

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

Clerk Lee called the roll and announced a quorum present.

Legislator Muldowney delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon and duly carried the minutes were approved. (9/27/2023)

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1<sup>st</sup> 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.

No one chose to speak.

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**PROCLAMATION:**

**Proclaiming the Month of October as  
“Breast Cancer Awareness Month”  
By  
Legislator Elisabeth Rankin  
and  
County Executive Paul M. Wendel, Jr.**

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 09/27/2023**

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**COMMUNICATIONS:**

- 1. Letter – Local State of Emergency Order No. 2 (Sustainable Migration) – Paul M. Wendel, Jr. – County Executive**
- 2. Letter – NYS Department of State – Acknowledgement of Local Law 9-23 and 10-23**
- 3. Memorandum – Proposed Amendments to Local Law 10-22, the Code of Ethics – Department of Law**
- 4. Minutes – Conewango Watershed Commission – October 11, 2023 Meeting**
- 5. Letter – City of Dunkirk Mayor and Council Members – re: Solid Waste Fee Increases**
- 6. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Tentative 2024 Budget and Legislature Salaries (Post Journal and Observer)**

Clerk Lee: There are 6 communications listed on the agenda. Are there any items you wish you have read aloud?

Legislator Bankoski: I would request that Number 5 be read from the City of Dunkirk Mayor and the Council Members.

Clerk Lee: Number 5 is a letter from City of Dunkirk Mayor and Council members regarding Solid Waste Fee increases. City of Dunkirk, office of the Mayor addressed to honorable Pierre Chagnon, Chairperson and all Legislators, Chautauqua County Legislature. Sent via email to Chautauqua County Legislature Clerk.

*Dear Chairperson Chagnon and Legislators,*

*Please accept this letter in opposition to the proposed increases to transfer fee and landfill fees for Municipal Solid Waste, Municipal Sludge, and Industrial Waste. I am writing in my capacity as Mayor of the City of Dunkirk and on behalf of Councilmember at Large David Damico, first ward council member, Natalie Luczkowiak, 2<sup>nd</sup> Ward Councilmember Martin Bamonto, 3<sup>rd</sup> Ward Councilmember James Stoye, and 4<sup>th</sup> Ward Councilmember Nancy Nichols. This proposed rate increase, if approved by the Legislature and County Executive Wendell, will be the second increase in as many years. Looking at the County's Landfill Account [Environment] and its projected revenues for 2023 and its anticipated expenses for 2024, I and the Council believe there is sufficient revenues to cover expenses without tipping fee increases - and certainly without increases for the categories most important to our residents and businesses employing our residents, Municipal Solid Waste, Municipal Sludge, and Industrial Waste. The proposed increases will likely necessitate another round of increased charges for our residents and businesses. The City of Dunkirk respectfully asks that the proposed fee increases for Municipal Solid Waste, Municipal Sludge, and Industrial Waste be rejected.*

*Very truly yours,  
Willie Rosas and on behalf of Councilmembers*

And in response to that, I will also read the response from Chairman Chagnon which was sent the same day at 9:00 p.m. that night.

*The letter refers to the Landfill projected revenues for 2023 and anticipated expenses for 2024. The 2024 Tentative Budget for the Landfill has projected revenues for 2023 of \$8,187,605 and anticipated expenses for 2024 of \$8,202,358. But the 2024 GASB 68 Pension Expense for the County enterprise funds was just received 2 weeks ago. A proposed resolution will be presented to the Audit & Control Committee tomorrow morning with recommended changes to the Tentative Budget. Included will be additional Landfill expense of \$590,000 to reflect the increased GASB 68 Pension Expense, plus \$33,049 for updated NYS retirement system expense. So the anticipated expenses for 2024 will exceed the projected revenues for 2023 by \$637,802. In addition, the Landfill unrestricted fund balance at the beginning of this year stands at a deficit of \$395,399.*

*Respectfully,  
Pierre Chagnon  
Chautauqua County Legislature Chairman*

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Chairman Chagnon: That brings us to a scheduled public hearing. So we are now going to have a public hearing on the 2024 Tentative Budget and Maximum Salary of Members of the Chautauqua County Legislature and its Chairman. So I will now open the public hearing. Is there anyone wishing to address the public hearing on the 2024 Tentative Budget? Anyone to address the public hearing?

***Opened  
6:41 P.M.***

**PUBLIC HEARING**

**A Public Hearing On the 2024 Tentative Budget & Maximum Salary of  
Members of the Chautauqua County Legislature and its Chairman**

Good Evening, Anthony Toda 144 Clifton Avenue, Jamestown. I just want to address the \$9,000 fee, I think that's way below with all the inflation we have and everything it's about time that the, you know, it got up to something that's a little bit more reasonable than that for our legislatures, thank you.

