

Regular Meeting
Chautauqua County Legislature
**Meeting was Held in Person and Virtually due to Social Distancing Guidelines
And Live Streamed on Social Media**
Wednesday, October 28, 2020 6:30 p.m.
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Clerk Tampio: Prior to this meeting, prefiled Resolution 204-20 was withdrawn from the agenda by Legislators Scudder, Muldowney, Starks, Davis and Vanstrom. Since the resolution has been withdrawn any related comments must be made at the second privilege of the floor.

Legislator Starks delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (09/23/20 & 10/13/20)

1st Privilege of the Floor

Chairman Chagnon: Is there anyone here in the audience that would like to address the first privilege of the floor this evening?

Mr. Green: I would like to address the confirmation of Election Commissioner of Luz Torres.

Chairman Chagnon: That is no longer on the agenda. You're welcome to address that at the second privilege of the floor.

Mr. Green: It was on the original agenda. The County Attorney ruled that we can't speak to that?

Mr. Abdella: As stated by the Clerk, the resolution has been withdrawn, so it is no longer on the agenda. Per the Legislature's rules, the first privilege is only for items on the agenda. The second privilege is for any topic. That would be the appropriate time.

Mr. Green: Mr. Chairman, would you please advise us as to how exactly it got removed from the agenda?

Chairman Chagnon: The way it got removed from the agenda was that the resolution was reviewed by the Administrative Services Committee and signed forward at their meeting last week. They have since changed their view and opinion and they have removed their approvals to bring that resolution to the floor this evening.

Mr. Green: So, our lone democrat on the Administrative Services Committee is?

Chairman Chagnon: Legislator Starks.

Mr. Green: So Legislator Starks, a democrat, withdrew this resolution to come to the floor of the legislature of the approval of the first woman of color, Puerto Rican in Chautauqua County. Is that correct?

Chairman Chagnon: Mr. Green you are welcome to discuss this at the second privilege of the floor.

Mr. Green: With all due respect, I asked a question. Yes or no?

Chairman Chagnon: With all due respect you are welcome to discuss this at the second privilege of the floor sir.

Mr. Green: This is directly to do with the resolution. The question is how it got removed from the agenda.

Chairman Chagnon: I have explained that.

Legislator Scudder: I'd like to call for point of order.

(Cross-talk)

Chairman Chagnon: OK.

Mr. Green: Can I ask what we stated earlier? It's now part of the record-

Legislator Nazzaro: Mr. Chairman, if this continues I would ask that Mr. Green be removed from these chambers. He may address this issue at the second privilege of the floor.

Mr. Green: It would be the greatest privilege of my life-

Legislator Nazzaro: Mr. Chairman, you have made the procedure very clear.

Mr. Green: It would be the greatest privilege of my life to be removed from this legislature chamber. You have a highly qualified women who has been the deputy Election Commissioner and if you just put out-

Chairman Chagnon: Sir-

Mr. Green: If you put out a help wanted notice you would get that woman and you would say we are glad to have her. Thank you very much.

Chairman Chagnon: OK, is there anyone else wishing to address the first privilege of the floor in the chambers this evening? Seeing no one, Madam Clerk, are there any written correspondence addressing the first privilege of the floor.

Clerk Tampio: I do have one emailed comment that comes from Emily Reynolds, who is the executive director of the Cornell Cooperative Extension for Chautauqua and she says, *“Cornell Cooperative Extension of Chautauqua County would like to thank the Legislature for all you are doing to keep Chautauqua County a great place to live, work and call home, and for your special consideration of support to the youth of our county through the CCE 4-H Youth Development program. Our 2021, 4-H fundraising goal is now reduced to \$45,000. We look forward to sharing the highlights of successful 2021 programs. If you are interested in attending our Annual Meeting this November please visit our website for details. Thank you for your continuing support. Sincerely, Emily Reynolds”*

And this is appropriate for first privilege of the floor because it is pertinent to the last resolution tonight to approve the 2021 tentative budget.

Chairman Chagnon: Thank you. Let’s move forward.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 09/23/20 & 10/13/20**

COMMENDATIONS:

**Lance Spicer
By
Chairman Pierre E. Chagnon**

**Ainsley Smith
By
Legislator John Hemmer**

CERTIFICATE OF RECOGNITION:

**PINE JUNCTION
by
LEGISLATOR WARD**

6:35 p.m.

PUBLIC HEARING:

**2021 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS**

Chairman Chagnon: (6:46 p.m.) I will now open the public hearing. Is there anyone to speak to the public hearing this evening? Anyone wishing to comment at this public hearing? Hearing none, and seeing none, I will close the public hearing. (6:48 p.m.)

Clerk Tampio: The legislature office is in receipt of the ten communications as listed on the agenda this evening. Since publication of the agenda we have received three more communications. The next one, number eleven, would be Proof of Publication – The Observer & The Post Journal – Re: Public Hearing – Tentative 2021 Budget and Sewer District Assessment Rolls. Number twelve is Proof of Publication – The Post Journal – Re: Public Hearing Notice for Local Law Intro. 2-20. Number 13 is letter received from Joni Riggle Regarding the proposed South Ripley and Westfield Utility Scale Solar Project. Are there any items that you wish to read aloud? Hearing none, if you'd like to see a copy of these please let our office know.

