personal Services and Employee Benefits Costs, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

267-22 Close Capital Projects, by Audit and Control Committee – *UNANIMOUSLY ADOPTED*

268-22 Transfer of Tax Foreclosure Property to the Village of Westfield, by Administrative Services and Audit & Control Committees

RES. NO. 268-22 – R/C VOTE: 18 YES; 0 NO; 1 ABSENT (Vanstrom) – UNANIMOUSLY ADOPTED

269-22 Quit Claim Deeds, by Administrative Services and Audit & Control Committees

RES. NO. 269-22 – R/C VOTE: 18 YES; 0 NO; 1 ABSENT (Vanstrom) – UNANIMOUSLY ADOPTED

270-22 Consider 2023 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action, by Audit & Control Committee

Legislator Bankoski: I would like to make a motion to amend and I have an explanation if I get a second. The reason to amend would be to the grant revenue in the Department of Mental Hygiene associated with the medically assisted treatment program is being transferred to the jail clinic. The revenue was originally thought to be federal revenue but it is a combination of Federal and State Funds. Consequently, the resolution needs to be modified to correctly amend the budgets for Federal and state revenue in both the mental hygiene and jail clinic departments. These changes do not affect the tax levy or the tax rate.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to amend Resolution 270-22

UNANIMOUSLY CARRIED TO AMEND

Chairman Chagnon: Now onto the resolution as amended. Are there any questions, comments, discussion on the resolution as amended?

RES. NO. 270-22 – R/C VOTE: 18 YES; 0 NO; 1 ABSENT (Vanstrom) – UNANIMOUSLY CARRIED AS AMENDED

Legislator Wilfong: I have an emergency resolution authorizing lease of the airport restaurant facility Chautauqua County airport. I would like to bring that to the floor.

MOVED by Legislator Wilfong, SECONDED by Legislator Bankoski to bring an emergency resolution to the floor.

Chairman Chagnon: Is there any discussion on the motion to bring the emergency resolution to the floor? We will be voting to consider bringing it to the floor and this action, being an emergency resolution, requires a 2/3 majority to bring it to the floor. So are there any questions or comments on the motion to bring this resolution to the floor? Hearing none, would the clerk please call the roll on the motion?

EMERGENCY RESOLUTION - R/C VOTE: 18 YES; 0 NO; 1 ABSENT (Vanstrom) – UNANIMOUSLY CARRIED TO BRING TO THE FLOOR

Chairman Chagnon: Okay, I will then invite the airport manager to come down and explain the emergency resolution 271-22 to the Legislature so Shannon Barnhardt, please speak to the microphone.

Good evening, Shannon Barnhardt, manager of airports. I would like to read the proposal from the caterer that came in, maybe that will help clear up some things. So thank you for making time to meet with me when I originally had inquired about the restaurant space at Jamestown Airport. I'm writing to you now to formally request lease of that space. As you are likely aware, Studio D Catering has been a formidable force of hospitality and generosity in our community since our launch in 2015. We have extensive catering experience, have operated a food truck, have hosted several community events and given generously to our local shelters and emergency service providers. We are committed to seeing Chautauqua County prosper and provide great hospitality and we do that through our fresh and invigorated. We are currently seeking to expand our operations with relocation to a venue that will allow us to grow our services after the loss of our lease in downtown Jamestown in 2021. We believe that the Jamestown Airport Restaurant would be a great fit as we expand our private catering, begin to offer grab and go breakfasts and lunches to more than 150 employees within a 3 miles radius of the airport, feature local small businesses and artisans in a 716 themed gift shop, foster a unique event space for private parties and our own special events. As we seek to grow our business, we also seek to

grow local use of an attention to the airport as an important destination in our community. We ask that you consider allowing us to leverage our strengths to add to the success of hospitality and tourism in Chautauqua County. We would love the opportunity to discuss our qualifications and details of this venture proposal with you at your earliest convenience. So she's wanting to lease the space from us as the airport. We're very excited to have someone there who already has a very good reputation in the community and I apologize for it being emergency. It is time sensitive as the holidays come in so we got this proposal in the middle of October and we'd like to get her in there in the beginning of November to so she can – she already has several people asking her to have holiday events. Does anyone have any questions?