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

***Closed  
6:42 P.M.***

**LOCAL LAW INTRO. 10-23 – A Local Law Amending the Chautauqua County Code of Ethics**

Chairman Chagnon: Are there any questions, comments or discussion on the proposed local law? Hearing none, would the Clerk please call the roll?

**LOCAL LAW INTRO 10-23 - R/C Vote: 19 Yes – 0 No – UNANIMOUSLY ADOPTED**

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**RESOLUTIONS:**

- 259-23 Confirm Appointment – County of Chautauqua Industrial Development Agency Board of Directors**, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED
- 260-23 Confirm Appointment - Chautauqua County Planning Board**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 261-23 Authorize the Purchase of Lands in the Town of Arkwright for Park Property**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 262-23 Amend Landfill and Transfer Station User Fees**, by Public Facilities and Audit & Control Committees

Legislator Bankoski: Yes, Mr. Chairman. Last year we raised the rates and this year we're proposing to raise them again. Dunkirk is a community that there is a lot of residents that live at the poverty level, a lot of senior citizens and I understand that we have an obligation to run our County as a business but I would like to amend the proposed resolution to change the transfer station tipping for municipal solid waste, both the cubic yard rate and scaled rate from \$1.00 to \$.50 and the Landfill fees for municipal solid waste and sludge from the municipalities waste water treatment plants from \$1.00 to \$.50 and the \$2.00 increase for industrial waste to \$1.00. The remaining increases should remain unchanged. The focus on the argument of municipalities' residents, businesses and industry.

Chairman Chagnon: Okay, so we have a motion to amend the resolution by Legislator Bankoski, do we have a second to the motion to amend?

*MOVED by Legislator Bankoski, SECONDED by Legislator Parker to amend by changing the transfer station tipping for municipal solid waste, both the cubic yard rate and scaled rate from \$1.00 to \$.50 and the Landfill fees for municipal solid waste and sludge from the municipalities waste water treatment plants from \$1.00 to \$.50 and the \$2.00 increase for industrial waste to \$1.00.*

Chairman Chagnon: Okay, we have a proposed amendment to the resolution. Discussion on the motion to amend the resolution? Are there any comments or any discussion on the motion?

Legislator Parker: I would just like to say that when we talk about this being the second year in a row of the landfill increases, last year's increase put more of the burden on the transfer station in North County and we had a discussion in our public facilities committee and one of the things that I want to emphasize is that the introduction of the landfill in Chautauqua County was not supposed to put more of a burden on the transfer station, the people who use the transfer station because they live in North County as opposed to the people who live closer to the landfill and I think this is a miscalculation of the fact that this is a service that is for our residents and any increases should be doled out equally and because last year they certainly weren't. I think this burden this year is even more so on North County, thank you.

Chairman Chagnon: Thank you any other comments questions on the motion to Amend? Hearing none, would the Clerk please call the roll on the motion to amend resolution 262-23?

***Motion to Amend 262-23 – R/C Vote: 4 Yes; 15 No (Davis, Gustafson, Harmon, Heiser, Hemmer, Muldowney, Niebel, Pavlock, Penhollow, Proctor, Rankin, Scudder, Vanstrom, Wilfong and Chagnon); – THE MOTION TO AMEND FAILS***

Chairman Chagnon: Okay, then back to the original resolution, 262-23. Is there any other questions, comments or discussion on the resolution?

Legislator Pavlock: Thank you I was a little late to the table, you were moving on but thank you for allowing it and I just wanted to comment. The landfill commission had discussed the tipping fees and we're in agreeance that for the betterment of the County that it was in their best interest to adjust the fees and I reminded everyone at that table that there is one of the large municipal suppliers that is at the table. They were in the discussion and okay. I think if the tipping fees are that big of a difference to some of our municipalities, it's sometimes their obligation to figure out how to trim some cost themselves a little in sense of you know, transporting directly to the landfill itself maybe promoting some recycling to help keep some costs down but you know as far as the County goes, it was the best interest to adjust the fees to meet some of the rising costs that are incurred into landfill so thank you.

