

Regular Meeting
Chautauqua County Legislature
Live Streamed on Facebook
Wednesday, September 28, 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 September 28, 2022. Would the clerk please call the roll?

Clerk Lee called the roll and announced a quorum present.

Legislator Parker delivered the prayer and pledge of allegiance.

Chairman Chagnon: Now on the agenda we have the approval of the minutes of the July 27th meeting of the Legislature, the Special Meeting of the Legislature on September 12th and the Legislature Meeting on August 24th. So you've all had an opportunity to review those minutes.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon and duly carried the minutes were approved. (07/27/2022, 08/24/2022 and 09/12/2022)

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 my name is Will Conta. I am a resident of Chautauqua County and I reside in the Town of North Harmony. I'm here representing S.C.O.P.E., Shooters Committee on Political Education. I wanted to – I've got some prepared remarks and I'll also keep it within my 5 minutes. There is a proposal for Chautauqua County to formally oppose some recent gun control laws enacted under Governor Hochul's "Message of Necessity." SCOPE believes you should be aware of some facts. In NYSRPA v Bruen, the Supreme Court (SCOTUS) invalidated a New York law that required gun owners to show "proper cause" — basically a special need for self-defense — to get a permit that allows them to carry a handgun in public. SCOTUS made clear that the 2nd Amendment is not a second-rate Amendment. Eight days after the ruling, Gov. Kathy Hochul and the Democrats who control the state Legislature approved a series of laws under a "message of necessity" which bypasses the 3 day legislative rule. Their new gun control measures, one of which is the Concealed Carry Improvement Act (CCIA) includes: a gun ban in so-called sensitive locations, in spite of a specific warning in the 'Bruen' decision about excessive actions such as this, also designating all private property as a gun free zone unless the

property owner takes affirmative action - ignoring conflicts over rental properties and numerous other issues. The laws also imposed more rigorous requirements to obtain a concealed carry permit such as forcing new applicants to turn over three years of their social media accounts - in violation of the 1st and 5th Amendments, sit for an in-person interview with issuing officer – can we count on the issuing officer to work nights and weekends not to inconvenience people who that have to work during that time frame? Taking 18 total hours of training, estimated to cost between \$400 to \$700, on top of the gun purchase cost and licensing application costs. Gun permits can only be issued to people of “good moral character”, if you know what that is, replacing the SCOTUS banned ‘proper cause’. Numerous lawsuits have challenged specific parts of these laws. Gun Owners of America challenged the above provisions as violating the Second Amendment. It is significant because it is the only one, as yet, where a judge has written an opinion. However, just a side note, (inaudible) also kicked it back saying “it would not have been kicked back except for these technical issues. It’s been refiled since then”. On technical grounds, the chief judge of New York’s Northern District rejected the group’s lawsuit because the plaintiffs had no standing - since they had yet been charged with a crime and had not been harmed. That’s the way our laws work right? First you have to be harmed, then you can sue. The judge wrote, “The CCIA’s list of ‘sensitive locations’ is indeed almost limitless.” It went well beyond the short list of locations where the Supreme Court signaled gun-free zones would be permitted. The judge took issue with the “good moral character” provision which says permits should only be issued to people who can prove they have the “temperament and judgment necessary ... to use (a gun) only in a manner that does not endanger oneself or others.” The judge argued that the measure was too subjective, leaving open the possibility for a variety of interpretations, and therefore unconstitutional — similar to the reasoning the Supreme Court gave for tossing New York’s previous law in ‘Bruen’. One would have to prove they have good moral character rather than the burden being on the state to prove they did not. The judge noted that the law’s insistence that a gun could only be used "in a manner that does not endanger oneself or others is "...conditioned on a logical impossibility,"...and "doomed" to be struck down. Why? "The very act of using a firearm in self-defense against another person necessarily involves threatening, if not actually causing, danger to that other person." The law, "...literally does not permit one to use a firearm in self-defense." In regards to the disclosure of social media accounts, the judge said that such a requirement could endanger a law-abiding citizen’s First Amendment right to free speech and Fifth Amendment right against self-incrimination. In no situation should a citizen be required to surrender one constitutional right in order to assert another. Gun Owners of America believes they have cured the technical issues. They have refiled the suit with plaintiffs who have declared under oath that they intend to violate the new law. Some examples of their crimes –

Chairman Chagnon: Excuse me, you’ve exceeded your time, could you wrap it up?

Mr. Conta: Well I’d be happy to make these notes available to you. The last thing that I’m asking for please is that Chautauqua County considers joining the other Counties including the Alleghany, Columbia, Genesee, Greene, Madison, Niagara, Oswego, Seneca, (*Inaudible*) and Schuyler County. They’ve already passed it and the last thing I would like to ask please is that when voting on this resolution, please do a roll call vote, thank you.