Chairman Chagnon: Okay, so we have an emergency resolution on the floor. You have all been provided with a copy of the resolution so are there any questions, comments, discussion on the emergency resolution?

Legislator Scudder: This is exciting. It's good to see business wanting to locate up into the airport and to get the revenue for the County. This is as far as I know, an empty spot that will be filled and I don't see anything wrong with that so good job.

Legislator Wilfong: I just want to say too, this might be a great opportunity if the airport were to actually become able to take commercial flights. We already have an in-house food preparation business in there or maybe they could provide grab and go products for the travelers to and from Jamestown. Thank you.

Chairman Chagnon: Any other questions or comments on the resolution? Then, for the emergency resolution, all those in favor please say "aye". Opposed?

RES. NO. 271-22 UNANIMOUSLY CARRIED

ANNOUNCEMENTS

Chairman Chagnon: That then brings us to announcements. Are there any announcements from the Legislators for the good of the order?

Legislator Hemmer: I would just like to let everyone know about Christmas in the Village over in Westfield. There is a lot of activities going on the weekend of November 18th through the 20th. Friday night is children's night and Santa is going to come and light the giant Christmas tree and there will be treats for the kids. On the following day there will be carriage rides during the day, there's a hot (*inaudible*) crawl, holiday tea at the (*inaudible*). That weekend also there is a holly tour of homes in the village and there's going to be roaming carolers through the Village. A lot of events going on just like to invite everybody to come down.

Legislator Niebel: Mr. Chairman, we have a reporter who has recently went to statewide awards for journalism. Congratulations to Mr. Greg Bacon.

Chairman Chagnon: Well deserved. Other announcements?

Legislator Torres: With Halloween coming up, everybody just drive safely and watch out for children and pedestrians crossing sidewalks and just be careful and use a little bit more caution.

Chairman Chagnon: Thank you. Are there any other announcements? Seeing no one, that brings us to the second privilege of the floor.

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.

Good Evening I am Emily Reynolds with Cornell Cooperative Extension. I can't help but stand up here and thank you guys for your support but I also want to let you know that tomorrow from 4-6 p.m., at JCC at the Carnahan Center, we are having a meet and greet for Cornell Cooperative Extension. It's a free event if you would want to stop in and see what our program's do and our regional partners do we'd love to have you join us.

Chairman Chagnon: And where is that at again, Emily?

Ms. Reynolds: The Carnahan Center at Jamestown Community College.

Chairman Chagnon: It wasn't in the press release.

Ms. Reynolds: It wasn't in the press release we'll clarify it here.

Hello, Anthony Toda, I live at 144 Clifton Avenue, Jamestown, New York. Since a State of the Union Address by former President, parties have continued to become more partisan and divided. What happens now is that the party that prevails in an election, asks for unity so as to push that parties agenda. It is a good reminder to look back at Governor Hochul's behavior when making our choices at the polls and not vote on partisan issues, but for the person who will do that most good for our State and our Country. By preserving our sovereignty, balance of powers and separation of powers. Executive orders must be examined for legality, frequent of use and need for usage as they have been excessive and overreach functions of other governmental branches. The CDC has determined that COVID is a yearly fact of life; eliminating the COVID excuse for overbroad, oppressive and irresponsible executive orders. New Yorkers needs to remember that Kathy Hochul has extorted our health care workers. Our first line of defense against not only COVID but other diseases into taking the vaccine or lose their jobs. Also, Kathy Hochul has attempted to weaponize the health department to impose rules and regulations that require Legislative oversight, ignoring constitutional separation of powers. Kathy Hochul is repeatedly attempting to destroy the 2nd amendment by removing weapons from responsible New

Yorkers and thereby placing weapons in the hands of criminals. Kathy Hochul and the Democratic Legislative majority are attempting to undermine voting integrity and rights by restricting oversight in local boards of elections and alienating the constitutional power of courts to examine voting complaints. If anything, the local election boards should get more financing and personnel to insure that the constitutional premise of 1 man 1 vote guaranteed. Again, take a long look at what's happening to your rights. Are they being preserved and protected? And vote for a person who will preserve and protect those rights by their deeds and not by their false promises.