COMMUNICATIONS:

1. **Resignation - Ainsley M. Smith – Chautauqua County Parks Commission**
2. **Resignation – Frank J. Gould III – Southern Tier West Regional Planning Board**
3. **Appointment – Southern Tier West Board of Directors – County Executive Wendel**
4. **Certification – Election Commissioner Certification – Norman P. Green**
5. **Letter - Chautauqua County Ethics Board – Re: Financial Disclosures**
6. **Letter – NYS Office of Real Property Tax Services – Re: County Equalization Rates 2020**
7. **Reports (2) – Fn. Director Crow – Investment Report – July & August 2020**
8. **Letter – County Executive Wendel – Re: Amendment to Chautauqua County Administrative Code**
9. **Letter – New York State Associations of Counties – Acknowledgment of Motion 8-20**
10. **Letter – Request to Submit Grant Application Form – County Executive Wendel**
11. ***Proof of Publication – The Observer & The Post Journal – Re: Public Hearing – Tentative 2021 Budget and Sewer District Assessment Rolls***
12. ***Proof of Publication – The Post Journal – Re: Public Hearing Notice for Local Law Intro. 2-20***
13. ***Letter – Joni Riggle – Re: Proposed South Ripley and Westfield Utility Scale Solar Project***

RESOLUTIONS:

RES. NO. 202-20 Confirm Appointments – South & Center Chautauqua Lake Sewer Districts Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 203-20 Confirm Appointment– Southern Tier West Regional Planning & Development Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 205-20 Accept Donation for Parks Westside Overland Trail Improvements, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 206-20 Adjust 2020 Adopted Budget for Public Facilities Energy Generation Accounts, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 207-20 Adjust 2020 Budget for Public Facilities Maintenance of Roads Accounts, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 208-20 Amend 2020 Budget Appropriations and Revenues–County Executive’s Office, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 209-20 Amend 2020 Budget Appropriations–Real Property Tax, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 210-20 Authorize Transfer of Tax Foreclosure Property to Chautauqua County Land Bank Corporation, by Administrative Services and Audit & Control Committees – R/C VOTE – 17 Yes; 2 Absent UNANIMOUSLY ADOPTED

RES. NO. 211-20 Denial of Level 3 Communications, LLC Applications for Refunds/Credits of Real Property Taxes Form RP 556 for the 2017–2018 School Tax Year, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 212-20 Authorize Execution of New York State Office of Homeland Security Funding Grant—Operation Stonegarden FY20, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 213-20 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 214-20 Amend 2020 Adopted Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 215-20 Authorize the Renewal of Lease Agreement with the Town of Chautauqua, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 216-20 Amend Emergency Services Appropriation Accounts for 2020 Adopted Budget, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 217-20 Authorizing Agreement for the Children and Youth with Special Health

Care Needs Program, by Human Services and Audit & Control Committees –
UNANIMOUSLY ADOPTED

RES. NO. 218-20 Authorize Lease Agreement for the Office for Aging Services at The Chautauqua Center in Jamestown, New York, by Human Services and Audit & Control Committees

Legislator Pavlock: Mr. Chairman, I have a comment.

Chairman Chagnon: Please, go ahead.

Legislator Pavlock: I'm in support of this resolution. Both departments are in agreement with the move. It will be more adequate for their facilities and departments. (*Inaudible*) help the two departments have a smooth transition moving forward. So, congratulations on your new place.

Chairman Chagnon: Thank you. Are there any other questions or comments on the resolution?

RES. NO. 218-20 – UNANIMOUSLY ADOPTED

RES. NO. 219-20 To Accept HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) Fiscal Year 2020–Lead Based Paint Hazard Control Grant, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 220-20 To Accept New York State Department of Health Epidemiology And Laboratory Capacity for Infectious Diseases Funding, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 221-20 To Authorize Emergency Use Facility Agreements with Chautauqua County School Districts, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 222-20 Amend 2020 Budget Appropriations to Include Additional IGT Matching Funds, by Planning & Economic Development and Audit & Control Committees

Clerk Tampio: I would like to point out to the Legislature that there was a small typo correction on the decrease the use of fund balance on an account number. It should be A and then the dashes and instead of 919 it should read 917.

Chairman Chagnon: And that's in the account number.

Clerk Tampio: Right. The account number only.

Chairman Chagnon: Are there any questions or comments on the resolution understanding that corrected typo?

RES. NO. 222-20 – UNANIMOUSLY ADOPTED

RES. NO. 223-20 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Repair of the Chadakoin River Flow Gage, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 224-20 Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist with Developing a Chautauqua Lake Stakeholder Agreement, by Planning & Economic Development and Audit & Control Committees

Legislator Odell: Good evening. I would just like to comment on this. The current memorandum of understanding for the various Chautauqua Lake stakeholders is due to expire this coming April. So this resolution is putting forth the ability to (*inaudible*) consultant that we had under the leadership of previous County Executive George Borrello. (*Inaudible*) of the lake and this resolution will give the funding to allow our consultant to E&E- Environment and Ecology to continue the great work and put together the next memorandum of understanding to take effect after April 1st. Thank you.

Chairman Chagnon: Thank you. Are there any other questions or comments on the resolution?