Hi my name is Margaret Kolowski (?) and I'm a resident lifelong of Chautauqua County and I too want to talk about the CCIA laws that were passed. First I want to just thank the Legislators and the other members in this room for putting this motion on your agenda tonight. It's something that is a matter of importance to every resident. My comments are brief and more personal perhaps than his were. In the beginning God created Adam and Eve and it only took one generation before (*inaudible*) realized that they had a need for self-defense. Able was a little late and not everyone was going to love one another. This (*inaudible*) right has been guaranteed in our Constitution known as the 2nd Amendment and clearly the passing of CCIA was never intended to protect to guarantee but rather – these laws impede upon the rights of every New Yorker. Part of every safe, secure society extends beyond the law enforcement and is enhanced by lawful citizens equipped to provide for their own protection in self-defense of their household and their families and at times this extends into the community and into the gatherings. We have seen recent examples of this where lawful citizens have bravely taken action to protect others and from injury and from potential saving many lives. The passage of CCIA has removed this element of protection from every New Yorker. We are all less safe today than we were before September 1st. Going to our houses of worship every week, buying groceries, attending community events, taking our families to parks, public and private gatherings in our neighborhoods and communities leaves us viable to an (*inaudible*) criminal element that knows we have no capacity of self-defense in these areas in the face of an attack. CCIA places unprecedented and overly restricted conditions on every element of the conceal carry permit for personal protection and has zero impact on insuring safety for New Yorkers from gun violence. Taking firearms from law abiding New Yorkers and making New York State virtually a gun free state emboldens the criminal and this is the exact opposite of what laws should accomplish.

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

Ms. Kolowski(?): Approving this motion is a positive step and will benefit every resident of Chautauqua County, thank you.

I'm Henry Link. I'm a U.S. Army Veteran. Every enlisted man and woman that has served in the United States Military have taken the following oath, "I, state your name, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed above me, according to regulations and the Uniform Code of Military Justice. So help me God". Every Veteran has sworn to support and defend the Constitution of the United States but now it seems we are not able to have all the rights and privileges our Constitution affords. The right to bear arms has been canceled. Once you've served, upon your passing you are entitled to a military funeral. At the conclusion of the ceremony, there is a typical three-volley salute. A (*inaudible*) the American Flag is presented to the family. I have been honored to preform over 250 ceremonies for my comrades in arms and their families. Now the new gun law prohibits honor guards from giving our comrade's the traditional three-volley salute. The salute they earned because they stood up and pledged they would give everything up to and including their life. We have now turned our back on our veterans. Sadly, it is not the United States I

inherited. Sadly, my grandchildren will not know the freedom that I've had. New York State needs to give back to our Constitutional right and repeal this ridiculous law, thank you.

My name is Maddie McIntyre(?). I'm an Army veteran. I'm also the commander of Post 434 in Brocton, New York. Military honors for fallen Conrad states back as far as the Roman Empire. When in the evening after a battle, soldiers would cry out the name of the deceased as they removed the body from the battle field. Throughout history, the three-volley salute has been a sign of respect for the fallen. The three empty blank cartridges are placed in a folded flag and presented to the next of kin. This is done as a remembrance of the sacrifice and to signify the three staples of service; duty, honor, sacrifice. In 1919, the American Legion was chartered by Congress as a patriotic organization that served veterans, service members and the community. In 1948, the M1903 Springfield Rifle became the ceremony rifle utilized by the American Legion honor guards. The John W. Dill Post 434 in Brocton has been conducting ceremonies for over 74 years. We have been called upon to march in parades, post colors for dignitaries during special events and give honors to fellow veterans at the grave site. Our veterans have stood and marched in heavy winds, blinding snow storms and freezing rain voluntarily to honor our fallen comrades. On average, our small post in Brocton is asked to provide over 50 military honors every year. We feel as we all should that every veteran regardless of their rank, where they served or even if they belong to the legion or not are titled to full military honors. During the remembrance ceremony right out front of this Court House on September 11th our honor guard was forced to jump through hoops in order to honor all of the victims that died on that day. On that day our honor guard was forced to fire their ceremonial weapons from the private property across the street at Crosby Mart. Across the street, down the hill away from their own veteran's memorial. All of this is due to the recent laws that have been enacted that would make each of us a class A felon for honoring our own. Section 265.01E, prohibits firearms in sensitive locations. The list of sensitive locations is an extensive list that includes basically all public property and religious sites. In essence, the law prevents the American Legion from providing the military honors that every veteran is entitled to. Most cemeteries are public and there will be no more honors presented during a funeral at a church which is a sensitive location. No three-volley salute on Memorial Day in the public parks that we always do and no full honor guard in local parades. And while attempting to get answers, I'm finding that everyday there are more exceptions to the recently passed law and it appears to be very selective as to who and why organizations can carry and where they can carry. Unfortunately, weapons designated for honor guard ceremonies have not been given an exception to the law. That leaves those of us who are trying to accommodate family's requests for full military funeral at a loss. If there is no private property nearby like Crosby Mart across the street, then that military veteran that's getting buried in that public cemetery gets no honors if we have nowhere to go. Veterans throughout history have sacrificed everything to stand up for us and many return to their homes disrespected by their own communities. Full military honors after they pass, may be the last opportunity that we have to offer them the respect for the sacrifices that they had in gaining our own (*inaudible*). I'm just asking that you help us to fight for the honors that every veteran's entitled to, help us to continue to honor those who have offered their lives for our freedoms, thank you.