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

***RES. NO. 262-23 – R/C Vote: 15 Yes; 4 No (Bankoski, Nelson, Parker and Torres); – ADOPTED***

- 263-23 Amend 2023 Budget to Implement the Training Lab Renovations Project, Using Funding from the American Rescue Plan Act (ARPA),** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 264-23 Amend 2023 Budget to Amend and Increase Funding for the Digitize Records Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan,** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 265-23 Digitization of Archival Records,** by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 266-23 Authorize Execution of New York State Governor’s Traffic Safety Committee Grant for the Police Traffic Services Program FY24,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 267-23 Amend 2023 Budget for Office of the Sheriff,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 268-23 Amend 2023 Budget for Office of the Sheriff Dispatch,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 269-23 Amend 2023 Budget for Office of the Sheriff for School Resource Officer Contract with Panama Central School,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 270-23 Emergency Services 2023 Budget Amendment,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 271-23 Authorize Acceptance of 2023-2024 Aid to Prosecution Funds,** by Public Safety and Audit & Control Committees

Legislator Bankoski: Yes sir, I’d like to table this resolution. The District Attorney’s office requests some more time to do some research on this.

***MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to Table – UNANIMOUSLY CARRIED TO TABLE***

- 272-23 Authorize Acceptance of the Indigent Legal Services Fourth Upstate Quality Improvement and Caseload Reduction Grant for the period of July 1, 2023 to June 30, 2026,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**273-23 Amend Chautauqua County Department of Mental Hygiene and Social Services 2023 Budget for Increased Day Care Costs**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**274-23 Department of Mental Hygiene and Social Services 2023 Budget Amendment to Accept the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant – Chautauqua Tapestry**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**275-23 Amend 2023 Budget for Near-shore Cleanup Equipment Improvements, Using funding from the 2% Occupancy Tax Program Reserve**, by Planning and Economic Development and Audit & Control Committees

Legislator Bankoski: Yes sir, I'd just wanted to make it be clear that all of this money is used for all bodies of water in Chautauqua County.

**RES. NO. 275-23 – UNANIMOUSLY ADOPTED**

**276-23 Fixing Date and Notice for the Public Hearing for Community Development Block Grant Application**, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED

**277-23 Standard Workday and Reporting Resolution**, by Administrative Services Committee – UNANIMOUSLY ADOPTED

**278-23 Approving Benefits and Wages for Confidential Employees and Unrepresented Employees**, by Administrative Services and Audit & Control Committees – R/C Vote: 19 Yes; 0 No; – UNANIMOUSLY ADOPTED

**279-23 Authorize Sale of Tax Foreclosure Property in Village of Silver Creek**, by Administrative Services and Audit & Control Committees

Legislator Bankoski: Being the Highway Superintendent in the Village of Silver Creek, this building is in terrible, deplorable condition. It's beyond fixing and it's been an eye sore for the Village of Silver Creek for over 30 years and I know along with my colleague, Mr. Harmon, that this would be a great project if we could bring this to fruition.

Legislator Harmon: Yeah, I would just like to echo what Bob said. It's been a very long time since that buildings been there and it's nice to know that somethings finally going to be done, thank you.

**RES. NO. 279-23 – R/C Vote: 19 Yes; 0 No; – UNANIMOUSLY ADOPTED**

**280-23 Consider 2024 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action, by Audit & Control Committee**

Legislator Torres: I want to propose an amendment to the proposed resolution under Decrease Appropriation Accounts. Propose the addition of the following A.1230.1 Personnel Services County Executive in the amount of \$71,101 that salary. A.1230.8 Employee Benefits County Executive in the amount of \$23,395 and that's benefits.

Chairman Chagnon: Okay, we have a motion to amend resolution 280 by Legislator Torres. Do we have a second to the motion?

*MOVED by Legislator Torres, SECONDED by Legislator Bankoski to Amend resolution 280-23*

Chairman Chagnon: Is there any discussion on the motion to amend resolution 280?

Legislator Parker: I believe that the reason that this amendment has been proposed is that the Democrats or 4 of us were against the hiring for the media information officer that is paid for completely by tax payer money because we didn't think that a PR position was a necessary addition to the number of employees here. We're always in favor of things like exchanging positions where if one person, if one job - because there are a number of unfilled jobs and then another one of those positions are substituted for one another without an additional cost but this is fully funded by the taxpayers and was an additional position after we've had over 200 positions added in the past 9 years, thank you.

Legislator Pavlock: I wanted to thank the PR person for sending us a little information on the position and what they've done since in that position to help with my clarity on this topic and after reading the letter that was written and provided to us all, I wanted to thank him for the work that he's done and I'm also excited for the work that he's moving into. I think the creativity that he's going to bring to the table for the hiring department is going to be great. The county has been struggling to find employees and to fill positions just as any other employer in Chautauqua County. I believe this individual has some good unique input and is going to be helpful for securing positions for the County. So I want to thank the effort and I want to oppose the motion, thank you.