RES. NO. 224-20 – UNANIMOUSLY ADOPTED

RES. NO. 225-20 Authorize Transfer of Equestrian Trail Equipment to the Chautauqua County Equestrian Trail System, Inc. (CCETS), by Planning & Economic Development and Audit & Control Committees - – UNANIMOUSLY ADOPTED

RES. NO. 226-20 Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism, by Planning & Economic Development and Audit & Control Committees - – UNANIMOUSLY ADOPTED

RES. NO. 227-20 Financial Management Policy for the County of Chautauqua, by Audit & Control Committee - UNANIMOUSLY ADOPTED

RES. NO. 228-20 Consider 2021 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action, by Audit & Control Committee

Chairman Chagnon: Are there any questions or comments on the resolution?

Legislator Nazzaro: Thank you Mr. Chairman. Obviously 2020 was a year like we have not ever seen before. It has proposed many, many challenges and many of those challenges will continue into 2021- a lot of uncertainty. I must say, I have to thank everyone that worked very hard to put together a 2021 budget including the managers, the department heads, the employees

and especially our budget team and finance team. I just want to recognize a few individuals; Kathleen Dennison and Jenelle Hanson from our budget department, Kitty Crow and Todd Button from our finance department, all the legislators, all the standing committees, and also near and dear to me is the Audit & Control Committee, which I chair with Jay Gould, Mark Odell, Terry Niebel and Tom Harmon, who spent the entire week up here working on the budget. A lot of good information was shared by all the managers and committees and I feel good about the product that we put together. Yes, there is uncertainty and I know we've discussed that, but at this time I feel this is the best picture we can paint and although we have a small tax rate increase, of about five cents per thousand I encourage everyone to vote on this. Again, I want to thank everyone for all their hard work.

Chairman Chagnon: Thank you. Are there any other questions or comments on the resolution?

Legislator Niebel: First of all, I would like to thank Chairman Nazzaro for all of his hard work as chairman of the Audit & Control Committee. I would like to say that while I'm in agreement with a decrease in the projected sales tax revenues- look, I'm also in agreement with re-establishing contingency fund. I just don't think the contingency fund at the level that we funded it. I would like to see that reduced from the \$500,000 that we have before us to \$133,109, which would put us back at a tax rate increase of \$8.46 per thousand- the same tax increase that we had last year. With all due respect Chuck, I'd like to move to amend this resolution to reduce the tax rate from \$8.51 per thousand to \$8.46 per thousand – the same as 2020.

Chairman Chagnon: OK, there is a motion to amend. Is there a second? Is there a second to the motion to amend this resolution?

Legislator Rankin: I will second.

Chairman Chagnon: It's been pointed out to clarify the motion to change the resolution specifically- the account that you want to change.

Legislator Niebel: The contingency fund. To reduce that contingency fund from \$500,000 to \$133,109 and I believe that takes us back to the \$8.46 per thousand that we had last year.

Chairman Chagnon: Thank you for clarifying that. Legislator Rankin are you OK with that clarification with your second?

Legislator Rankin: Yes, I am.

Chairman Chagnon: OK- discussion on the motion to amend the resolution?

Legislator Nazzaro: Terry, you probably figured I would speak on this. I appreciate Terry's comments, however (*inaudible*) with what I just stated in my previous comments, 2021 has a lot of uncertainties. The pandemic- a 100 year pandemic- the numbers are growing not only in our county, but nationwide. The economic impact on our businesses is going to continue to be severe. We have sort of dodged a bullet this year in 2020 with sales tax because internet sales

have been high. We are now able to collect sales tax. I think people were spending more because in the summer months they got the stimulus payments and the \$600 federal unemployment, but 2021 we only reduce the sales tax projections by half a million dollars. That's not a lot. We have \$3.8 million in property taxes that (*inaudible*) increase our reserve that may become uncollectable in 2021. We are not sure what our federal and state aid will be for additional costs incurred to keep people safe. I just encourage everyone not to support this amendment because when we get into 2021 that half a million dollars may seem like a significant number, but that could be used up very, very quickly. I appreciate all the hard work by Mr. Niebel, but at this time I cannot support that amendment. Thank you.

Chairman Chagnon: Other comments or questions on the motion to amend the resolution?

Legislator Niebel: Mr. Chairman, I would just like to respond to my colleague Mr. Nazzaro.

Chairman Chagnon: Sure.

Legislator Niebel: It's true. Our expenditures might increase next year, but possibly so could our revenues. Our sales tax could come in in excess of what we're projecting here tonight. Maybe, just maybe we would receive money from our tribal compact agreements, which we have not been receiving for the last several years. So, while I agree with Mr. Nazzaro that there is a lot of uncertainty- there is a lot of uncertainty with our expenditure, but also with our revenues. So, I am in favor of the motion of retaining a rate of \$8.46 per thousand increase. I'll just toss this out as an observation, but look, our unemployment rate in Chautauqua County is 6.2%. We have a lot of people that are hurting in this county- a lot of businesses- a lot of people that are unemployed. I just don't want to take any more money from those tax payers than we absolutely have to run the county government. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the motion to amend?