Hi I'm Barbara Colt. You know I've been here a couple of times. I am rather confused at what's going on as far as the law. I've heard different things put in different ways but I'm here

tonight to just say that I am a veteran of 30 years. I served in the Army and it's very important that when a veteran passes, that their family because it is at the end of the day, their family who survived that this is going to help them know that their loved one's service was not in vain. So I represent not just the veterans but the loved ones who would be effected by this and I just have a poem that I want to read, it's titled A Hero's Welcome. "Time to come home my brother and sister, your tour of duty through you've given as much as anyone could be expected to do. Just a few steps further the smoke will start to clear. Others here will guide you. You have no need to fear. You have not failed your brother and sisters. You clearly gave it all. And through your selfless actions, others will hear the call. So take your place of honor among those who have gone before and know you will be remembered for now and evermore". Thank you.

I'm Kathy Abbate from Ashville, New York. I sent all the Legislators an email but I sent it out late so many of you may not have gotten it but I am going to read that email just so it's on record. Dear Chautauqua County Legislators: I am asking you to table resolution 232-22, Intergovernmental Agreement for the Provision of Endpoint contract with CrowdStrike until they (CrowdStrike) has been completely vetted by you as our elected officials. This company has been associated with past controversy and as a resident I do not feel comfortable in accepting something from our state government just because it is free. We have to provide due diligence in vetting these types of companies and feel completely comfortable that they have our best interests in mind. My research on this company doesn't allow me to feel comfortable that they are trustworthy. They were the software installed by the DNC and they (CrowdStrike) said the DNC servers were hacked into by the Russians in 2016. They then came out in 2020 and said they had no idea who had hacked the server. They have also been highly endorsed by "The World Economic Forum" a globalist organization who most definitely doesn't have our best interests in mind. I provided links in the email to each of these things. There are other cyber security companies out there that are not associated with such controversies and that are made here in the USA. How and why was this one selected? It seems odd that the one that was in the limelight of controversy got selected. That should concern you as well. Please table this resolution until such time that you can tell Chautauqua County residents that our private data including our election data is completely protected from being used in nefarious ways. Thank you.

Hi my name is Ida Golden and I'm a Chautauqua County resident. I'm here tonight to support the motions, both A and B and I am here also tonight also to ask that you table resolution 232-22 to allow time to research the contractor before you vote. It's my understanding that CrowdStrike is the selected choice by the governor. Here is what I know about CrowdStrike. I will start with a timeline from the DNC email hack of 2016, the hack that led to the Russian hoax, the Mueller investigation, spying on candidate Trump, then President Trump, impeachment 1 and 2 and the basis for the continued division of this country. April 28th, 2016 the DNC learned of a breach. April 30th, CrowdStrike installed software that is meant to identify who gained access, when and how. May 1st, CrowdStrike claimed the "intrusion had originated in Russia". May 10th, CrowdStrike installed its Falcon software on the DNC servers. Despite repeated requests from the FBI, CrowdStrike and the DNC refused to turn over evidence. CrowdStrike provided cover for their paid client, the Democrat Party, and blamed Russia for hacking DNC servers. The DNC relied entirely on a report by CrowdStrike, Mainstream media

ran with it. Crowdstrikes claims of a Russian hack in an attempt to delegitimize Trump with Russian Collusion. June 14th, 2016 DNC Contractor Crowdstrike announced that malware has been found on the DNC server and claims evidence it was injected by Russians. May 17th, 2017 Mueller appointed special counsel. July 25th, 2019 President Trump's conversation with President Zelensky of Ukraine, the infamous phone call where the President inquired about Crowdstrike. May 2020, 4 years later we learned through a declassified document that in December 2017, Crowdstrike's President testified under oath before the House Intelligence Committee, where he then claimed they did not have evidence that Russia stole data. Let that sink in, no evidence. This company knowingly mislead and knowingly divided us. Look what this one mistruth has done to our country. Now ask yourself why is Governor Hochul's using this unethical company? She has a proven track record of unethical rule. Look to the isolation quarantine lawsuit that our State Senator George Borrello recently won to understand what she is capable of. I have sent you all an email to which only 3 of you acknowledged receiving.

Chairman Chagnon: Excuse me Ida, please wrap it up.

Ms. Golden: I will. I hope and expect to get answers to my questions that I posed. In the meantime, I am requesting this resolution to be tabled in order for a thorough investigation to be done on Crowdstrike and what impact it would have on our Country.

