

Regular Meeting
Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, December 21, 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 December 21, 2022. Would the clerk please call the roll?

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

Legislator Proctor delivered the prayer and pledge of allegiance.

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. But before we do that we're going to consider approval of the minutes from the November 16, 2022 Legislature Meeting.

MOVED by Legislator Bankoski, SECONDED by Legislator Davis and duly carried the minutes were approved. (11/16/2022)

Chairman Chagnon: Now, anyone wishing to address the first privilege of the floor?

Good evening, my name is Bonnie Peters and I live at 8237 Glasgow Road Cassadaga, New York. I read the article in the local newspaper published on 12/19/2022 entitled "County may Hike Manager Salary Ranges". This is regarding the proposed Local Laws 15-22 and 16-22. I respectfully ask if they can be addressed for clarity before they are voted on. Thank you for your consideration.

Chairman Chagnon: Thank you, Bonnie. Yes, in honor of your request, we're going to have the Director of Human Resources explain for some clarification why we are considering that Local Law so she'll present that when the Local Law comes up on the agenda for discussion but thank you for the suggestion.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 11/16/22**

COMMENDATIONS:

For Outgoing Legislators

**PAUL WHITFORD – DISTRICT 13
FRANK "JAY" GOULD III – DISTRICT 17**

By

**Chairman Pierre E. Chagnon &
County Executive Paul M. Wendel, Jr.**

STEVE ABDELLA

By

**Chairman Pierre E. Chagnon
County Executive Paul M. Wendel, Jr.**

Clerk Lee: On the agenda there are 10 communications listed. Our office has also received a late communication which will be #11. It is an appointment of Patrick Slagle as County Attorney affective January 1st, 2023. Are there any items you wish you have read aloud? Please contact our office if you would like a copy of any of these items.

Legislator Gould: I would like to have I believe its #9 read. This is some of the responses we are getting on the Ag and Farmland Protection Board about solar.

Clerk Lee: Dear Chairman Chagnon, The Chautauqua County Agricultural and Farmland Protection Board (hereinafter called "the Board") is tasked with providing advice as to the nature of farming and farm resources to the county legislature. In the recent years, the Board has seen an increase in Notices of Intent (NOI) for solar projects receiving public funding in an agricultural district. The Board has previously expressed concerns regarding solar projects on prime farmland, farmland of significant value, and farmland actively being used. The Board recently received the enclosed letter from Mid-Knight Dairy, LLC, a 150 cow dairy farm operating in the Town of Ellicott expressing similar concerns. While this is the first written correspondence from a landowner the Board has received; it is not the first time the Board has received comments such as these from local farmers. The potential negative effects of solar projects will be significantly felt by farmers as productive farmland is converted from agricultural uses. Please accept this letter and the enclosed letter as correspondence to the Chautauqua County Legislature. Respectfully, Steve Kimball, Chairman, Chautauqua County Agricultural and Farmland Protection Board. To whom it may concern: In the search for renewable energy, solar power has become a very popular and widespread solution. In theory solar may seem like a great option, however; in rural, agricultural areas, solar energy threatens food production and the livelihood of farmers. It is no secret that the government is heavily involved and invested in creating renewable energy sources such as wind and solar. Unfortunately, in subsidizing this industry they have created an unfair advantage for solar companies. These companies are willing, and able, to pay high premiums to landowners who are willing to lease their land for the development of solar "farms". Being landowners ourselves we do not place the blame upon our neighbors for making this decision for anyone should have the right to do what they want with their property. Instead, we think there should be certain considerations and restrictions in place to protect prime farmland from being developed. Land that is currently being used for agriculture or land of a certain soil type that is valuable for growing crops perhaps should not be allowed to be developed into solar farms. Farmland is not an indefinite resource. In New York State only about 20% of the total land base is farmland or 7 million acres of land. Additionally with an ever rising human population more farmland is needed than ever. Unfortunately, when farmland is lost locally the food miles, or the distance that food travels from the field to the consumer, goes up. This increase in fossil fuel usage to transport food diminishes the net positive effects of solar panels. In addition to this farmers that rent land from these landowners now lost valuable land and are now required to go in search of potential new ground.