Legislator Nazzaro: I just want to point out that I too understand not wanting to raise the property tax rate, but again, we're talking about 5 cents per thousand. Which is a tax rate of \$5 on a \$100,000 home. Five dollars. On a \$50,000 home that is \$2.50. So, what we have to be cautious about is in 2021 when taxes aren't paid and things don't come to fruition, we're going to have to go into our fund balance which is only hovering around 5% of our revenues right now. So, part of our plan is looking beyond 2021. It's looking at 2022 and beyond. Nobody has a crystal ball, but we're just trying to do the best with what we know now. Thank you.

Chairman Chagnon: Thank you.

Legislator Niebel: With all due respect to Mr. Nazzaro, look, I understand it' only \$5 per thousand, but that's this year. A few years from now if we keep increasing we'll be looking at \$25 per thousand and after that maybe \$50 per thousand. The problem is that we're only talking about increases- these increases keep increasing and again I would like the taxpayers to keep as much money as they possibly can. Again, we do need a certain amount of money to run county

government but let's not take more money from the tax payers than we absolutely have to. I think this year keeping the tax rate at \$8.46 per thousand, the same as the 2020 rate is reasonable. That's what I would like to see this body do this evening.

Chairman Chagnon: OK, are there any other comments or questions on the motion to amend?

Legislator Odell: Thank you Mr. Chairman. Terry, I appreciate your sentiments on trying to hold the tax rates flat against last year and this body has demonstrated in the past that when we can we have reduced and this is not the year to do it. (*Inaudible*) July and August, which were the months that people received their stimulus checks and couldn't shop out of town, couldn't go to retail, and had to shop online we brought those revenues right (*inaudible.*) with Andrew Nixon providing us with some sound data of our tourism numbers are going to be off in excess of 40% in 2020 as an indicator of our occupancy tax revenues, which will go hand in hand with our sales tax revenues. Putting the \$500,000 of our contingency budget in place is the prudent thing to do. Thank you.

Chairman Chagnon: Thank you. I saw Legislator Vanstrom's hand go up- do you have a comment on the motion to amend?

Legislator Vanstrom: (*Inaudible*) extremely hard to take one more penny out of the pocket of our hard working tax payers. So many people have been suffering, going through extreme conditions and having major family challenges during this time. And to echo my good colleague Elisabeth Rankin, we have probably dealt with hundreds and hundreds and hundreds of people locally that are enduring very hard times right now. Maybe some people are doing alright, but many are not and their unemployment benefits were not coming in fast enough. We were doing everything we could to assist that, but the strife is real and it's big. Some people cannot afford groceries and it's not a joke, it's real. The food pantries are strained, and other resources are at the limit as well. Some people aren't qualified to anything due to their past employment. So, I do have to say that Mr. Niebel does have a good idea and it might be something we need to exercise this evening. Thank you.

Chairman Chagnon: Thank you. Any other questions or comments on the motion to amend the resolution?

Legislator Rankin: Thank you Lisa. Lisa and I have been dealing with that a lot. The five dollars per thousand may not seem like much, but to some people it's going to feel like it's pushing them over the edge. As someone else said, five dollars now, ten dollars next year and then after that (*inaudible.*) We can't send out stimulus checks but we can avoid additional increases in their taxes as a way of showing support for the residents of our county. Thank you Mr. Niebel for the amendment. At least we had the chance to talk about it.

Chairman Chagnon: OK, thank you. Any other questions or comments on the motion to amend the resolution? Any other comments or questions?

Legislator Odell: Could I ask for a roll call vote?

Chairman Chagnon: Will the Clerk please call the roll?

Motion to Amend RES. NO 228-20 – R/C Vote 5 Yes; 14 No – Motion to Amend is Defeated

Chairman Chagnon: OK, that brings us back to the resolution as presented. Other discussion or question on the resolution as presented?

Legislator Pavlock: I just want to say I'm in support of the budget this year and we do have some unknowns regarding our COVID-19 situation. (*Inaudible*) I feel the contingencies are proper. I would hate to be working backwards and come up with some extra money. I think it's just smart. I'm never for raising taxes, but for this I have to be and for this hopefully not be used, but probably will be. Thank you.

Chairman Chagnon: OK, other questions or comments on the resolution?

Legislator Ward: I would like to thank Legislator Niebel for the token- I mean it's kind of becoming a token because we didn't approve it, but it certainly is more than a token. It's a demonstration, and it's on record, that this body does care and is very concerned going forward that there are folks- all of us who are struggling right now and I really appreciate what you have done Mr. Chairman, and what everyone who has worked on this has done and for all of us that are trying to be watchdogs of everyone's purse strings. Thanks.

Chairman Chagnon: Thank you. Other questions or comments on the resolution as presented? Hearing none and seeing none, will the clerk please call the roll?

RES. NO 228-20 – R/C Vote 18 Yes; 1 No – Adopted (*Legislator Niebel Voting "No"*)

Chairman Chagnon: We have an emergency resolution which has been laid on the desks.

Clerk Tampio: If brought to the floor it would be RES. NO 229-20 Approve enrollment in the New York State COVID-19 vaccination program.

Chairman Chagnon: I believe Legislator Pavlock would like to make a motion?

Legislator Pavlock: Yes Mr. Chairman. I would like to make a motion that we bring this resolution to the floor.

Chairman Chagnon: OK, we have a motion to the floor for discussion. Do I have a second? I have a second by Legislator Whitford. Discussion on the motion to bring this emergency resolution to the floor? Are there any questions or comments? All those in favor please say aye? Opposed?