Legislator Niebel: Mr. Chairman, I believe this is just 1 of 2 positions that are being created in the 2024 budget. We have a budget of almost \$300 million and this is, like I say 1 position out of 2, out of a \$300 million budget so I don't think that that's a significant increase, thank you.

Legislator Torres: There definitely isn't anything against Mr. Gould because he's a very nice young man and he does a great job as far as information but, he use to stand here and we used to get free press and now he's over there and we pay him with tax payer dollars. And like I

said, it's like almost like a duplication of services with some of those things that come out so I just wanted to point that out.

Legislator Vanstrom: Thank you, Chairman. This position was filled with probably one of the most qualified young men we could have in this County. He's talented and he's covering all of our departments in such a wonderful way to share it with all of the residents of the County. Pretty much spotlighting what's happening in our County and also what's happening in all of our departments so I think it's an important position. He's a valuable individual who just shares the information with no bias or no contentions and I think he's really a blessing for our county, thank you.

Legislator Gustafson: I'd just like to say, Justin's position provides a professional distribution of streamlined public information. Again, unbiased in a professional format. Previous to this position being created, I believe it was coming from a smattering of different department heads and now it's all being streamlined in such a manner that it sets our County up for professional distribution of information so I will be approving this.

***RES. NO. 280-23 – R/C Vote: 4 Yes; 15 No (Davis, Gustafson, Harmon, Heiser, Hemmer, Muldowney, Niebel, Pavlock, Penhollow, Proctor, Rankin, Scudder, Vanstrom, Wilfong and Chagnon); – THE MOTION TO AMEND FAILS***

Chairman Chagnon: Okay, back to resolution 280-23 as presented? Are there any other comments or questions on resolution 280?

Legislator Parker: Thank you, Mr. Chairman. I propose that A917.0000 Unassigned Fund Balance be amended to read \$101,561 and if there is a second I would like the Finance Director to explain this, thank you.

Chairman Chagnon: Okay, so you're making a motion to amend?

Legislator Parker: I'm making a motion to amend and if there is a second, I'm asking if the Finance Director to explain what that would mean.

Chairman Chagnon: Okay, thank you. We have a motion to amend resolution 280-23, do we have a second?

*MOVED by Legislator Parker, SECONDED by Legislator Nelson to Amend resolution 280-23 by proposing that A917.0000 Unassigned Fund Balance be Amended to read \$101,561.*

Chairman Chagnon: I guess that brings us to the Finance Director before we discuss the motion to amend.

Kitty Crow, Director of Finance: Just because this was a little odd wording. On the local share spread sheet, where it shows what they use the Fund Balance is, the resolution calls to

reduce the use of Fund Balance by \$1.1 million. The intent of the resolution is to use a million dollars in Fund Balance to help reduce the levy so on your resolution, you would be reducing the decrease of Fund Balance.

Chairman Chagnon: And reducing the levy.

Kitty Crow: Yes and then as such, reducing the levy by \$1 million.

Chairman Chagnon: Any questions for the Finance Director? Thank you, Kitty. Then, onto the motion to amend resolution 280-23, are there any comments, questions or discussion on the motion to amend?

Legislator Nelson: I think I speak for all of the Democratic Legislators who feel that this unassigned fund balance is just too large. I think we need to do - it just seems to not make sense to not have a fund balance of \$37 million. So we think we should give that back in a form of a tax reduction to our tax payers and reduce the tax levy, thank you.

Legislator Parker: I wanted to make the comment that if the Fund Balance is reduced by \$1 million and if it's also reduced by the other amounts that are already in the budget amendments from the Audit & Control Committee the fund balance will still be well above 11% which is considered to be a healthy Fund Balance. So I just wanted to say that it's not in our estimation based on the numbers that we have been given that would not jeopardize the Fund Balance, thank you.

Legislator Niebel: Yes, Mr. Chairman. Since the 2024 Budgets were submitted, Medicaid expenses have increased since \$644,000. The safety net expenses have increased by \$750,000. The mental hygiene psych evaluations had to be increased by \$250,000. Retirement payments and this adjustment that the State made, this was after the 2024 budgets were submitted. The retirement payments had to be increased by \$975,000. This year in 2023, we're already using \$4.6 million from the Fund Balance because we don't know what the changes or what increases or increasing costs may be coming down from the State. I don't think we can adjust the Fund Balance anymore. I would be reluctant to make that change that's been proposed by the Democratic colleagues.