Hi, Carol Winham, District 15. I also oppose the resolution 232-22, the intergovernmental agreement. I also sent emails to everyone and I realize that I sent it Monday after work and I asked 17 questions so I didn't expect that you'd have time to review all of the questions that I asked. So I'm asking that you also table this. I went on the governors website because I was like "Crowdstrike, why of all places?" So I went on the governor's website and on July 21st, 2022 she launches a 30 million dollar program and she wants every single county in New York State to be on board with cyber security and of course you just heard about Crowdstrike so I'm not going to go into that. She literally wrote in there the words, "I am laser focused". Laser focused on what? Why do you need access to our data, our elections, whatever else? So I'm just hoping that the Legislators all take a look at my letter and I do want to recognize Legislators Rankin and Parker for at least acknowledging that you did get it. I appreciate it, I know not everybody always has to agree on everything but I appreciate it and thank you so much.

Hello I'm (*inaudible*)(?) and I'm from Kiantone. I agree with the previous speakers on 232-22. I think it should be tabled until more information can be gotten. This unethical company will have access – will they have access to all of our data? And will our data be connected to the state? Are there software installation costs? What is the cost after 3 years? Is it supposed to be a 3 year freebie, I guess? But we know nothing is free. After 3 years, what will happen then? That's it for me.

Chairman Chagnon: Okay, is there anyone else wishing to address the first privilege of the floor on any new topic?

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to close the first privilege of the floor.

PRESENTATIONS:

2023 CHAUTAUQUA COUNTY
TENTATIVE BUDGET

By
COUNTY EXECUTIVE PAUL M. WENDEL, JR.
<https://chagov.com/county-executive/County-Executive>

ENERGY RESOURCE GUIDE

By
CHAUTAUQUA COUNTY ENERGY COMMISSION
And
CHAUTAUQUA COUNTY PLANNING DEPARTMENT

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 8/24/22**

COMMUNICATIONS:

1. Letter – NYS Department of State – Acknowledgement of Local Law 6-22
2. Minutes – Conewango Watershed Commission – September 14, 2022 Meeting
3. Affidavit of Publication (2) – Legal Notice- Notice of Estoppel – Water Storage Tank (Post Journal and Observer)
4. Affidavit of Publication (2) – Legal Notice- Publication of Local Law 7-22 (Post Journal and Observer)
5. Affidavit of Publication (2) – Legal Notice- Publication of Local Law Introductory 11-22 (Post Journal and Observer)
6. Affidavit of Publication (2) – Legal Notice – Publication of Local Law 6-22 (Post-Journal and Observer)
7. Affidavit of Publication (2) – Legal Notice – Notice of Estoppel – PPD I&I Reduction (Post-Journal and Observer)
8. Affidavit of Publication (2) – Legal Notice – Notice of Estoppel – RES 163-22 (Post-Journal and Observer)
9. Letter - Chautauqua County Ag. & Farmland Protection Board – Re: Notice of Intent Process and Final Determination
10. Report – Finance Director Crow, Re: June 2022 Investment Report
11. Affidavit of Publication (6) – Public Hearing Legal Notice – White Inn (Post-Journal and Observer)

Clerk Lee: There are 11 communications listen on the agenda. Are there any items you wish to have read aloud?

Legislator Gould: I would like to have #9 read please.

Clerk Lee: #9 is a letter addressed to the New York State Department of Agriculture and Markets regarding notice of intent process in final determination. "Dear Ms. Tylutki, as staff to the Chautauqua County Agricultural and Farmland Protection Board (AFPB), I am writing to summarize some of the concerns discussed at their last meeting, related to the Notice of Intent process. According to New York State Agriculture & Markets Law (Article 25-AA, Section 305), the AFPB is tasked with reviewing Notices of Intent (NOI) for projects receiving public funding in an agricultural district. The AFPB has the opportunity to "review the proposed action and its effects on farm operations and agricultural resources within the district, and report its findings and recommendations to the Commissioner" (Section 305 (4)(d)). The AFPB takes this responsibility seriously and makes every effort to determine what impacts these projects will have on agriculture in the County overall, based on the information they are provided and the collective knowledge of the AFPB. The AFPB follows the "declared policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products" as well as the "declared policy of the state to conserve protect agricultural lands as valued natural and ecological resources" (Section 300). The AFPB invests considerable time in reviewing these NOIs and expects their comments to be taken and seriously considered. The AFPB does not feel that the Department of Agriculture & Markets (NYSDAM) values these comments. While the AFPB comments are often included in the final determination letter, the letter typically states "the proposed action would not have an unreasonably adverse effect on the continuing viability of farm enterprises within the district or State environmental plans, policies, and objectives" regardless of the potential of impacts and recommendations the AFPB state. The AFPB is not against solar projects in Chautauqua County but are against solar projects on prime farmland, farmland of significant value and farmland actively being used. Recently the AFPB has started to receive NOIs for projects on abandoned agricultural land. The AFPB believes this is where these types of projects should be as the land was deemed no longer profitable to farm and ecological succession has started. The AFPB questions under what conditions NYSDAM would find a project to result in unreasonable adverse effects on the continuing viability of farm enterprise and advise against the project. Have there been any projects in New York State and if so what were the conditions of NYSDAM reasoning? The AFPB invites you or a representative from NYSDAM to attend their next meeting (via zoom) to discuss this matter. Please feel free to contact me at (716) 661-8245 to schedule a time that works best for meeting with the AFPB. Respectfully, Lauren Sharp, Junior Planner, Liaison to Chautauqua County Agricultural & Farmland Protection Board."