I'm Rudy Mueller, President of the CLA. Thank you Mr. Chairman, Legislators, County Executive and others for allowing me to speak to the Legislature today. I'm really here for our 2022 season. I believe what the CLA does is important for the health and safety of the public and to keep the lake beautiful, enjoyable for everyone to use. We're not for profit organization. We have 16 member board that are all volunteers. Our budgets this year was just over 1 million dollars. Approximately a third of our budget comes from government sources including the County, the State, Towns and Villages and other third foundations and then from individual donations. This season we have (*inaudible*) program. 15 boat stewards at 10 launches, 3 different lake and over 12,000 boats were inspected to try to prevent invasive species from getting in. We moved over 500 truckloads of debris, weeds, plants growth. I have it broken down between different Towns and Villages and I will give this if the clerk could give that to each of the Legislators and make it part of the public record. We removed in preseason 8 truckloads of debris. I believe it's a major health risk to boaters if we didn't do that. 71 truckloads during the preseason. 440 truckloads during our harvesting season including shoreline and then we had an emergency request for post season and that was another 23 truckloads. Believe me, we want to do preseason, a good season and then a post season but we need to be fully funded. We appreciate the (*inaudible*) tax money that did come to us earlier this year, the \$60,000 will help bring another 30 that will come through tomorrow so that's why I am here. I believe that it's really important for this community to have a healthy beautiful lake that everybody can enjoy. It's critical for economy and keep us in mind and I know you have my cell number and others. You can call me if you have questions and I will give these documents to the Clerk, thank you.

Chairman Chagnon: Thank you Dr. Mueller, thank you for what you do for the community.

Jim Quattrone, from Jamestown. I just wanted to thank the Legislature and the airport manager for bringing in Studio D. The experience I've had with them is they are very community oriented. A couple years ago they put on a thanksgiving dinner for the mission. It meant so much to the people that were at the mission as well as the staff that was working there at the time so thank you.

Ben Shank, French Creek Township. I was not here last month. You guys had a motion concerning the 2nd amendment rights. It was not online. I looked online concerning the minutes in the Facebook live. Did you pass that motion?

Chairman Chagnon Yes.

Mr. Shank: Awesome, thank you very much for supporting our second amendments. I wrote something down here today that I wanted to present to you guys but not just to you but to myself, to the public. Probably not going to have enough time to finish it out but here it goes; “Today’s leaders encourage us to reimagine our future and I enthusiastically agree. Today through computers, science, technology, through our schools, media we can reimagine ourselves as anything and we’re encouraged to do so. But there’s a danger in this reimagining if our imagination is removed from reality. From generations to generations, we’ve been born into broken homes of variant degrees. Some good better than others. For some this perception is frightening and leaves people vulnerable and insecure crying out for help. Others whose broken homes have shaped a perception of reality that takes advantage of those who are weak seeking control convinced they know what is best for humanity. They’ve masked fortunes in developed technologies to take advantage of the vulnerable and insecure. Each of us no matter which group of brokenness we come from group 1 vulnerable and insecure or group 2 those who pray on group 1 have had from our past at least some glimpse of what true reality is. True reality is goodness where someone forgives us or was good to us even though we didn’t deserve it. True reality that God created through his son Jesus Christ. God created time, matter and space and placed us in this world and gave us guidelines, the scriptures to teach us how to thrive in that reality. Gave us the freedom to choose him or reject him. But evil came into this world which has caused our brokenness in seeks to give us a false reality of wealth and security and other things. If only we would only throw off God’s plan and embrace man’s plan for us.

Chairman Chagnon: Mr. Shank, please wrap it up.

Mr. Shank: Okay. Let’s not continue to accept the promises of evil and throw off God’s ways. Instead, let us reimagine ourselves in the care of God, our creator, and sustainer seeking scripture, wisdom and humbling ourselves before Jesus, the one who dwelled among us and laid his life down for us. I will say that’s enough. I have a lot more to say but thank you.

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

Unanimously Carried (7:15 p.m.)

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