

Regular Meeting
Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, January 25, 2023 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 January 25, 2023. Would the clerk please call the roll?

Clerk Zink called the roll and announced a quorum present (Absent: Bankoski, Proctor, Scudder)

Legislator Torres delivered the prayer and pledge of allegiance.

MOVED by Legislator Harmon, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (12/21/2022 & 1/3/2023)

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.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 12/21/22 & 1/3/2023**

Clerk Zink: There are 14 communications listed on the agenda. 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.

COMMUNICATIONS:

- 1. Report – Finance Director Crow, Re: September, 2022 Investment Report**
- 2. Report – Finance Director Crow, Re: October, 2022 Investment Report**
- 3. Report – Finance Director Crow, Re: November, 2022 Investment Report**
- 4. Affidavit of Publication (2) – Legal Notice - Publication of Local Law 10-22 – (Post Journal and Observer)**
- 5. Affidavit of Publication (2) – Legal Notice - Publication of Local Law 11-22 – (Post Journal and Observer)**

6. **Affidavit of Publication (2) – Legal Notice - Publication of Local Law 12-22 – (Post Journal and Observer)**
7. **Affidavit of Publication (2) – Legal Notice - Publication of Local Law Intro 13-22 – (Post Journal and Observer)**
8. **Affidavit of Publication (2) – Legal Notice - Publication of Local Law Intro 15-22 – (Post Journal and Observer)**
9. **Affidavit of Publication (2) – Legal Notice - Publication of Local Law Intro 16-22 – (Post Journal and Observer)**
10. **Letter – County Attorney – Legal Services for County Legislature – 2023**
11. **Letter – State of Emergency Declaration and Mandatory Evacuation Order – Paul M. Wendel, Jr. – County Executive**
12. **Minutes – Conewango Watershed Commission – January 11, 2023 Meeting**
13. **Letter – NYS Department of State – Acknowledgement of Local Law 13-22**
14. **Affidavit of Publication (2) – Public Hearing Notice – Office Lease – Jamestown Airport – (Post Journal and Observer)**

Chairman Chagnon: We're moving right along but since we have 2 more minutes before we can convene our public hearing, I will take the two local laws out of order so Kristi, if you would introduce the first local law?

LOCAL LAW INTRO. 1-23 – A Local Law Amending Local Law 13-22 Providing For a Management Salary Plan for County Officers and Employees (re: Personnel Technician)

Local Law Intro 1-23 - R/C Vote: 16 Yes – 0 No – 3 Absent (Bankoski, Proctor, Scudder) - UNANIMOUSLY ADOPTED

LOCAL LAW INTRO. 2-23 – A Local Law Amending Local Law 13-22 Providing For a Management Salary Plan for County Officers and Employees (re: Media Information Officer)

Legislator Parker: I would like to say that I am not going to be voting in favor of this because I don't believe it's a good use of County resources. The County Executive Department is a tax funded department and in 2013 it had 3 employees and in 2023 it now has 7 which is an increase of 124.4% in the County Executive staff so I do not feel like there is need or that it is a good use of tax funded money, thank you. Accolades

Legislator Vanstrom: I just want to send accolades to our County Executive. I think it's really important in today's day in age, considering what we just been through with COVID and misinformation and people feeling afraid and insecure that we have a solid message to send out that's in line with what we are doing and transparency included. I think that our County Executive is trying to promote transparency and comradery on top of the whole team here but with the public. So I really am going to support this and

I'm sorry if anyone doesn't agree with that but I think it was a really bold and brave move and important because our media, our social media, right now is at the utmost importance. We rely on Western New York Now, we rely on the Post Journal, The Observer, we rely on our beautiful radio stations, I love our radio stations beyond and I listen to our local radio stations every morning WDOE and WJTN and WBEN when I have time to so I have to say I think that our County –

Legislator Niebel: (Inaudible)

Legislator Vanstrom: Thank you Terry. I love our local media and I really think that our County Executive is really trying to make sure that whatever is happening in Chautauqua County, whether it's a power outage or an emergency or something that our media has the access to the information immediately. Not trying to not communicate or to not let our citizens feels safe so I appreciate our County Executive and I want to say thank you for taking the initiative to use resources because I know there's a lot of people that don't know what's going on and they call our office at the day job when they don't know what's going on, they'll call the senate office because they're afraid or fearful for what might be happening. There can be some serious emergencies. We have major power outages in the City of Jamestown recently. One time for 40 minutes, one time for 2 minutes. My husband actually called me and said "Are you safe in your building? We had another power outage at the house and it was a BPU issue." And I said "No everybody's fine and thank you for reaching out." But I think this is not a small move. I think this is a big move and (*inaudible*) just went through with COVID and with the public health fears and scares and concerns, I do have to support this and I do hope colleagues in this group will also come along and join me in this because I think it's important to share information, not to conceal information, thank you.