Legislator Pavlock: In regards to the Fund Balance, my opinion is that we keep it as is because I think we have some potential for unexpected expenses this year that may be covered inevitably by the Fund Balance. One thing that we tried to do in this year's budget is to be as correct and concise as possible but, there's also some potential for some of our revenues not reaching the full ability. That would inevitably be covered by the Fund Balance. There's also some areas that are unknown we're guessing the best that we can and hopefully we're not under if we are, we're going to have to use some Fund Balance and the other thing that we put into the budget this year that we hadn't in years past is employees vacancy savings. So throughout this current year, we have had quite a few adjustments within each department in which they were able to balance their budget using these vacancy savings. Those are no longer in existence to

*(inaudible)* and we will probably be using Fund Balance if they are going to experience any overages so I think that our Fund Balance will be utilized this year more than it has in the past also moving forward. And I think it is wise to try and maintain a healthy Fund Balance and also we have some potential capital projects that may need to have some utilization of cash on hand to roll along so that's my opinion.

Chairman Chagnon: Thank you. Any other comments, questions or discussion on the motion to amend resolution 280? Hearing none, would the Clerk please call the roll on the motion to amend resolution to amend 280?

***RES. NO. 280-23 – R/C Vote: 4 Yes; 15 No (Davis, Gustafson, Harmon, Heiser, Hemmer, Muldowney, Niebel, Pavlock, Penhollow, Proctor, Rankin, Scudder, Vanstrom, Wilfong and Chagnon); – THE MOTION TO AMEND FAILS***

Chairman Chagnon: Alright, back to resolution 280-23 as presented. Are there any other question, comments or discussion on the resolution?

Legislator Bankoski: Yes, Mr. Chairman. I just want to thank all the committees for all of their hard work during the budget process. I don't think that the budget that the County Executive has proposed is outrageous by any means. I mean there was obviously- you can see there was 3 areas that we felt that were flush or needed to be changed. Unfortunately, some of our my other colleagues didn't feel the same way but going forward, I just want to thank everybody for their hard work and the Department Heads and everybody because I think we did a good job.

Chairman Chagnon: Thank you for that recognition, thank you. Any other comments, questions or discussion on resolution 280?

Legislator Harmon: Thanks, Mr. Chairman. This is my fourth budget and I just want to congratulate Mr. Wendel on what he does and how he does it. It was out of four years of doing the budgets, this probably was the one that was probably the most I guess contentious with a few things at the very end. I want to thank everybody who was involved in the budget process and it worked out well and I will be voting in favor of it, thank you.

Chairman Chagnon: Any other comments, questions or discussion on resolution 280 as presented?

Legislator Pavlock: I also want to just thank everyone for their work through the Committees to review the budget and the department heads for coming in and presenting their segments and portions and I want to thank the Finance Department and the Budget Directors for their work and diligence on this in those departments. The County Executive had presented a budget and in that time frame from when he presented to when we were reviewing, there was some changes and I think everyone worked well together to maintain what the County Executive presented which is a decrease in the tax rate by a significant portion so I want to thank the

County Executive for the work that he put into that and to offer that much of a decrease to our taxpayers so thank you.

Chairman Chagnon: Thank you. Other comments, questions or discussion on resolution 280 as presented? Hearing none, would the Clerk please call the roll?

**RES. NO. 280-23 – R/C Vote: 15 Yes; 4 No (Bankoski, Nelson, Parker and Torres); – ADOPTED**

Clerk Lee: We have an emergency resolution that has been laid on all the desks. This will be Emergency Resolution number 281 and titled, “Authorize Agreement with Village of Fredonia for Police Presence at Polling Site”.

Chairman Chagnon: Okay, do I have a motion to bring the emergency resolution to the floor?

*MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to bring the emergency resolution to the floor.*

Chairman Chagnon: OK, the emergency resolution has received a motion and a second to bring it to the floor for consideration. Any discussion on the motion to bring the emergency resolution to the floor? Hearing none, all those in favor please say aye? Opposed?

*Motion to Bring the Emergency Resolution to the Floor is Unanimously Carried*

Chairman Chagnon: Any discussion, any questions, any comments on the emergency Resolution? Hearing none, all those in favor please say aye. Opposed?

**Emergency Resolution 281-23 – Authorize Agreement with Village of Fredonia for Police Presence at Polling Site – UNANIMOUSLY ADOPTED**

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## ANNOUNCEMENTS

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

Legislator Bankoski: Yes, Mr. Chairman, I just want- with Israel being under attack right now- this supposed could be War- New York State has one of the largest Jewish populations in the Country and I just would like to bring it to everyone's attention that we should be keeping them in our thoughts and prayers. I mean a lot of those people have relatives that are over in Israel and that everyone will be safe and that calmer cooler heads will prevail in this whole uprising. Thank you.