Unanimously Carried to bring RES. NO. 229-20 to the floor

Chairman Chagnon: OK, are there any questions or comments on the emergency resolution? I'm hoping that Christine Schuyler is still available for comments?

Mrs. Schuyler: I'm here. This resolution is for us, as the local health department, to enter into an agreement with the CDC. The prior agreement is (*inaudible*) but the local health department enrolls and submits for vaccines to the State Health Department. Private entities also enroll through this program. Part of our emergency public health response –it's imperative in local governments to enroll in this program. (*Inaudible*) similar to the vaccination for children program and it really is our only way to become a COVID-19 vaccine provider. The State has reached out to local health departments to enroll before any other providers enroll. As soon as they get done with local health departments it will move on to other private providers- pharmacies, hospitals, etc. Enrolling in this is necessary to receive publically supplied COVID-19 and ancillary supplies such as needles, gloves, band aids, PPE and anything else that we need in order to provide a COVID-19 vaccination. In this pandemic, the State is relying very heavily on local health departments to assist with (*inaudible*) similar to what we did with H1N1 pandemic. Depending on the availability of the vaccine, local health departments may need to implement mass vaccinations (*inaudible*) or what we call point of dispensing sites. We're in partnership with other providers but that is also (*inaudible.*) During the H1N1 pandemic vaccines were provided free of charge to local health departments in the same manner that it's laid out right now for the COVID-19 vaccine when it becomes available. We were also provided with a (*inaudible*) emergency preparedness grant money to cover the cost of those immunization pods. I don't guarantee, but I don't foresee any local share costs that will be related to immunization pods and there are no costs whatsoever related to enrolling in the program itself.

Chairman Chagnon: Thank you. The reason that this is an emergency resolution is because of the immediacy that the State required. We couldn't bring this to the committees for discussion and review next month because they required an immediate response.

Mrs. Schuyler: That's correct. We received this notice from the State health department October 21st and they wanted our response by the close of business on the 23rd. They wanted the agreement signed and back. They just had this assumption that the local health departments and public health directors could just sign off on it and just send it back, but as we know it doesn't work that way. It doesn't work that way for a lot of counties. We were hoping we could get this through at this month's meetings because I do not know if the state is going to give us another month to try to get this through.

Chairman Chagnon: Thank you. Any other questions or comments on the resolution?

Legislator Rankin: Christine, I know that you said there's probably no local share for us, but are there other requirements for the county as far as how we manage it? How to distribute? How many people have to get it? Anything along those lines?

Mrs. Schuyler: No, there's nothing along those lines. They do ask you for a guess of how many people you think you could vaccinate but it's nothing more than what is in our pandemic plan already.

Legislator Rankin: (*Inaudible*) availability and not to distribution or anything?

Mrs. Schuyler: No, no. There is no minimum distribution or no minimum that we, as a health department, would have to vaccinate. The state really relies on us more for a coordination roll and to be able to go in and vaccinate where other providers aren't available or can't, such as our safety net populations or in our county it could be Amish, it could be going into the schools directly such as we did with H1N1 one time. I'm hoping with enough lead time and enough outside providers that enroll in this program we're going to see an ample amount of people to actually do the immunizations. Our roll could be a bigger role when it comes to storing vaccines, and distributing it to providers to actually give the immunizations. (*Inaudible*) and that's where I think they see the role of the local health department is more of an oversight and distribution. If we have to vaccinate, we'll vaccinate, but we have to sign onto this program or it really doesn't (*inaudible*.)

Chairman Chagnon: OK, other questions or comments?

Emergency RES. NO. 229-20 – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS

Chairman Chagnon: Are there any announcements to come before the Legislature? I have one announcement that I would like to read. The Chautauqua County Legislature Committee meetings and the Chautauqua County Legislature meetings will be resuming to a Zoom only format next month. This is being done with an abundance of caution and concern for the health and welfare of county staff, the public, and legislators. Now that the 2021 budget is done, now that the indoors season is upon us, and with an eye to the increased incidents of COVID-19 cases the County Legislature will lead by example by reducing the risk associated with our group meetings. Thank you. Are there any other announcements for the good of the order?

Legislator Odell: Thank you, this is just a (*inaudible*) announcement. At the request of many constituents out there across the county, but also to my legislative colleagues who have approached me, it looks like we'll be developing a resolution to further address renewable energy PILOT agreements within Chautauqua County. In April of 2018 a resolution was put forward requesting that the IDA issue no more PILOT agreements for wind projects in excess of 5 megawatts. It's been requested by several of my colleagues as well as several constituents throughout the county that we implement the same for solar projects. So, that will be going through investigation and development going forward. Thank you.

Chairman Chagnon: Thank you Mark. Are there any other announcements? Hearing none and seeing none, we'll move to the second privilege of the floor.