Legislator Gould: I'd like to comment a little bit on the letter. I'm the representative on the Ag and Farmland Protection Board appointed by the Legislature. We meet probably once a month for an hour to 2 hours and go over all the solar jobs that are coming up in the County. What brought this one on so much was some prime land that the Town of Sherman bought which they are now going to put solar panels on. I object to that quite strongly. I first think it's unethical for a Town to do that and second, it's on prime farmland being farmed as farmland right now. I'll be glad to answer anybody's questions on this anytime. I don't think the state of New York has yet to turn down any solar panels on prime farmland any place in the state. I guess that's all I have to say.

PUBLIC HEARING

(Opened 7:30 p.m.)

**Regarding a Potential Restore NY Communities Initiative Grant Application
Re: White Inn, Fredonia N.Y.**

Chairman Chagnon: Before we take comments, I believe the clerk has a comment that has been asked to be read.

Clerk Lee: Yes, I have a statement to read that was received from the Planning and Development Department. "The Chautauqua County Department of Planning and Development, along with support from the Village of Fredonia and County of Chautauqua Industrial Development Agency (CCIDA), are working with D&S White Inn, LLC, owned by Steven St. George and Devin Jones, to seek Empire State Development grant funding through the Restore NY Communities Initiative program ("Restore NY"). The purpose of this public hearing is to provide an opportunity for all interested parties to present their views, as it pertains to the possible Restore NY Communities Initiative grant application through Empire State Development. Notice of this public hearing was published in The Observer and Post Journal on September 13, 14, and 15 of 2022

The project aims to restore this iconic Inn, located in the heart of Fredonia, which has been closed and in a state of decline for several years. After completion, the project will support the village of Fredonia, SUNY Fredonia, and the region by creating jobs, increasing the County's occupancy and sales tax revenues, aiding the tourism and hospitality economy, and aligning with the Village's downtown revitalization goals. The project will involve an approximately \$3.8 million investment to acquire, renovate, and restore the White Inn, located at 52 East Main Street in the Village of Fredonia, NY. The County, on behalf of D&S White Inn, LLC is working on an application through the Restore NY program in the amount of \$1.5 million. Grant funding is deemed necessary in order to fully restore the 100+ year old facility and to make its continued operation financially feasible and sustainable. Renovations would include, but not be limited to: roof repairs and/or replacement; the repair and repointing of exterior brick work as needed; the replacement of windows; the renovation of 25 individual hotel rooms and improvement of several bathrooms; the acquisition of certain furniture, fixtures, machinery, and equipment

necessary for the completion thereof; among other related improvements and renovations. There is no financial commitment from the County associated with this grant request.”

My name is Robert Contiguglia and I reside in Fredonia. I'm a former owner of the White Inn. Since I sold the Inn in 2008, I'm often asked what I think about the current state of the Inn and I've been asked about what I think about the recent purchase of the Inn given these inquiries, I think it's appropriate to speak at this public hearing about the sale of the White Inn and about the County's intention to apply for additional grants to assist the new owner. I've been recently informed that the sale of the White Inn would not have happened without grant assistance. The condition of the building is such that demolition was actually on the table had the property had not been purchased and I think that there was *(inaudible)* grant program. It's a great program to renovate, redevelop or revitalize the White Inn. At the risk of offending some people in this room, I'm sure to express my hope that the County will help existing businesses to the same extent it has helped the new owners of the White Inn and to express my concerns that the new grants for the White Inn are not necessarily a win, win situation. The White Inn is considered the *(inaudible)* but it's really just a private business, a privately owned business. A business that competes with other businesses. A renovated White Inn will bring some people to the area but will also take business away from other establishments. The pool of people purchasing food in restaurants and staying in hotels is growing but every entry into the market or in this case the White Inn, every reentrant takes a little piece of the existing businesses. I have no problem with competition, it's part of business but the competition should be on an equal playing field. Not on a playing field where one business gets a lot of help and other businesses get no help. I understand those specific requirements for the restore New York grants. If the grant existed 15 years ago, I probably wouldn't have qualified for it even though I needed assistance. The White Inn was not on the verge of falling apart because I spent a lot of money maintaining it. I was not creating jobs I was retaining jobs, jobs that went away after I sold the property because I was facing financial challenges myself. Providing some assistance when I asked for it would have cost tax payers a lot less money than what is proposed today. As I said at the beginning of my comments, it's fine to pay attention to projects that meet specific grant criteria but the county needs to continue to protect and promote all existing businesses, not just those due to *(inaudible)* assistance by the powers *(inaudible)*. If so, then maybe there could be a lot of winners and the playing field could be a little bit more level, thank you.