Chairman Chagnon: Any other announcements?

Legislator Rankin: Thank you, Mr. Chairman. I want to mention that National Lead Poisoning Prevention week is October 22nd through the 28<sup>th</sup>. It's part of their work to prevent disease, promote health and protect the safety of the community. The Chautauqua County Health Department warns of the dangers of lead poisoning in infants and young children and potential lifetime effects. Chautauqua County's children are being poisoned by lead at a rate over four times higher than the New York State average mainly due to old housing stock and so Dr. Michael Faulk from the Department of Health is asking that parents - they're working with parents and Community Partners to help parents understand how important it is to have their child tested. And any home that was built before 1978 will be tested for lead at no charge where a child under six lives or visits at least six hours a week. So this is really important that people be aware of both the testing the child and the home and if you have questions to call the Department of Health here at Chautauqua County.

Chairman Chagnon: Thank you for that very important announcement. Any other announcements?

Legislator Hemmer: Thank you, Chairman. I just wanted to remind everybody that Christmas in the Village in Westfield, New York is November 17th through the 19th this year and it involves a bunch of different events. Santa will light the tree on Friday evening and on Saturday there will be the hot toddy crawl and the (*inaudible*) Christmas in the library- stories for the kids and there'll be a Holiday Wine tea at the Grape Discovery Center. Saturday night there will be the "Let there be light" Christmas parade and there's a holiday open house at the McClurg Mansion. If you need any more information about this just call my wife, Marilyn. Thank you.

Chairman Chagnon: Thank you. Any other announcements?

Legislator Rankin: Thank you. I just want to mention, of course we all are aware of the devastation of the fire at the Colony Hotel in West Ellicott. It's a great example of how our First Responders can make a difference and how they pull together. The Red Cross and Salvation Army are assisting guests and people who were displaced. In addition to Celeron, we had Lakewood, Bemus Point, Fluvanna, Kennedy, Sherman, Ashville, Busti, Frewsburg and yay isn't it awesome that they all responded? Chautauqua County Emergency Services, County EMS, Allstar EMS, Ellicott police and the Chautauqua County Sheriff's Office also were assisting and it's amazing when you think about how a building like that can mean so much to so many people. All the comments you see about people driving by and missing it when they see it and even people who they used to sneak in and use the pool at night when they weren't supposed to and people who lived there when their house was being built and waiting for that and I'm very proud to say that my great uncle as soon as he moved here from Sweden, John Erikson is the one who built that place so yay Uncle John - so it's a little piece of family history that we've lost as well, but I want to acknowledge the First Responders and everybody who came to help including a lot

of private citizens who brought food and water and coffee. It's a great way to show how a community can come together to help each other. Thank you.

Chairman Chagnon: Thank you.

Legislator Vanstrom: I'd like to add on to what my esteemed colleague Elizabeth Rankin said. I also want to thank Johnny's Lunch for sharing a generous food donation and also Farm Fresh Food for also their donations as well to help our First Responders fight this brutal blaze and if you had a chance to see any of the footage or any of that it was extremely fiery and brutal and out of control and we had all of our heroes- our local heroes come together and show up as a community. They train every week, they train for years on end, and they get certified in many different areas, so I'm really proud to see our First Responders put out their world-class efforts and their training to help the community so, thank you.

Chairman Chagnon: Thank you. Any other announcements?

Legislator Proctor: I just want to remind everybody that November 11th is Veterans Day and I want to say thank you to all the Veterans everywhere. We've got a couple in our own legislature, thank you. Also, November is military family's appreciation month. My niece is married to a Navy man and I know the families go through a lot when their spouses or their loved ones- sons and daughters are overseas and in harm's way so I just want everybody to think of all of the families of the military members as well.

Chairman Chagnon: Thank you. Any other announcements?

Legislator Torres: Well, with Halloween around the corner, just you know drive with a lot more caution because there'll be little kids running around obviously all excited so just wanted to bring that up. Thank you.

Chairman Chagnon: Thank you. Any other announcements? Hearing none, we will move on to the second privilege of the floor.

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### **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.