PRIVILEGE OF THE FLOOR

My name is Mark Twitchell from Fredonia. Mr. Chairman and Legislators, I would like to express my concern of large electric storage battery systems in the towns in our county. The proposed (*inaudible*) solar project will contain a 20 megawatt battery. These batteries have a history of fires and fires with injury to first responders. There is only one other storage battery of this size in New York State and it's only been in service for a year (*inaudible*.) I believe that granting of a PILOT for this South Ripley solar project is premature because the company has not yet filed an application for the Article 10 process. There is time for consideration. Although the company has filed a (*inaudible*) statement under Article 10, they have not stated or disclosed the location for storage of this 20 megawatt battery. Most importantly, the Town of Ripley has adopted a moratorium on battery placement by drafting a local law to regulate. The PILOT at this time will interfere with the town's due process and (*inaudible*) law. Members of the legislature, please consider a resolution adopting an immediate moratorium on the Chautauqua County Industrial Development Agency granting of PILOT agreements for solar and battery projects in towns with incomplete (*inaudible*) battery solar project regulations. Thank you.

Chairman Chagnon: Thank you. Is there anyone else wishing to address?

Mayor Rosas: Good evening. My name is Wilfred Rosas and I'm the mayor in the City of Dunkirk. I reside at 786 Central Avenue in the City of Dunkirk. I'm here this evening as the newly elected vice chair of the Chautauqua County Democratic Committee. I'm here to speak on resolution 204-20 that was pulled earlier this evening. I am here to inform this body and all the voting members that the process that took place throughout this whole year was a long and gruesome process that brought us to a recommendation for you to consider. That process tore apart our committee. It has divided us. We followed due process per our bylaws and we had an election. While there are some members of our committee that did not vote for Ms. Torres, the majority of us did and that resulted in our recommendation of Ms. Torres for the soon to be vacant position of Board of Elections Commissioner. That process also brought forth the qualifications and there is no doubt in our minds that she is more than qualified. In fact, there are many members that believe she is the best qualified democrat to take on that position. Will there be a learning curve? Absolutely. There always is. There was when I became mayor. I can tell you that I have known Ms. Torres for pretty much all of my adult life and I know her to be a person of good moral character, I know her to be a trustworthy person, and I know that she is more than qualified. Personally, she has helped me in both of my last elections. So, I can tell you that during my campaign, as well as those of other democrats, she was very helpful. I know that she is very knowledgeable. I urge this committee- the voting members here this evening to please reconsider your position. This person here has earned this right and our committee, which I'm here representing today, went through a long process to make this recommendation. She has earned that right. It would help us all to move forward. Chautauqua County has a large amount of minority communities and we are feeling like they are disengaged. I am the mayor in the city where the most accurate and updated numbers as far as the census goes are those of the public school district and those numbers indicate that the student body in the Dunkirk Central School District consists of almost 60% Hispanic students. If you add another 10% for African Americans to that number you have close to 70% of the student body as minorities. Today, while I'm here I looked around at the leadership in our county and I don't see the representation of the minority community. This is very disappointing to leave this meeting today to know that we had an opportunity to bring on a good qualified candidate for this position and we are losing it. I urge

you again to reconsider on behalf of the Chautauqua County Democratic Committee. You don't realize how important this is for our community as a whole. She will become, and make history by becoming the first person of color in this position. She will become a role model to the minority community that we are trying to reach county wide and she will become a role model state wide. So, I urge you to please reconsider. I respectfully request that you approve our recommendation of Luz Torres for board of commissioners. Thank you.

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

Hi, my name is Ned Divine and my address is 618 Main Street in Dunkirk. I'm also the (*inaudible*) of the County Democratic Committee. When I was coming here tonight I was full of excitement. I know Luz Torres. As the mayor had appropriately stated, our county democratic committee- fighting lot of the constraints of holding a meeting based on the COVID, we were able to come to an agreement. Our agreement was and our recommendation to this body is that Luz Torres become the next Democratic Elections Commissioner. I've known Luz Torres for many, many years. She is a very honest person, she is trustworthy, she is dependable, she has the experience in the Board of Elections as the Deputy Commissioner and it baffles me that she has to overcome an additional barrier that is unknown to us. So many people of color and so many women have had to endure extra barriers when she should be considered by this body. I urge you to reconsider. Thank you very much.

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

I'm Lillian Rodriguez- Divine of 618 Main Street. I am a former county worker- part time at the County home, four years with the Office for the Aging, 5 years full time with the Board of Elections and for the last 8-9 years I've been working part time or seasonally for the Board of elections because they continue to value my work. I came here tonight to support Luz Torres as the next Board of elections Commissioner, but unfortunately that resolution was removed from the agenda and unfortunately I was in the overflow room, so I didn't get to hear or see how that happened because at that time it wasn't coming in clearly in there, but I'm still here to support her as the next Board of Elections Commissioner and I'm here to ask you to consider approving her the next time that comes back to the agenda because at this time she is still our current deputy commissioner, she knows how the office is run, she knows election law, she knows all the work involved since the state has implemented the new voting machines and the new electronic books, the new early voting process. She has the qualities that it would take to supervise employees successfully so we had successful elections. I worked there, I saw her, and I worked alongside her and I still do seasonally. She is the name that the County Democratic Committee put forth to consider for the next Democratic Commissioner. This choice makes sense on multiple levels and I still hope that when it comes back to the agenda you will also decide that she is the right choice. Thank you.