Legislator Niebel: Now as you absolutely have to have a media information officer, I'm not sure why anybody would be voting against this motion this evening, thank you.

Legislator Nelson: I have to agree with Legislator Parker on this. While I see the need for a media information officer, there's no question it's important in this day and age but when the County Executive's number of employees has gone from 3 to 7, I would think that could be handled by somebody within his office already and I just think it's an additional – it's now 8 employees, the number of employees that he has, has gone up 124% I think Susan said so I think that's – especially when the population of the County has gone down. I can't see justifying it. I could see having one, I could see the County Executive taking someone within his office saying "okay, you're going to be the media information person" but I don't see a need for an additional person so I will be voting against this.

Legislator Vanstrom: To defend our County Executive one more time. This didn't have to come out of his budget. He could have put it in the IT Department or somewhere else. So I commend him for taking the responsibility to putting it in his personal office budget. It didn't have to come out of that, it could have come out of somewhere else. There is a lot of employees and a lot of departments here, multiple, multiple, multiple. Between Public Facilities and Health and Human Services and Board of Elections and a lot of groups that need to get messages out that are important and I've covered barely anything by saying those 3 departments. They are the ones that I guess I think of first and foremost so thank you.

Legislator Rankin: I want to support what Mrs. Vanstrom has said. I think that given, we've had really strong effective staff within the County Executive's office who we have not been able to cover what we need with this position. So this position is covering a lack where we think we can focus and serve the public and serve the needs of the County and get the information out. I think this is an effective use of funds and we would not have proposed it if we weren't feeling the lack or the need for it. I am very much in favor of this and I thank the County Executive for putting this forward and thank you Mrs. Vanstrom for all of your comments.

Legislator Torres: It is quite a considerable amount of money, \$60,000 to 9\$0,000 and I don't even know if we had discussion further about the County Coroner's adjustments. That they pleaded at the committee meeting. Don't know what came about that but I am against this because it's another new position and we haven't even taken care of other stuff so I am going to be voting "no", unfortunately even though it may help, it is important but I feel strongly we should address other stuff.

Local Law Intro 2-23 - R/C Vote: 13 Yes – 3 No (Nelson, Parker, Torres) – 3 Absent (Bankoski, Proctor, Scudder) – ADOPTED

PUBLIC HEARING

Chairman Chagnon: Okay, now I would like to back up to the public hearing and just to clarify, we are permitted to start a public hearing late but we are not permitted to start a public hearing early. So that's why I skipped over the public hearing because we were prior to 6:35 so now at this time I will open the public hearing regarding Office 46 Lease agreement at the Chautauqua County Jamestown Airport. So the public hearing is open, is there anyone wishing to address the public hearing regarding Office 46 Lease agreement at the Chautauqua County Jamestown Airport?

(Opened 6:44 p.m.)

**Regarding Office 46 Lease Agreement at
the Chautauqua County Jamestown Airport**

(Closed 6:45 p.m.)

RESOLUTIONS:

9-23 Confirm Re-Appointments – South & Center Chautauqua Lake Sewer District Board, by Public Facilities Committee – *UNANIMOUSLY ADOPTED*

MOVED by Legislator Harmon, SECONDED by Legislator Vanstrom to Block Resolutions 9-23 through 14-23 – UNANIMOUSLY CARRIED TO BLOCK

10-23 Confirm Appointment – Agriculture & Farmland Protection Board, by Planning and Economic Development Committee – *UNANIMOUSLY ADOPTED*