County Executive Wendel: Thank you, Mr. Chairman. PJ Wendel, 3 North Erie Street, Mayville. (*Inaudible*) speaking tonight. My colleagues addressed what I was going to speak about today and echo what the Sheriff put out. I'd like to thank everybody who was part of yesterday's event at the Colony Motel. I grew up with the owner's daughter and we all talked about many memories and as Elisabeth said, that just to see the number of people who grew up

and the Colony was an icon especially in the southern part of Chautauqua County, but when you looked at 14 different departments from throughout Chautauqua County and Pennsylvania as well, but what was most important to me was you know turning around at one point and there was Dr. Faulk. He didn't have to be, he actively responded on his own. We looked back and the mobile crisis team was there lending assistance stepping up to help those in need. What people don't realize is many people called The Colony their home and everything they had were in those rooms and it was all lost. So, imagine you know being in a unique situation and everything you have is lost, for a family that's one thing, but to see 8 individuals or more actually I believe 15 was the total, was really devastating. But it was an icon. It's something that you know, since I moved here in 1977, I went by almost every day of my life but I can't say enough about the men and women who were there yesterday from about 5:45 until I stopped by again last night at 6:00 p.m. and firemen were still there. We actually did unfortunately, get called back again at about midnight with the fire igniting again so I'd just like to thank all the First Responders, law enforcement, especially and I just can't say enough about how everybody came together- the community the residents, businesses as we said, Farm Fresh, Tim Horton's, Johnny's especially - everybody that helped out so thank you on behalf of myself and the residents of the County for our First Responders and all. Thank you.

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

Legislator Nelson: Thank you, Mr. Chairman. I would like to state my support for the continued funding for the Strong Starts Chautauqua program. It's my understanding that the funding for this program is paused. Strong Starts Chautauqua is an initiative begun in the summer of 2019 to address the growing crisis and prenatal substance exposure in Chautauqua County. This parallels the County's ongoing well-documented drug crisis with extreme rates of opioid use, substance use disorder, overdoses and overdose deaths. Strong Starts is a program that uses evidence-based strategies to assist some of the most vulnerable infants and young children in the county. These are children affected by prenatal trauma including exposure to alcohol, tobacco, marijuana and illicit drugs that can harm their health, development, intellectual functioning, decision-making and behavioral capacities throughout their entire lifespan. Strong Starts is the only resource available in the County and in New York State that explicitly works to prevent, identify and treat prenatal substance exposure which is at a catastrophic level in Chautauqua County and it's 5 times the State rate. As a representative of District 13 in the City of Jamestown, where this program is needed the most, I strongly urge the county to continue funding this program. I've been involved as a city council member for years where the budgets were tight and programs had to be cut. I see no reason why this program should be paused or cut. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you, anyone else wishing to address the second privilege of the floor?

Good Evening Anthony Tota. I live at 144 Clifton Avenue Jamestown, New York State. I'm making my comments based on media reports and other sources. Article 9 section 2C of the

New York State constitution states that unless restricted by the State Legislature, County shall have the power to adopt and amend laws including but not limited to the furtherance within the County of order, conduct and the safety, health and well-being of County residences along with the protection of property within the County. This is a New York State Constitutional basis for our Chautauqua County Executive's emergency order keeping illegal immigrants out of Chautauqua County as I've just stated for the protection of residence and property within Chautauqua County. By allowing illegal human trafficking of illegal immigrants throughout New York State, President Biden and Governor Kathy Hochel are not complying with these constitutional principles. Has everyone forgotten? Has everyone forgotten during the midst of the COVID pandemic, President Joe Biden transferred illegals who had a multiple chance of spreading the COVID virus throughout the four corners of the United States. I'm sure that all of us have either heard of or had contact with victims who have serious issues resulting from booming fentanyl drug infestation cultivated by Biden and Hochel administration policies. Further, Governor Hochel wants work permits for illegals which would deny New York State citizens on welfare their opportunity to work. Instead of reducing New York State welfare rolls, Kathy Hochel is placing the illegals ahead of the rights of US citizens to get a job in New York State. Our US attorney General, Merrick Garland has deliberately obstructed Justice by refusing to prosecute various agencies and officials responsible for immigration crime. Senators Charles Schumer and Gillibrand refused to address Federal immigration issues. Senator Schumer remains silent hoping to transfer the task of breaking Federal immigration laws to local governmental officials of his own State. This is a stellar example of Senator Schumer's intent to save his own political skin by making criminals out of local officials and also by bypassing constitutional laws concerning federal crimes against myself. Thank you very much.