In our case we stand to lose well drained valuable ground we've rented for 35 years that borders our own land. There is no land available close by that even comes close to the caliber of ground that we would lose due to a potential solar project. Again, we cannot place the blame entirely upon our neighbor. Who would not jump at the opportunity to receive the amount of money that solar companies can pay? Their offer far exceeds anything we can afford in rent or even if we were to make an offer to buy the land ourselves. If we lose this land we will have to pick up more land miles away. We will spend far more money on fuel, tractor tires and labor. Again, more fossil fuel used all in the name of "clean energy". Alternatively, if we cannot find suitable land we may be forced to sell cows or the farm due to a shortage of forages to feed our animals. A loss of a local farm like ours means more food will need to be transported from further away. Our farm has been in the family since 1836 and we have grown the business from 30 cows to 150 cows in order to keep up with modern practices and to remain profitable. As we grew it was necessary to either buy or rent land from our neighbors in order to feed our animals. Good, close farmland is a crucial part of our family business. For many family farms like ours losing prime cropland can be catastrophic. Solar energy poses many questions. Without subsidies how profitable and effective are solar panels in Upstate New York? What happens to the land after the useful life of solar panels? How do solar panels affect property taxes and assessed value? If one of our neighbors signs a solar lease what's to stop the next one from following suit? How many family farms will solar put out of business? When most energy demand is in urban areas, why should we use prime farmland when there are plenty of city rooftops, road medians, and unused properties available for solar panels much closer? We think solar makes sense in some areas and circumstances. We are not against renewable energy but we think that placing solar farms on prime farmland is shortsighted. How will we feed the rising human population if we destroy good farmland? We must protect our most valuable resource; land used for food production. We can live without many things in life, food is NOT one of them. Mid-Knight Dairy, LLC John and Laura Knight Travis and Julia Olmstead.

COMMUNICATIONS:

- 1. Affidavit of Publication (2) – Legal Notice - Publication of Local Law Introductory 12-22 – (Post Journal and Observer)**
- 2. Affidavit of Publication (2) – Legal Notice - Publication of Local Law Introductory 13-22 – (Post Journal and Observer)**
- 3. Affidavit of Publication (2) – Legal Notice - Publication of Local Law Introductory 14-22 – (Post Journal and Observer)**
- 4. Chautauqua County 2023 Adopted Budget**
- 5. Letter – Tea Party**
- 6. Letter – Resignation of Legislator Paul Whitford, District 13**
- 7. Letter – Resignation of Legislator Frank J. Gould III, District 17**
- 8. Report – Finance Director Crow, Re: August, 2022 Investment Report**
- 9. Letter – Mid-Knight Dairy, LLC – John & Laura Knight, Travis & Julia Olmstead**

**10. Letter – NYS Department of State – Acknowledgement of Local Law 10-22, 11
22 & 12-22**

11. Letter – Appointment of Patrick Slagle – Affective January 1st, 2023

**LOCAL LAW INTRO. 15-22 – A Local Law Providing For A Management Salary Plan For
County Officers And Employees**

**LOCAL LAW INTRO. 16-22 – A Local Law Providing For A Management Salary Plan For
County Officers And Employees: Director Of Real Property
Tax Services III And Director Of Human Resources**

Chairman Chagnon: As requested earlier, at this time I would like Deb Makowski, our Director of Human Resources to come down and provide some clarification to this Local Law so that we're all on the same page.

Mrs. Makowski: Good evening everyone. Thank you for the opportunity to clarify. So the two proposed Local Laws, 15-22 and 16-22 are to increase salary ranges, not salaries. So basically the only financial impact to the 2 proposed Local Laws is 6 individuals who would then fall below the minimum of their newly assigned range. They would need to be bumped up to get to that minimum of the salary range and that total impact whole cost would come out to \$9,948. Thank you.

Legislator Rankin: Regarding Local Law 15-22, I would like to request permission from the Legislature to abstain from voting on this as it would directly affect my husband.

Chairman Chagnon: Okay, we have a request to abstain from voting. Does anybody object? Seeing no one, Legislator Rankin will abstain from voting on this Local Law. Any other questions, comments, discussion on this Local Law? Seeing none, will the clerk please call the roll?

