

Regular Meeting  
Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, January 24, 2024 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 24, 2024. Would the Clerk please call the roll?

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

Legislator Pavlock delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Niebel and duly carried the minutes were approved. (12/20/2023)

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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.

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**COMMENDATIONS:**

**Chautauqua Lake Girls Volleyball State Champions**  
By  
**County Executive Paul M. Wendel, Jr.**  
and  
**Legislator Martin Proctor**

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**Dr. Lilian Ney**  
**Board of Health**  
By  
**County Executive Paul M. Wendel, Jr.**

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL**  
**NO VETOES FROM 12/20/2023**

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Clerk Lee: There are 5 communications listed on the agenda. Are there any items you wish you have read aloud?

**COMMUNICATIONS:**

1. **Letter – Chairman Chagnon – Cornell Cooperative Extension Board of Directors Appointment**
  2. **Letter – Chairman Chagnon – Portland-Pomfret-Dunkirk- Sewer District Board Appointment**
  3. **Letter – Chairman Chagnon – Chautauqua County IDA – Appointment**
  4. **Letter – NYS Department of State – Acknowledgement of Local Law 12-23**
  5. **Letter – County Attorney – Legal Services for County Legislature – 2024**
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**LOCAL LAW INTRO. 1-24 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (Re: Administrative Coordinator for the Department of Health) – R/C Vote: 18 YES; 0 NO; 1 ABSENT (Proctor) – UNANIMOUSLY ADOPTED**

**LOCAL LAW INTRO. 2-24 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (Re: Deputy Compliance Officer) – R/C Vote: 18 YES; 0 NO; 1 ABSENT (Proctor) – UNANIMOUSLY ADOPTED**

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**TABLED RES. NO. 327-23 – Authorize Use of 3% Reserve Funding and Authorize Agreement with Chautauqua Region Economic Development Corporation to initiate a Public Art Program**

Chairman Chagnon: Is there anyone wishing to propose an action on the tabled resolution? Seeing none, the resolution shall remain tabled.

*Tabled Res. No. 327-23 – Left on table to die*

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*MOVED by Legislator Bankoski, SECONDED by Legislator Wilfong to block resolutions 6-24 through 19-24 – Unanimously Carried to Block*

**RESOLUTIONS:**

**6-24 Confirm Appointment – Parks Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED**

**7-24 Confirm Appointments and Reappointment – Airport Commission, by Public**

Facilities Committee – UNANIMOUSLY ADOPTED

- 8-24 Confirm Appointment – Landfill Commission**, by Public Facilities Committee – UNANIMOUSLY ADOPTED
- 9-24 Confirm Appointment – New York State Fish and Wildlife Management Board**, by Public Facilities Committee – UNANIMOUSLY ADOPTED
- 10-24 Confirm Re-Appointment - North Chautauqua Lake Sewer District Board**, by Public Facilities Committee – UNANIMOUSLY ADOPTED
- 11-24 Confirm Re-Appointment – South and Center Chautauqua Lake Sewer Districts’ Board**, by Public Facilities Committee – UNANIMOUSLY ADOPTED
- 12-24 Confirm Reappointments- Chautauqua County Ethics Board**, by Administrative Services Committee – UNANIMOUSLY ADOPTED
- 13-24 Confirm Appointments and Re-Appointments – Chautauqua County Fire Advisory Board**, by Public Safety Committee – UNANIMOUSLY ADOPTED
- 14-24 Confirm Appointments and Reappointments – Chautauqua County Emergency Medical Services Council**, by Public Safety Committee – UNANIMOUSLY ADOPTED
- 15-24 Confirm Appointment - Chautauqua County Youth Board**, by Human Services Committee – UNANIMOUSLY ADOPTED
- 16-24 Confirm Appointments to the Chautauqua County Agricultural & Farmland Protection Board**, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED
- 17-24 Confirm Appointment – Lake Erie Management Commission**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 18-24 Confirm Appointment and Re-Appointment- Chautauqua County Visitors Bureau Board of Directors**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 19-24 Confirm Appointment – County of Chautauqua Industrial Development Agency Board of Directors**, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED
- 20-24 Amend Capital Budget for Underground Fuel Tank Removal**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**21-24 Amend CARTS Hub Capital Project Account**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

Legislator Nelson: Just a quick comment, Mr. Chairman. As one of the Jamestown legislators, I just want to wholeheartedly support this resolution. I think it's a much needed improvement to the CARTS Hub in the City of Jamestown and it's greatly appreciated.