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

Legislator Scudder: I would like to speak tonight on this grant application. I do hear what Mr. Contiguglia is saying. Unfortunately there is not grant money, I've been in several businesses for every business that needs it so we have to take an opportunity here when it's presented to us. So whether it sounds like it or not, I am agreeing with Robert Contiguglia but I would also like to say how I feel about it. Tonight we have the opportunity to support an iconic local landmark on its road to restoration, The White Inn. The White Inn is known far and wide while traveling for business, I have spoken to people in Pittsburg, Cleveland, and Baltimore and throughout New York State who has seen my Fredonia, New York name badge shared a story of a wedding reception attended or a weekend stay at The White Inn. They would always share their story of their stay with fond memories and some story or happening on the front porch or

front lawn or wherever it was, all positive. The restoration for The White Inn is good for Fredonia, good for SUNY Fredonia, good for Chautauqua County and good for all of Western New York. A project of this scale and visibility could be the catalyst the Village of Fredonia needs to begin its own form of revitalization. Local ownership is key to the success of this project. Local owners possess a passion for success that goes beyond financial gain. We are thrilled, hopefully, to work with Steve St. George and Devin Jones. The entire Region will be better with a restored and open for business White Inn. Thank you.

Legislator Parker: I am also speaking in support of the County's application for restore New York grant on behalf of The White Inn in Fredonia as has been said, The White Inn is the keystone to the Village of Fredonia. It's located at the eastern entrance to the Village on Main Street. The White Inn operated continuously for close to 100 years as a hotel and restaurant. As Legislator Scudder noted, everyone has a story of The White Inn. Since its closure, in 2018, the hotel and property have been neglected and are in a state of decline. The uncertainty of their structures future was further compounded by mortgage and tax foreclosures. As been noted, the County and the CCIDA have worked diligently to find a suitable developer for The White Inn. In August, 2 lifelong village of Fredonia residents and businessmen purchased the White Inn. Steve St. George has owned and operated the nationally recognized St. George Enterprises for 40 years. His company employs 65 people but his projects spread to Washington State and all over the Country. Devin Jones owns and operates a successful restaurant in the Village. Both have lived here their entire lives. By acquiring The White Inn, Mr. St. George and Mr. Jones are furthering their already considerable investment and commitment to the community. As have also been noted, they will restore the Inn into a 25 room hotel, restaurant, lounge and banquet facility. The cost is great at 3.8 million dollars to acquire satisfy the previous owners obligations, renovate and restore the property. The project, besides regenerating this private historic destination will support the Village of Fredonia's downtown businesses and the Opera House, SUNY Fredonia and the region generally. This was demonstrated before and this will be demonstrated again. Restore New York communities initiative provide municipalities with financial assistance for their revitalization of commercial and residential properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of (*inaudible*) structures. There is again as was noted, no financial commitment from the County associated with the restore New York grant request. The Village of Fredonia supports these efforts and has collaborated with the County and the IDA team to help secure the needed resources to help make the project financially feasible and sustainable in the long term. I urge this Legislature's support for this effort. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address the public hearing? Seeing no one, I will close the public hearing.
(Closed 7:41 p.m.)

RESOLUTIONS:

- 226-22 Confirm Appointments – Chautauqua County Emergency Medical Services Council**, by Public Safety Committee - *UNANIMOUSLY ADOPTED*
- 227-22 Confirm Appointment - Chautauqua County Industrial Development Agency**, by Planning & Economic Development Committee - *UNANIMOUSLY ADOPTED*
- 228-22 Authorize the Conveyance of an Easement and Right of Way to Niagara Mohawk Power Corporation and Verizon New York, Inc.**, by Public Facilities Committee - *UNANIMOUSLY ADOPTED*
- 229-22 Adjust D.5112 Capital Improvement Account-Funded Roads**, by Public Facilities and Audit & Control Committees - *UNANIMOUSLY ADOPTED*
- 230-22 Adjust Capital Project Accounts-Road Machinery**, by Facilities and Audit & Control Committees - *UNANIMOUSLY ADOPTED*
- 231-22 Authorize the Absentee Ballot Pre Paid Postage Grant Award from the New York State Board of Elections**, by Administrative Services and Audit & Control Committees - *UNANIMOUSLY ADOPTED*
- 232-22 Intergovernmental Agreement for the Provision of Endpoint Protection and Response Services**, by Administrative Services Committee - *UNANIMOUSLY ADOPTED*
- 233-22 Amend 2022 Budget for Capital Projects**, by Public Safety and Audit & Control Committees - *UNANIMOUSLY ADOPTED*
- 234-22 Authorize Acceptance of Criminal Justice Discovery and Bail Reform Funding**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 235-22 Establish ALS Billing Rate**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

Legislator Bankoski: I would just like to thank our County EMS Director, Noel Guttman, for all the work that he did on this project. It didn't happen overnight. It was over a course of several months of him gathering information and presenting at the public safety committee meeting and I just wanted it to be noted for all his hard work that he did.