**Local Law Intro 15-22 - A Local Law Providing For A Management Salary Plan For
County Officers And Employees - R/C Vote: 17 Yes – 1 Abstain (Rankin) - 1 Absent (Whitford) -
UNANIMOUSLY ADOPTED**

**Local Law Intro 16-22 - A Local Law Providing For A Management Salary Plan For County
Officers And Employees: Director Of Real Property Tax Services III And Director Of Human Resources**

Legislator Rankin: Thank you Mr. Chairman. I think whatever we can do to keep things in line for retention and recoument of quality employees, we should do so I'll be voting in favor of this, thank you.

Local Law Intro 16-22 - R/C Vote: 18 Yes – 1 Absent (Whitford) – UNANIMOUSLY ADOPTED

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to BLOCK Resolutions 309-22 through 313-22.

UNANIMOUSLY CARRIED

RESOLUTIONS:

- 309-22 Confirm Re-Appointment - Chautauqua County Ethics Board**, by Administrative Services Committee – *UNANIMOUSLY ADOPTED*
- 310-22 Confirm Reappointments – Traffic Safety Board**, by Public Safety Committee – *UNANIMOUSLY ADOPTED*
- 311-22 Confirm Re-Appointments - Chautauqua County Planning Board**, by Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 312-22 Confirm Appointments and Re-Appointments – Chautauqua County Food Policy Council**, by Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 313-22 Confirm Reappointments to the Chautauqua County Agricultural & Farmland Protection Board**, by Planning and Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 314-22 Amend 2022 Adopted Budget – Department of Public Facilities – Airports**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 315-22 Authorize Public Hearing on Office 46 Lease Agreement at the Chautauqua County Jamestown Airport**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 316-22 Amend 2022 Adopted Budget – SCCLSD**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 317-22 Amend 2022 Adopted Budget – Environment-Landfill**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 318-22 Authorizing Lease of Office Space in the City of Dunkirk**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

Legislator Bankoski: I just want to speak on that. I just want to assure that any of our constituents that none of these services that are originally in Dunkirk are leaving the City of

Dunkirk, they are just going to be moving up the street a few blocks. It is a good deal for the County. Usually we don't do leases for a period of 10 years but the deal that we received was much to our benefit to lease this office space for the 10 year period.

319-22 Authorize Extension of Lease Agreement with G. H. Graf Building, LLC for Office Space in Dunkirk, New York, by Audit & Control Committee – UNANIMOUSLY ADOPTED

320-22 Acceptance of the Federal Transit Administration COVID Relief Funds for Operating Assistance, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

321-22 CARTS – Section 5311 Consolidation Operating and Capital Grant Application Request, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

322-22 Amend 2022 Capital Project Account (DPF Large Equipment), by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

Legislator Davis: Thank you Mr. Chairman. Perhaps we can consider it a typo in the signed section where it says "David" instead of "Davis". I want to make sure that is correct.

Chairman Chagnon: Okay, we want to make sure who signed it.

Legislator Davis: Yes.

Chairman Chagnon: Okay, we will make that typographical correction to the resolution.

323-22 Amend 2022 Budget for Public Facilities Engineering Division, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

324-22 Authorizing Increase in County Clerk Fees – Mortgage Tax, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

325-22 Amend 2023 Budget for 2023 Employment Focused Grant Award, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

326-22 Authorize Agreements between Chautauqua County EMS (CCEMS) and Any Village, Fire District or Independent Fire Department within Chautauqua County for ALS-BLS Joint Prehospital Service Agreements, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

Legislator Bankoski: Just a little explanation on this, we have already established contracts with several municipalities within the County and this is just a blank form that If anyone – because there still is some municipalities out there that haven't had their own billing yet or they don't or they haven't joined on with the County to have us do their billing. But, this way it'll expedite the process for Mr. Guttman if some other municipalities chooses to have the County do their billing. The price has already been set on what we charge for each of those services so this way you would be able to bring them on board immediately upon their wanting to join on and doesn't have to wait for a month to come for a resolution in front of the Legislature Board.

Chairman Chagnon: Thank you for the explanation.