**22-24 Compromise of Disputed Chargeback Amount**, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**23-24 Authorize acceptance of funds from the Department of Justice Bureau of Justice Assistance for the State Criminal Alien Assistance Program (SCAAP) for FY 2023**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**24-24 Amend 2024 Budget to Implement the Jail Property Packaging System Project, Using Funding from the American Rescue Plan Act (ARPA)**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**25-24 Amend Emergency Services 2024 Budget – 2024 Eclipse Preparedness**, by Public Safety and Audit & Control Committees

Legislator Parker: Thank you Chairman Chagnon. I wanted to note that there are three different items that are being asked for on January 24<sup>th</sup>, in preparation of April 8th and one of them is medical supplies which I think is needed. The other one is software and location awareness, I mean that's not the right word but anyway and then the third thing is these two large signs. My understanding is that it may be difficult to get these signs. They are not absolutely in my opinion, necessary we have two already and I had asked for a compromise. This close to \$200,000 in unassigned fund balance, is 20% of the million dollars we asked to be given back to the residents of Chautauqua County and so I cannot support this, thank you.

Legislator Niebel: Thank you, Mr. Chairman. This resolution takes money from the unassigned fund balance, money that comes primarily from local property taxes and look, we have a lot of middle class taxpayers that I think are struggling to make ends meet. Past Legislatures were very reluctant to take money from the from the fund balance, especially if we had an alternative funding source and in this case we do, the 3% Tourism Reserve Fund, a dedicated fund paid for by tourist staying in hotels and motels in Chautauqua County. It's our bed tax. This is where the money should come from and when the time is appropriate Mr. Chairman, I'd like to make a motion to amend this resolution.

Legislator Wilfong: Thank you, Mr. Chairman. I had an opportunity to caucus with my group before we came in and there were some questions that came up and luckily, I spoke to

Noel Guttman out in the hallway and he believes that these supplies that he's asking for, for Emergency Services are absolutely necessary. During the Audit and Control meeting that we sat in last week, Mr. Chagnon himself actually read the actual legal ramifications of the 3% Occupancy Tax. In consulting with our higher officials in the State, they said don't even try to get that money out of there. If you want this, it's going to have to come out of the general fund so I believe that we should recognize Noel Guttman for his expertise and what he needs and that we should give him what he's asking for because what happens if we do have a problem? Hopefully we will not but it's very important that we actually take pride in County and make sure everybody is safe, thank you.

Legislator Nelson: Thank you, Mr. Chairman. As a member of the Public Safety Committee, I oppose this resolution. I feel that the eclipse will be a significant event. We'll see a bump in tourism, we will see additional traffic in the County but I don't think it warrants this additional spending. I have confidence that we will be prepared for the day and that the safety of the County residents will not be compromised without spending an additional \$200,000 from our unassigned fund balance, thank you.

Legislator Niebel: I think Noel's request is reasonable okay, my concern is the funding source that we take this money out of. I'd just like to go back to the County website. The application process for 2024, 3% tourism projects, I printed this out this afternoon but I'm not going to read the whole thing but just this one sentence, "programs and initiatives should help create awareness of Chautauqua County as a place to visit and or improve the likelihood of repeat visits to this area". It's my contention that if people come here for the eclipse, that they have a safe and pleasurable experience. I think there is a good chance that they're going to come back in the future so I feel that it would be proper to take this money from the 3% tourism reserve fund.

*MOVED by Legislator Niebel, SECONDED by Legislator Scudder to use funding from the 3% Occupancy Tax instead of the Unassigned Fund Balance*

Chairman Chagnon: So we have a motion and a second to amend the resolution as Legislator Niebel just indicated. Discussion on the motion to amend? Hearing none, all those in favor of amending resolution 25-24 as indicated by Legislator Niebel, please say "aye". Opposed? Would the clerk please call the roll?

*Amend RES. NO. 25-24 – R/C Vote: 5 Yes; 13 No (Anthony, Gustafson, Harmon, Heiser, Johnson, Landy, Nelson, Parker, Pavlock, Penhollow, Vanstrom, Wilfong, Chagnon); 1 Absent (Proctor) – THE MOTION TO AMEND FAILS*

Chairman Chagnon: Okay, so motion to amend the resolution is defeated. Is there any other questions, comments or discussion on resolution 25-24 as presented?

Legislator Penhollow: Mr. Chairman, I would ask that Noel Guttman – how confident we are that there could be other grants out there to backfill this usage from the unassigned fund balance? That’s just a question that could be noted.

Noel Guttman, Director of Emergency Services: *(Inaudible)*

Legislator Wilfong: I just want to say when Noel spoke with us, one of the reasons that it’s written the way it is, the 2024 Eclipse Preparedness is just in case later on, the State or Federal Government make funds available, we can actually apply for those and then reimburse ourselves so that’s why its amended and the title is the 2024 Eclipse Preparedness so we could slip in, if there is any, but we’re not guaranteeing that there is.

Legislator Niebel: Thank you, Mr. Chairman. If Emergency Services says this equipment is necessary for the eclipse, I will support it. My concern is where the funding came from and well, I guess it has to come from the unassigned fund balance, so I will support a motion now as written.