- 236-22 FY2020 State Homeland Security Program (SHSP)**, by Public Safety and Audit & Control Committees - *UNANIMOUSLY ADOPTED*

- 237-22 FY2021 Hazardous Materials Emergency Preparedness (HMEP) Grant Program**, by Public Safety and Audit & Control Committees - *UNANIMOUSLY ADOPTED*
- 238-22 Amend 2022 Budget Appropriations to Include Office of Mental Health (OMH) Treatment Support Services for Children and Families with Significant Mental Health Needs**, by Human Services and Audit & Control Committees - *UNANIMOUSLY ADOPTED*
- 239-22 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2023 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman**, by Audit & Control Committee - *UNANIMOUSLY ADOPTED*
- 240-22 Financial Management Policy for the County of Chautauqua**, by Audit and Control Committee - *UNANIMOUSLY ADOPTED*
- 241-22 Standard Workday and Reporting Resolution**, by Administrative Services Committee - *UNANIMOUSLY ADOPTED*
- 242-22 Sale of Tax Foreclosed Property**, by Administrative Services and Audit & Control Committees – *R/C VOTE: 19 YES; 0 NO; 0 ABSENT – UNANIMOUSLY ADOPTED*
- 243-22 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation**, by Administrative Services and Audit & Control Committees – *R/C VOTE: 19 YES; 0 NO; 0 ABSENT – UNANIMOUSLY ADOPTED*
- 244-22 Authorize Transfer of Tax Foreclosure Property to Village of Celoron**, by Administrative Services and Audit & Control Committee – *R/C VOTE: 19 YES; 0 NO; 0 ABSENT – UNANIMOUSLY ADOPTED*
- 245-22 Authorize Transfer of Tax Foreclosed Property to Town of Portland**, by Administrative Services and Audit & Control Committees - *R/C VOTE: 19 YES; 0 NO; 0 ABSENT – UNANIMOUSLY ADOPTED*
- 246-22 Authorize Transfer of Tax Foreclosure Property to County of Chautauqua Industrial Development Agency**, by Administrative Services and Audit & Control Committees

(MICROPHONE MALFUCTION)

Legislator Proctor: I'd just like to say that I understand that there are several parcels involved in this in which I have a problem with only one is the *(inaudible) (Table 8 microphone malfunction – unable to transcribe)*

RES. NO. 246-22 – R/C VOTE: 18 YES; 1 NO (Proctor); 0 ABSENT – ADOPTED

247-22 Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C
VOTE: 19 YES; NO; 0 ABSENT – UNANIMOUSLY ADOPTED

MOTIONS: *(Microphone Malfunction – Unable to Transcribe)*

A. Opposition to New York State Actions Restricting 2nd Amendment Rights

MOTION A. – R/C VOTE: 18 YES; 1 NO (Parker); 0 ABSENT – ADOPTED

B. Proclaiming October 2-8, 2022 as 4-H Week in Chautauqua County

MOTION B. – R/C VOTE: 19 YES; 0 NO; 0 ABSENT – UNANIMOUSLY ADOPTED

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.

My name is Michel Newell and I live at 10 Chautauqua Place, in Celoron, NY with my wife Peggy. When I addressed you at the August meeting, I cited the need to meet 3 goals. The first being the cleanup of the large masses of rotting weed fragments along the Burtis Bay shorelines and noted the consequences to the lake, businesses and residents if they were not. We are thankful that this has been mostly completed, while at the same time noting that the amount reported removed, as of last Friday, 440,000 lbs., clearly demonstrates that shoreline and near-shore weed cleanup efforts in Burtis Bay should not cease with the arrival of Labor Day. The second was the need for removal of the solid and mucky sedimentation along this shoreline caused by the failure to cleanup weed accumulations on a regular basis since the 2019 Spring Fish-kill cleanup. Well, Mother Nature waits for no one and she decided to dump rain and high winds on us over the past few days, raising the lake level by nearly a foot. This coupled with the strong wave action has caused a significant amount of this nutrient rich sedimentation along the shoreline to be suspended in the water column and dispersed out into the near shore areas of the bay. Unfortunately, removal of this mucky sediment has now been made more difficult and costly, and the harmful consequences will be felt in the years to come. I remind you again that this mucky, nutrient rich, decomposed weed sedimentation would not have occurred if the weed fragments had been removed on a regular basis of the past 4 seasons. Which bring us to the third

goal I spoke about. That a solution must be found or this area will progress even more rapidly down the path it is currently on to becoming a swamp. Some ideas of possible solutions were given including, but not limited to, a weed boom to intercept the floating weed masses before they reach the shoreline, more frequent cleanups, addition of volunteer equipment operators, etc. Whether these, or a combination of these along with other ideas, that may not yet been identified, needs to be studied by a knowledgeable and unbiased 3rd party Lake Management entity. We are again asking that the county initiate and fund such a study and take steps this off season to ensure next year is not a repeat of this and previous years. Thank you for your time and attention.