327-22 Amend 2022 Budget to Implement the OES Dive Boat Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

328-22 FY2020 Technical Rescue and Urban Search and Rescue Grant, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

329-22 Authorize Acceptance of Indigent Legal Services Grant for the period of January 1, 2023 to December 31, 2025, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

330-22 Amend 2022 Budget Appropriations to Mental Hygiene for MH Law §43.03, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

331-22 To Modify Acceptance of Chautauqua Water & Wastewater Cooperative Grant, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

332-22 To Amend 2023 Budget to Reopen the Address Isolation/Quarantine Housing Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

Legislator Proctor: Thank you Mr. Chairman. I would like to make a motion to amend this resolution. I would like to add a WHEREAS Clause at the end of it as stating “WHEREAS the address Isolation/Quarantine Housing Project provides funding for Isolation/Quarantine Housing facilities that are available to individuals on a voluntary basis only; now therefore be it”.

MOVED by Legislator Proctor, SECONDED by Legislator Rankin to add a WHEREAS Clause

Legislator Rankin: At the committee meeting, both Legislator Proctor and I wanted to make sure that this was a voluntary situation and this amendment is especially important for the public to know that it is voluntary given past concerns from discussion with the current and prior governor and some state elected officials as to whether or not this was voluntary. There was a lot of public concern that this might be forced quarantine and for us on a County basis to make sure that it is voluntary, I think this is extremely important and so this amendment will confirm that to the public that this is what we stand behind; to protect public, civil and independent rights.

Chairman Chagnon: Okay, we have a motion on the floor to amend the resolution. Are there any other questions or comments on the motion to amend the resolution? Hearing none, all those in favor of the motion to amend the resolution please say “aye”, opposed? The motion carries and the resolution is amended. Now, for discussion on the resolution as amended, are there any questions, comments or discussion on the resolution as amended? Hearing none, all those in favor of the motion to amend the resolution please say “aye”, opposed? It is carried. Thank you Legislator Proctor.

333-22 To Approve Submission of New York State Department of Health Poliovirus Outbreak Vaccine Provider Agreement, by Human Services Committee –
UNANIMOUSLY ADOPTED

Legislator Parker: I’d like to ask, I see that Dr. Faulk is here, I’d like to ask for a clarification and explanation of purpose for this provider agreement.

Chairman Chagnon: Dr. Faulk, if you’d come down front please and speak into the microphone.

Dr. Michael Faulk, Interim Director for the Health Department. Basically what this is, is it allows us to accept polio vaccines from the State. There are – there maybe individuals in our County that decide for themselves that they would like to get the polio vaccine but may not have a physician or provider that could give that to them. We, as the Health Department, can offer that and the State would provide that vaccine for us. So basically, it’s just an agreement between Chautauqua County and the State for us to receive that vaccine.

Legislator Wilfong: Dr. Faulk, is that vaccine, would that be administered for free?

Dr. Faulk: At this point in time, we would administer it for free, yeah, through the Health Department.

Legislator Rankin: Thank you Dr. Faulk. We talked about it at committee about the fact that the community needs to understand why this is important now and that there’s been an outbreak and making sure that the public has the education they need to know that this is now a concern where it hasn’t been for so many years.

Dr. Faulk: Sure. I can clarify some of the concern. Polio was essentially eradicated from this Country, particularly this State for a very long time. This past summer, there was one reported polio case in Rockland County, New York. A young individual who unfortunately through reports anyways had profound neurologic symptoms which polio has the tendency to do including Paralysis and those types of deficits. Fortunately, and I believe roughly the numbers New York State with their campaign to get and to promote polio vaccine amongst the individuals who may not have received polio vaccine in their childhood immunizations. I think they gave something like, and don't quote me on this, but it's 40 some thousand vaccinations in response to this one case. So far, thankfully we have not seen another case since this last summer. So we know, as a Health Department do want to provide access for individuals who choose to get this vaccine. We do not want to see this virus rear its ugly head. We did a very good job on a National level if not a worldwide level of almost eradicating this terrible virus. In response to your request, we will do what we can to educate the public in regards to why this is important and we can do that.

Legislator Niebel: So at this stage, no confirmed cases of polio in Chautauqua County, at this time?

Dr. Faulk: That is correct.