- 11-23 Confirm Appointment - Chautauqua County Planning Board**, by Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 12-23 Confirm Re-Appointment - Chautauqua County Food Policy Council**, Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 13-23 Confirm Appointment and Re-Appointments- Chautauqua County Land Bank Board of Directors**, by Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 14-23 Confirm Appointment and Re-Appointments- Chautauqua County Soil and Water Conservation District Board of Directors**, by Planning & Economic Development Committee – *UNANIMOUSLY ADOPTED*
- 15-23 Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.00**, by Public Facilities and Audit & Control Committees
UNANIMOUSLY ADOPTED
- 16-23 Authorize Federal and State Aid Applications for the Chautauqua County Jamestown Airport Five-Year Capital Improvement Plan (ACIP) for FY 2023-2027**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 17-23 Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five-Year Capital Improvement Plan (ACIP) for FY 2023 2027**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 18-23 Amend 2022 Capital Project Accounts-Public Facilities**, by Public Facilities and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 19-23 Close Office for Aging Services Petty Cash Fund**, by Administrative Services and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 20-23 Amend 2023 Budget to Implement the SWAT Team Bear Cat Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 21-23 Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY23**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*
- 22-23 FY2022 State Homeland Security Program (SHSP)**, by Public Safety and Audit & Control Committees – *UNANIMOUSLY ADOPTED*

23-23 FY2020 Hazardous Materials Grant Program (FY20 HMGP), Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

24-23 Confirmation of County’s Independent External Auditor, by Audit and Control Committee – UNANIMOUSLY ADOPTED

25-23 Setting Salary for Discovery Expediter, by Public Safety and Audit & Control Committees – R/C VOTE: 16 YES; 0 NO; 3 ABSENT – UNANIMOUSLY ADOPTED

26-23 Authorize Public Hearing on Technical Amendments to Local Law 10-22 Regarding the Reapportionment of County Legislature Districts – UNANIMOUSLY ADOPTED

Chairman Chagnon: Before we get to questions and comments on this, I am going to ask the County Attorney to provide some clarification.

Patrick Slagle, County Attorney – Thank you. This is to authorize the public hearing next month for the adoption of a Local Law. You recall that recently you passed a Local Law making 19 Legislative districts. Upon some further research into the issue we found there’s a couple technical issues with the Legislative districts. What happened is that some of the census blocks that make up those legislative districts, when you looked at them, at the map, everything looked as though they follow the boundary lines and upon further inspection a few of the boundary lines veered so that the census blocks were offset into a different district. Overall, we found 4 census blocks that were moved when they shouldn’t have been moved. Only two residents were effected but the intent the descriptions of the different districts are accurate and so what this is doing is just making the technical corrections so that’s it’s stated clearly that the municipal boundary lines will denote the different census blocks.

Chairman Chagnon: Okay now we need a motion.

MOVED by Legislator Harmon, SECONDED by Legislator Parker to bring to the floor a Proposed Resolution to “Authorize Settlement of Opioid Litigation with Teva Pharmaceutical Industries, Ltd.” – UNANIMOUSLY CARRIED TO BRING TO THE FLOOR

27-23 Authorize Settlement of Opioid Litigation with Teva Pharmaceutical Industries, Ltd.

Chairman Chagnon: Okay so discussion on the motion to bring this emergency resolution to the floor for consideration? It is on the floor now for discussion. So I am going to turn it over to Patrick again to explain this emergency resolution.

Patrick Slagle, County Attorney: Thank you. This is a resolution that we were aware of, of different settlements going on with the opioid litigation. There's a major settlement, it's about a 4 billion dollar settlement, and however, New York State and some Counties were already in the process of suing Teva and actually received a verdict in that case so New York State felt as though they should have something above and beyond what the settlement was already proposed to provide for. So this is actually a *(inaudible)* from that settlement where some more money will flow to New York State and those who join into the settlement. We found out Friday that we have to sign onto the settlement by February 1st which is before the next meeting so we want to get this in front of the Legislature as soon as we could and so I believe I sent an email to all the Legislators. It was about 957,000 would come to Chautauqua County through the settlement over the course of 13 years. Broken down, about 50,000 per year. Some of that has to be used for *(inaudible)* such as the jail *(inaudible)* program, education, training, and there will be some unrestricted funds that could be used for a variety of other purposes. I also found out actually just today that there's additional law suits and additional settlements that may be fourth coming in the next month or so that we'd have to get authorization to enter into that settlement. So it's the *(inaudible)* County Law Department that this is a *(inaudible)* settlement. By not joining the settlement you could be looking at going to litigation, paying for expert's discovery and you may not get anything at the end of the day so it'd be the recommendation of the County Law Department that you'd authorize the County Executive and the County Attorney to enter into this agreement.