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

Good evening County Executive, Chairman, and Legislators. My name is Robert Galbraith. I'm a member of the Ripley Fire Department and I'm also a concerned citizen here to talk to you about my concerns and my colleagues here about the South Ripley Solar Project. A little bit about the project- a very brief overview- it is 270 megawatts, it's going to encompass the facility size for this is 4,500 acres. Of that 4,500 acres, 2,000 of those acres are wooded. The rest is agricultural and wetlands - to give you some perspective on the magnitude of this project - it's extremely big. ConnectGen, LLC of Texas has (*inaudible*) 2,000 of those acres will be developed through excavation, blasting and a number of different things to prepare South Ripley for 2,000 acres of solar panels. Again, the design size of this is 270 megawatts. Along with that, is a 20 megawatt battery solar energy storage system. It's one of the largest in the country. These are lithium ion batteries. It is my thought that energy storing battery systems and using ion batteries - I'm afraid that the politics has gotten ahead of the science. Right now, New York State does not have guidance or policy or training for first responders on how to fight a fire in a battery energy storage system. These are extremely volatile systems and the magnitude of these given that 20 megawatts of batteries- 600 volt system- it's substantial. That gives you a little bit of an overview. You should have a point paper that was provided to you earlier today and if you haven't read it, I would like encourage you to read it. This is a very serious issue for South Ripley. The citizens of Ripley and South Ripley are here to speak to you as well as first responders about their concerns. I am urging you, the Legislature, to adopt a no PILOT resolution to send to the IDA (*inaudible*.) My biggest concern with this besides what I've just spoken to is that Chautauqua County and our neighboring counties could become a green energy wasteland. These places can (*inaudible*) and we seem to be the (*inaudible*) out here. Again, I urge you to educate yourself, be informed and make an informed decision. Thank you.

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

My name is Edwin Ramos 214 South Roberts road, Dunkirk, New York. I'm also the city clerk for the City of Dunkirk. On my way over I had numerous texts- people wondering what was happening with Luz- had she been confirmed. The community is very much behind Luz. I had to text that Luz's resolution was pulled off the agenda and my phone has not stopped buzzing with people wondering why. I was also in the other room, so I have no answer for them. It has created a buzz with our community and I did want to read a letter to you that was sent by one of my employees that has worked with Luz. "*Raymond Rosas - 129 Maple Avenue, Dunkirk, New York 14048*

Dear Chautauqua County Legislature

I'm writing to recommended Luz Torres for the position of Election Commissioner. I have known Luz for many years as a friend and Co-worker at Chautauqua Opportunities and The Department of Health and Human Services. Luz is bright, articulate, and hard working. She has a positive attitude that makes her a pleasure to work with.

In my years of experience, some people stand out for their great qualities and Luz is one of those people. She is well known for her work ethic, teamwork mentality, and being a leader. Since accepting the position at the Board of Elections in 2013 she has displayed excellent levels of commitment, respect, and dedication towards her job duties. As Deputy Commissioner she has attended many New York State training sessions on current Election Law alongside of the Commissioner's. She understands Election Law.

If approved Luz Torres will be the first Hispanic Appointed Department Head in Chautauqua County and it has created such a positive impact on our minority community not only in the City of Dunkirk but all of Chautauqua County.

Luz would be a tremendous asset for Chautauqua County and she is highly qualified for the position of Election Commissioner. Sincerely, Raymond Rosas”

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

Good evening, everyone. My name is William Booth from 46 East Lake Road, Ripley, New York. I am here representing Ripley's fire district. I'm on the board of commissioners and I'm speaking for them. First of all, I have to tell you every member of the fire department thoroughly enjoys clean air and clean water. When you come out of a fire you're wet, you're soaked, you're smelling of smoke and you like to breathe clean air and you love the clean water getting your shower. Secondly, we have no safety protocols in place for fighting fires in these solar panels. We have no access to get in between the panels. We are told that if we shut the panels off at one end we should be able to go through and fight the fire. I'm not an electrician but I know for a fact that as long as the sun is out, these panels are producing electricity putting my fellow firefighters in danger. (*Inaudible*) about the batteries- if these things explode and we have a catastrophic event you can count on a 7-10 mile cloud of chemical and cancer causing dust to cover that entire area. The safety of my fellow firefighters, the guys that have my back- all these people will be hurt and I don't want to see them hurt. This has the potential to really hurt the people that I love and work with. Thank you.

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

Hi, I'm Terry Henry 4865 Miller Road, Ripley, New York. I'm also in opposition to this solar panel for the reasons that many of them have already brought forward. This is also going to increase the chemicals found in the ground because your solar panels are going to be pushing the sunlight back- the ground needs to absorb that sunlight and you get 2,400 acres of solar panels it's going to put a lot of bacteria growing in the ground. It's going to kill our livestock and our animals that are in the wild. There's not going to room for the animals to come in and we have a big hunting area out there and everybody hunts and it's going to be that along with the safety of the firefighters and EMT's and we have no way of knowing – if someone gets sick from this what are we going to do? We don't know. We have to play it by ear, so with your help we can stop these solar panels. Thank you.

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

My name is David Brotz (?) 4873 Miller Road, Ripley. I am opposed to the South Ripley solar project for the reasons that have been mentioned but also for the effects on our environment. We are uphill of everything in our (*inaudible*) and everything goes downhill. The runoff from these solar panels will end up in Lake Erie, French Creek which is pristine fishing water. Also, I think it's a very bad use of land considering this project is using agricultural land. I think we need land to grow food on instead- (*inaudible*.) Thank you.