(DUE TO RECORDER/MICROPHONE MALFUNCTION, TWO INDIVIDUALS WERE NOT RECORDED AND ARE UNABLE TO BE TRANSCRIBED)

My name is Ida Golden and I am a Chautauqua County resident. I just want to express my disappointment in the vote for resolution 232-22. Although I am not surprised, I mean, how could you pass up free money right? Also, especially seeing that Mr. DeAngelo stated *(inaudible)* that cyber security isn't on the budget for 2023 kind of gave me the hint that you all *(inaudible)* vote for it *(inaudible)* and there is really no debating. I would have hoped that you would of looked at the information deeper and I hope you do look at the information that we've already provided to you and see for yourselves how wrongly *(inaudible)*. Thank you.

Good evening everyone. Thank you for allowing me to address. My name is Mark France. I am a homeowner in Ashville and also a business owner. My family along with the *(inaudible)* we developed the Chautauqua Harbor Hotel and opened in 2018. Our group along with the State and the County are heavily involved with this project. We employ 150 people on average and have provided over 1,000 jobs over the course of the last 4 years. The Community and County government have been very supportive of us and we appreciate that, we hope we've provided you something that you could be proud of, we're all proud of. Having said that, I wanted to be clear that we are very disappointed in the lake management, particularly in the southern *(inaudible)*, it's flat out embarrassing. Just this summer, from Memorial Day and Labor Day, we had 26 weddings and numerous functions. 9,100 guests, not including just hotel reservations. 9,100 people came to those events. I don't know how many of them were from out of them, I didn't do the research but let's just say half of them, 5,000, 6,000, 7,000 people from other parts of the Country. What impression do you think they walked away with? How many are going to come back? How many are going to have more functions in the future? We may never know. The look and the smell in front of our building is horrible. Here is a comment that we received on July 15th, "On our recent stay at the beautiful Chautauqua Harbor Hotel, we noticed that the water was becoming more polluted and smelling foul. It could be noticed while eating at the outside bar or while swimming in the pool. I wish the owners would make an effort to resolve and clean up the water around the property." I have included in a photo which is just beyond disgusting. So when we were developing this project, we figured we would have an opportunity to do water sports, launch kayaks and canoes. There is no way to pull something like that off. We invested \$120,000 in docks in 2019. We've seen very little activity in those docks this summer because I don't think people want to venture down there with their boats. Every single day we attract guests to the waterfront, every single day. We should be proud of what they are walking away with, their impressions that they have. We're a part of this community. We're

in for the long haul, we're not going anywhere but I'm sure other investors, potential investors, they're going to be following our progress. They're going to measure how well we're doing. Our success belongs to this community and it will be your success too. My opinion of the lake management is they are failing, at least on the southern end. If the 2023 plan is the same as the 2022 plan then they are going to fail again. This is a fixable problem. Less than a month ago a whole group of people got together and we went out on the lake and had a discussion with respect with how to clean this up. There were people from the DEC, Solitude Lake Management, County Executive Wendel, Senator Borrello and others. There is consensus that there is a way to get this done but there is a lot of people who just don't want to see change and that's what we're seeing. I'm new to this, I'm hearing a lot of this tonight and from others that there just has to be a way to improve this effort. *(Inaudible)* Thank you.

Hello my name is Anthony Toda. I live at 144 Clifton Avenue in Jamestown. The comments I'm making concerning the recent stabbing of Salman Rushdie at the Chautauqua Institution are based on newspaper reports. The first issue arising was when the accused Mr. Matar made statements to a newspaper, media who *(inaudible)* at the Chautauqua County Jail. What I don't know is, if the public defender instructed Mr. Matar to *(inaudible)* rights to remain silent. If not so instructed, the result could end up to be *(inaudible)* and cause for an appeal. From the reports, there is no indication by *(inaudible)* that such instructions were given *(inaudible)* by defense council that support keeping the media inquiries away from the defendant. Secondly, under the 6th amendment under the U.S. Constitution, Mr. Matar has the right to confront with *(inaudible)*. That right has also been restricted. *(Inaudible)* there is no basis to conclude that any witnesses had threatened by anyone. Third, the county district attorney has received additional time relative to the new discovered laws *(inaudible)*. To obtain and then turn over, materials to the defense. The New York State legislative intent for these new laws is that they support *(inaudible)* permissions *(inaudible)* to prepare a competent defense to the charge. Because people who conducted poor security were caught off guard, the local *(inaudible)* to bring the defendant to justice is outweighed the rights of an accused and trialed. Some people that have proceeded Mr. Rushdie to his speech at Chautauqua Institution. Allegedly someone in the crown was able approach Mr. Rushdie with a knife and not a gun and repeatedly stabbing him. Knowing the history of some negative *(inaudible)* concerning Mr. Rushdie, more safety precautions should have been necessary. Finally, if the constitutional can process in substantial rights are slighted in this case, those rights may be restricted in future cases. Thank you.

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

Unanimously Carried (8:21 p.m.)

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