Chairman Chagnon: Okay so the resolution on the floor for discussion so are there any questions or comments on the resolution that it was presented and explained by the County Attorney?

UNANIMOUSLY CARRIED

Clerk Zink: Motion A on the agenda has received the required number of votes to bring to the floor.

MOTION:

A. Honoring Vietnam and Vietnam Era Veterans on the 50th Anniversary of the Signing of the Paris Peace Accords Ending the Vietnam War

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

Legislator Niebel: Mr. Chairman, I'm not going to read the motion. Suffice to say that it commemorates in honors Vietnam and Vietnam Era veterans. This motion puts the County Legislature on record and kind of parallels what PJ the executive branch has done this week and will be doing on Friday. On Friday the County Executive will read the names of the 51 County residents killed in the Vietnam War. On that list, is private first class Perry Chris, the only son of Judge Rocko, Chris and his wife Colleen. Perry was my wife's Joann's first cousin so the reading

of the names on Friday will actually hold a special meaning for us. This motion offers a thank you and quite frankly a belated welcome home to Vietnam and Vietnam Era Veterans and finally I would just like to acknowledge the Legislature's two Veterans, Bob Bankoski and Dave Wilfong and thank them for their service to their Country on behalf of Chautauqua County, thank you.

Chairman Chagnon: Thank you Terry and even though you didn't read the motion, thank you for a very well-crafted motion. It was very well done.

Legislator Niebel: It was kind of lengthy and the interest of time.

Legislature Rankin: I think it's fitting in our honor at any point that we can honor and acknowledge our Veterans. Especially right now for the Vietnam Veterans considering the anniversary of the signing of the Peace Accord. So I am very happy to support this and thank them for their service and their sacrifice.

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

A. Honoring Vietnam and Vietnam Era Veterans on the 50th Anniversary of the Signing of the Paris Peace Accords Ending the Vietnam War – R/C Vote: 16 Yes – 0 No – 3 Absent (Bankoski, Proctor, Scudder) – ADOPTED

Chairman Chagnon: Okay, and at this point I believe Legislator Parker would like to introduce a motion as well.

Legislator Parker: Yes, I would like to make an emergency motion to bring the motion "Declaring Black February as Black History Month". The reason for the emergency aspect of it is that in February begins Black History month and the next Legislative meeting is not until the end of this very important month. I wanted to bring it to the attention and appreciation of our community and our Legislature, thank you.

Chairman Chagnon: Okay, so we have a motion to bring an emergency motion to the floor. Is there a second to bring it to the floor?

MOVED by Legislator Parker, SECONDED by Legislator Harmon to bring an emergency motion to the floor.

Chairman Chagnon: Okay, we so have a motion to bring this emergency motion to the floor. Is there any discussion on the motion to bring it to the floor for consideration?

Legislator Rankin: Thank you Legislator Parker for bringing this forward for us.

Chairman Chagnon: Okay, any other discussion on the motion to bring this motion to the floor?

UNANIMOUSLY CARRIED TO BRING TO THE FLOOR

Chairman Chagnon: Legislator Parker, I assume you have shared your proposed motion with all Legislators.

Legislator Parker: Yes, Kristi and Olivia have very kindly put a copy of the motion on everyone's desk and I believe they have had time to look it over but if there's any questions I would take them.

Chairman Chagnon: Thank you. Are there any questions or comments on the motion as proposed? Hearing none, you must have done a fine job Legislator Parker so would the clerk please call the roll on the motion?

***B. Proclaiming February Black History Month – R/C Vote: 16 Yes – 0 No – 3 Absent
(Bankoski, Proctor, Scudder) – ADOPTED***

Chairman Chagnon: Now at this time I believe Legislator Niebel would like to consider another emergency motion.

Legislator Niebel: Mr. Chairman, this motion is really a continuation of the County's Policy. We established a County ambulance service via resolution 210-18. Emergency Services Office feels that a motion in support of a permanent ambulance certificate need of CON in a letter of support from the Chairman of Public Safety which I've already written would help the department. Therefore, that is the reason for this motion.