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

Good Evening my name is Susan Baldwin and I live in Villanova, New York. I'm hoping that you might notice this is the ballot Villanova has. If you look at it, you will see Yvonne Park, Supervisor, Democrat. Yvonne Park, Supervisor, Republican and no competition. Keith Butcher, Democrat. Keith Butcher, Republican and no competition. Jennifer Dye, Democrat. Jennifer Dye, Republican and no competition. Same goes for the entire row. I would like you to notice this because y'all say "we voted for the turbines". We don't have a vote. The supervisor Park has been our supervisor for 45 years no competition. I have tried running against them. They have their secret caucus so I've been a Libertarian and an improvement party person but can't beat the Republican Democrat lines you know, so there isn't any chance. Why I'm saying this is because they've already voted for a met Tower going to go up in Villanova along with a 23, 600 foot turbines that just got turned on and yesterday I was driving toward my daughter's and it was 4:30 the blade going over felt like a like a tree coming toward me it was so dark and so fast even though I knew it was there, I didn't expect it. Anyway, I'm saying that because they're going to vote to accept a 650 foot- three of them along with this met Tower because they dotted their I's and crossed their t's so after all they have to accept this proposal, this need for more turbines in a met Tower which means they're going to test the wind next to the school, that's another thing they're putting this- Noble's Farm already has a methane plant on that side- school on this side.

The kids go out to play on the playground and they smell manure. They play at the soccer field, manure because they've got a methane plant there. 3 or 4 years ago, remember when somebody shot Noble 7 times, stabbed him a whole bunch of times and the man lived. It ended up that it was his hired hands that stabbed and shot him because they were mad at him for fooling with their wives to be honest. So that's why we really need somebody to say wait a minute-

Chairman Chagnon: Susan you've exceeded your 3 minutes, please wrap it up.

Susan Baldwin: Okay, thank you very much. Wait a minute guys, Villenova shouldn't exist like this, thank you.

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

I don't know if this is on, can you hear me?

Chairman Chagnon: Yes.

Unknown Speaker: Alright, I'm not good at public speaking which is why I have my notes here and I'm going to be looking at my phone mostly the time but it has in spite of that I couldn't stay away any longer. I decided it was time I make my concerns known. I've had full trust in the people in charge to take care of me and my family since I was a little kid but now it feels like my everyday life is in jeopardy. Ever since they started the construction for the turbines, I have had to step aside and let them ruin the environment around me. When the project first started, I was working at a local grocery store and on my way there and home I would have to deal with giant potholes in my road and small boulders. They were like this big- rocks on my road, all over scattered all over the place and I had to dodge them but my road wasn't perfect it didn't have lines on it but the town really did take care of it. They took really good care of our road, they cared about us and the turbine construction made all that effort pointless. Imagine going home from a long day just to pop your tire in front of your house. I'm not exaggerating when I say it was the worst our road has ever been. My brother and a few other people got their tire popped because of that and now our road will never be the same. After that, the people who worked on the turbines would come in my place of work use the woman's restroom all the time, they smeared poop on the walls and the whole bathroom was a wreck when they were done. It's just unacceptable. As the weeks went by, I started to notice that the dogs didn't like to drink the water anymore. This was after the construction started. My baby girl (*inaudible*), she goes outside and eats grass every day. She never had to do that before. For anyone that doesn't know when a dog eats a lot of grass, it means that their stomach's hurt, you know they have an upset stomach so they have to eat a lot of grass and it makes them feel better. It's not just the dogs, it's my family too. My mother, brother and me have been getting headaches every day since these things have been active. Nobody gets any sleep in my house because we all we hear is like "wuh wuh wuh wuh" all day, all night, all the time and I don't know about you but that's no way to live to me and for those who really care about your hair I have to say the these new chemicals in my water aren't really doing me any wonders. My hair has gotten worse over the past 3 years

and I use the same products I always have. Not only that, but my skin has been looking significantly worse too. I'd like to say something about my local school. I went to Pine Valley my whole life. Yeah, I had to deal with the smell of manure but it just started getting worse. Now my eyes burn and my nose hair is burned when I go by there and I think it's because of the construction. It was never like that before and I've gone to school there for you know, 20 years and I don't know, whoever's in charge thinks it's a good idea to install more there I think it's just going to make it worse. My little cousins still go to that school. I'm just going to sum it up and say that I stand here today to tell everyone here how much we're being affected. People like my family- you know we don't get a say really, nobody hears us and that's why I'm here, nobody around where I live has time to come here and they've all got jobs they all have kids. I don't have any kids. I currently don't have a job, but I'm looking but I just want to make everyone's concerns known. It's not just us, it's everybody that lives in my area, thank you.

Chairman Chagnon: Thank you. Anyone else wishing to address second privilege of the floor? Anyone else for the second privilege of the floor? Hearing no one, I will look to Legislator Davis.

Legislator Davis: It would be a privilege to make a motion to adjourn.

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

*Unanimously Carried (7:44 p.m.)*

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