*RES. NO. 25-24 – R/C Vote: 13 Yes; 5 No (Bankoski, Buchanan, Larson, Nelson, Parker); 1 Absent (Proctor) – ADOPTED*

**26-24 Accept Southern Tier Community Impact Grant**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**27-24 FY2023 Hazardous Materials Emergency Preparedness (HMEP) Grant Program**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**28-24 Amend 2024 Budget to Implement Round 3 of the Marketing Assistance to Businesses and Not-for-Profits Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**29-24 Authorize Extension of Lease Agreement for Department of Planning & Development at the BWB Center**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**30-24 Amend Rules and Regulations of the Chautauqua County Legislature**, by Administrative Services Committee – UNANIMOUSLY ADOPTED

**31-24 Authorize Agreement with NYS ITS for Orthoimagery Enhancements**, by Audit & Control Committee – UNANIMOUSLY ADOPTED

**32-24 Reallocating Salary Grade for Resource Assistant (Human Resources), by Administrative Services and Audit & Control Committees – R/C Vote: 18 Yes; 0 No; 1 Absent (Proctor) – UNANIMOUSLY ADOPTED**

**33-24 Reallocating Salary Grade for Communications Technician Trainee, Communications Technician, Sr. Communications Technician and Communications System Coordinator – R/C Vote: 18 Yes; 0 No; 1 Absent (Proctor) – UNANIMOUSLY ADOPTED**

**MOTIONS:**

**A. Proclaiming February Black History Month**

Clerk Lee: Motion “A” on the agenda, “Proclaiming February Black History Month” has received the required amount of signatures to be brought to the floor.

*Motion “A” Proclaiming February Black History Month – Unanimously Adopted*

**B. Proclaiming January Human Trafficking Awareness Month**

Clerk Lee: Motion “B: on the agenda, “Proclaiming January Human Trafficking Awareness Month” has received the required amount of signatures to be brought to the floor.

*Motion “B” Proclaiming January Human Trafficking Awareness Month – Unanimously Adopted*

**PRESENTATIONS:**

**Jefferson Project 2023 Report**

**Salary Review Commission Final Recommendations**

**ANNOUNCEMENTS**

Legislator Vanstrom: I just want to announce the Chautauqua County Soil and Water Conservation District has their 2024 Treat and Shrub sale underway. They’re taking orders through April 1<sup>st</sup>. It’s a first come, first serve basis. If you need to reach them for more information, you can either go to their website or call 716-664-2351 extension 5 and their email is [chaut-co@soilwater.org](mailto:chaut-co@soilwater.org). Another exciting event that’s happening in our County is the Chautauqua County 4-H 10<sup>th</sup> annual Green Tie fair, Sunday February 25 and there is a new venue. It’s going to be at Celoron Harbor Hotel, Chautauqua Harbor Hotel and the proceeds with

benefit Chautauqua County 4-H youth development programs. They'll have a basket raffle and a bake sale at 3, dinner at 5:00 p.m. and pie auction to follow dinner and – oh yes, February 25<sup>th</sup> and you can call Lindsey at 716-664-9502 extension 212 for more information, thank you.

Legislator Harmon: I'd like to take a moment to recognize Mark Geise. He's our Chautauqua County Deputy County Executive for Economic Development and CEO of the County of Chautauqua Industrial Development Agency. Mark has been named to the 2024 additional of the Buffalo's Business First Prestigious Power 250 listing. The Power 250 is an annual list of the 250 people whom after three months of research, reporting and debate the full news staff at business first regards as the most influential and powerful people in the eight counties that make up Western New York. In 2023 under Mark's leadership, the CCIDA oversaw unprecedented economic development investments in the county that totaled \$842 million. That's 842 million. These investments will retain and create about 2,900 jobs right here in Chautauqua County. This continued recorded record investment in our County demonstrates what we're doing here is working. We are making Chautauqua the best place to open or grow a business and the projects we are currently working on, will continue these successes in 2024 so congratulations to Mark our Chautauqua County Department of Planning and Economic Development and the County of Chautauqua Industrial Development Agency. Please keep up the great work.

Legislator Wilfong: Thank you, Mr. Chairman. On February 5<sup>th</sup>, at 7:30 p.m. the Jamestown City Council work session, myself and my assistant Lisa Vanstrom, Pierre Chagnon, County Executive Wendel and Shannon Fisher, the airport manager, are going to be meeting with the Jamestown City Council to discuss some market survey that's going on for the Jamestown Airport at this particular time. We're going to get together and actually discuss what our plans are going to be going forward and what a vital economic drive or commercial air service coming back to the City of Jamestown will mean to the City of Jamestown and I'm inviting all legislators to come if you'd like to just let me know so I make - I heard that there's a problem getting seats there so we might have to have some reserved seats but you are welcome to come, thank you.

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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.

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

*Unanimously Carried (8:16 p.m.)*

Respectfully submitted and transcribed,

Olivia Lee, Clerk of the Legislature & Kristi Zink, Deputy Clerk