Chairman Chagnon: Okay and the emergency nature of bringing it as an emergency?

Legislator Niebel: We won't have another Legislative meeting before the next State Agency meets and Emergency Services would like the support of the Legislature via this motion when they appear before the State Regulatory Agency.

MOVED by Legislator Niebel, SECONDED by Legislator Rankin to bring an emergency motion to the floor.

Chairman Chagnon: Discussion on the motion to bring this emergency resolution to the floor? Are there any questions or comments on bringing it to the floor?

Legislator Vanstrom: I support this emergency motion. I think it's important that we continue to support emergency services. Terry's chaired that committee for a long time and he's been right on top of it and stayed steady with the needs and the changing needs in our County and all of our individual communities so thank you Terry.

Chairman Chagnon: Any other comments or discussion on the motion to bring this to the floor for discussion?

UNANIMOUSLY CARRIED TO BRING TO THE FLOOR

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

C. Support for our Chautauqua County EMS' Certificate of Need (C.O.N.) – R/C Vote: 16 Yes – 0 No – 3 Absent (Bankoski, Proctor, Scudder) – ADOPTED

MEMORIALS:

Arden Johnson
By
Chairman Pierre Chagnon

John “Jack” A. Glenzer
By
Legislator Tom Harmon

Robert Lee Penharlow
By
Legislator Kevin Muldowney

John Y. Carlson
By
Legislator Lisa Vanstrom

ANNOUNCEMENTS

Legislator Vanstrom: I just want to say the Chautauqua Harbor Hotel is a beautiful, beautiful, beautiful diamond of Ellicott and Celoron and they do fundraising opportunities every year. They give back to the community so tremendously and I am real proud about Peter Krog's investment in Ellicott and in Celoron and his vision. He's a kind person even though he does get upset about the weeds, we all do. So let's just move past that because it's January we don't have to deal with that for a few more months but if you go to brownpapertickets.com, you can buy fundraising tickets for the Fire and Ice at the Chautauqua Harbor Hotel. It's Thursday, February 9th through Saturday, February 11th and it supports the Chautauqua County Child Advocacy Program. The funds from this go to a very good organization right here in Chautauqua County and the party is beautiful. They do ice sculptures, vendors, snacks and music. They have

outdoor/indoor combination of events and it is absolutely beautiful. So I hope if anybody is available February 9th through the 11th, that they can come down, enjoy your neighbors and the visitors that come as well to this beautiful event and also understand that it's supporting child advocacy programs in Chautauqua County serving the youth right here that need it so thank you very much.

County Executive Paul M. Wendel, Jr.: (*Inaudible*) I will be hosting a welcome ceremony on Friday, January 27th. 50 years after the signing of the Paris Peace Accords. The event will take place right outside on the steps of the courthouse. We're asking all Chautauqua County residents who were Vietnam Era Veterans or Vietnam Veterans themselves to please attend. We do have a couple of dignitaries that are coming in from State representatives of the VFW and also our State and Congressional representatives as well. You know, you really think about it, 50 years ago, these men and woman and believe it or not there were actually 12 woman who were killed in the Vietnam Era. Those men and woman sacrificed a great deal and came home to nothing, no fan (*inaudible*). Many times they came home to protests and disgust from people. So I find it only fitting that we welcome them home 50 years later so I encourage not only county residents but I've asked our county employees. Anybody who is available on Friday to please come and join us. But it will be a very remarkable event. I'd like to thank Legislator Niebel for bringing this to my attention. He was a huge partner in this so I thank him as well. But I ask everybody to please come out and support our Vietnam Era and Vietnam Veterans, thank you.

Legislator Torres: I just wanted to add that the Child Advocacy Program is also known as CAP so there's no confusion there.

Legislator Penhollow: The Village of Cassadaga will be holding their winter festival, February 4th and 5th. It's a great time to come out. (*Inaudible*) Mr. Harmon and I will be walking around the lake and there is rumor that he may be taking the polar plunge so thank you Chairman.

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.

MOVED by Legislator Pavlock, SECONDED by Legislator Gustafson to adjourn.

Unanimously Carried (7:18 p.m.)

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