Legislator Niebel: Okay, and this is preventable?

Dr. Faulk: Absolutely, yes.

Chairman Chagnon: Any other questions? Dr. Faulk, thank you very much. Any questions or comments on the resolution?

334-22 Amend Chautauqua County Health & Human Services 2022 Adopted Budget for Increased Preschool Costs, by Human Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

335-22 Amend 2023 Budget for Snowmobile Trail Development and Maintenance Grant, by Planning and Economic Development and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

336-22 Authorize Transfer of Tax Foreclosure Property to Jamestown Urban Renewal Agency, by Administrative Services Committee and Audit & Control Committees – *R/C Vote: 18 Yes – 1 Absent (Whitford) – UNANIMOUSLY ADOPTED*

337-22 Setting Salary for Grant Specialist, by Administrative Services, Public Safety & Audit & Control Committees – *R/C Vote: 18 Yes – 1 Absent (Whitford) – UNANIMOUSLY ADOPTED*

Clerk Lee: The motion on the agenda has received the required number of signatures to bring to the floor.

MOTION:

A. Support of the Snowmobile Trail Development and Maintenance Fund

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

Legislator Vanstrom: I support this motion. I think snowmobiling is one of the few winter activities that visitors and residents alike can enjoy and share without worrying about a lake freezing or any emergency events happening eminently so thank you.

Legislator Davis: I also support this motion. But in addition, I think that the times come based on conversations I've had with some of my constituents to include discussions about ATV and UTV type vehicles in providing areas where they can be ridden safely in New York State so I hope that we can have those conversations as well. Thank you.

Chairman Chagnon: Thank you. Okay any other questions or comments on the motion? Hearing none, all those in favor please say aye. Opposed?

UNANIMOUSLY ADOPTED

ANNOUNCEMENTS

Legislator Niebel: Our long-term former Legislative Clerk, Kathy Tampio, lost her husband, Mike, this past Friday. So let our thoughts and prayers be with Kathy and her family at this difficult time. Thank you.

Legislator Torres: Have a safe and happy holiday season that's upcoming and I'm looking forward to it as usual.

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.

Hello my name is Katherine (?). I live on 38 Greco Lane in Dunkirk, New York and I am also a CPS caseworker in the County. I have been here for about 5 ½ years proudly serving our

County and the families we serve. I am speaking on behalf of my coworkers on this day in regards to the County investing in the Old Care Center on Lucas Avenue in Dunkirk. My concern is we are being told by our administrator specifically our deputy commissioner and our director of certifications that this building is not for us. In recent years, we have been told by our administrator that we are field workers and we do not have a large presence in the office daily. This is not true. There's approximately 30 workers in our office on the first floor of Graf Building. About 25 of us are there, daily. We show up daily at Graf working. The paper stated that Lucas Avenue building is where we are going to be placed. However, Monday again as per the deputy commissioner and the director of certification, we were reminded that our move is still going to be to Jamestown. This contradicts what the Dunkirk Observer says that was stated on December 17th. Also it is contradicting what was stated here today. We are also reminded multiple times throughout the past year and a half or two years that we will be moving to Jamestown. If we base everybody in Jamestown office, this will drastically increase travel time and mileage as we cover the entire County. To go from Jamestown to Dunkirk, this is an hour and a half drive time. This is less time I get to spend with the families I am privileged to serve in this County. Administrations stating that we are simply field workers is untrue. I understand we worked out of our home during the pandemic, however, when there was no school in session, it should be noted that our call rates were significantly lower. Working this job is already stressful enough. Working out of a home or my car, like I did during the pandemic is not only unsafe, it's also not conducive to the work I do, every day. This move isn't just affecting managers, it's also working caseworkers, CMW's, line staff and the rest of us. I do ask though if we're not going to the Care Center that's just up the street, who is going there? Thank you so much for your time and happy holidays everybody.

My name is Trish (?). I live on 227 Hunt Road, West Ellicott Jamestown, New York. The newspaper said regarding that the director of HR, Makowski, said the Local Laws goal is to increase most positions by a 3 salary grade. It will be interesting to see what 3 salary grades mean.

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

Unanimously Carried (7:22 p.m.)

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