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

My name is Julie Rice. I live in South Ripley on (*inaudible*) Sherman road and I live right in the middle of the proposed solar project. When I was waiting downstairs someone asked me why I am opposed to clean energy. I'm not. We have the hydroelectricity already. The solar project that has been proposed by (*inaudible*) is massive. It would go right through my road and into other towns and what we've been dealing with as residents lately- I was in my back yard a few weeks ago and the researchers for the project flew a drone over my head. It stopped and either took pictures or video and continued on to where the researchers were. There would be the loss of farm land and once it's converted you cannot convert it back to farm land, which means a permanent loss of food source for all of us. The worst part is the risk (*inaudible*) life- there's the possibility and nobody knows how to fix this, fire, explosion. There would have to be (*inaudible*) and evacuation plans. How do you do that? People would have trouble breathing, long term side effects and there are many residents that actually have medical issues, including me. Four years ago I was diagnosed with stage 4 pancreatic cancer with just days to live. My husband did the brave thing and told the surgeon to go find the origin. They did. I had a biopsy later and I chose the most aggressive treatment possible. I went through three years of intense chemo and when I thought there was no other option I did a national search and found Dr. Trudy (?) at the Mayo Clinic and asked if I could help him do his research because I wanted to help other people. He said, yes, please come and see me and I want to help you. I went last year to the Mayo Clinic. I'm in a study and I'm the first stage four pancreatic patient to go through the new protocol, which is going into clinical trials, which means it will be available for other people. So, here I am now and you can imagine what I have gone through and what my family has gone through and what other people deal with in their lives and here is this massive project being considered that would truly change our lives forever. I want to ask you to please not approve this project. Say no to the PILOT resolution and please also know that we have seven pages of signatures of opposition to this project.

Chairman Chagnon: Thank you. Is there anyone else to address the second privilege of the floor?

Good evening. My name is Sean Harper, I live at 106 (*inaudible*) in the City of Dunkirk. I came here in support of Luz Torres and I sat here and I listened and I heard what was said and (*inaudible*) just because it was a change in opinion. How was there a change in opinion on a resolution he amended and now voted it down? He felt that his opinion should have been heard and he argued about it and you guys should change it, right? Well, no, you took a vote and that vote carried. There was a vote for Luz Torres to be nominated as the Democratic Election Commissioner. It was voted upon and somebody didn't like it so they just take it off the agenda? No. It was voted upon. There are so many young kids- I'm 60 and I'm not talking about me being a young kid, I'm talking about so many youngsters that will not go out and vote because of what happened here today. You removed something because it's not what you want. It's not about you. It's about those of us out there. You work for us. Like I said, I came here in support of Luz Torres but I heard one of my brother's stand here and was a first responder. (*Inaudible*) at ground zero on September 12th of 2001. I walked through this much ash and body parts. I understand what he's talking about when it comes to first responders. We're asking you, and you

have the power to tell these people no. That lady with pancreatic cancer telling you that if you change that land it can never be restored for farming or anything. It will be a wasteland. Like I said, I came for Luz Torres, but I felt their pain too, so I had to comment on that. My one question is when will the vote matter? When does it not count? When does it not resonate with everyone that sometimes you win and sometimes you lose. Thank you.

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

My name is Shirley Dunlap. I live at 17101 Northeast Sherman road in South Ripley. My husband and I have lived in South Ripley very close to where the proposed battery storage is and also where they want to put solar panels. From all the research and everything that we have heard and seen we are actually pretty scared for our way of life, our hunting, I have horses- my pasture will be decimated because the battery storage area, if it explodes, will definitely affect my life, my animal's life, all of my neighbors. My husband has been a firefighter. He's now retired but we certainly have close ties to all the other firemen. He's now a fire commissioner, so he's very much involved. We just are unhappy that it's come to this and I know that our way of life will definitely never return if the batteries are allowed to be. Thank you.

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

I'm Charles Dunlap. I'm the man she just talked about. My concern as a 43 year property owner and resident of South Ripley and 39 years in the fire department- please, I appeal to you, do not let solar panels take over our property and do not allow a battery storage area to become a potential bomb in our area. Thank you.

Chairman Chagnon: Thank you. Anyone else?

My name is Richard (?) and I'm from South Ripley and I don't believe the solar system should be implemented or even go in at all because the fire department would have no training at all if it was a catastrophe and the hospitals to have to care for all the people that get injured if we happened to have a catastrophe. Thank you.

Chairman Chagnon: Thank you.

Good evening. My name is Katie Smith and I reside at 4416 Lakeshore Drive in Bemus Point, New York. I'd like to bring us back to the Election Commissioner discussion. You all know there are rules to follow when appointing an Election Commissioner. Many of you know the rules better than I do, but I did a bit of research on this subject and several facts jumped out at me. The election law provides for party recommendations for Election Commissioner, but they shall be made by the county committee by a majority of the votes passed at a meeting of members when a quorum is present. The local committee may decimate (*inaudible*) but the committee must vote to create a sub-committee and I don't believe that ever happened here in Chautauqua County. On September 3rd the democratic executive committee held a zoom meeting and agreed upon a process to nominate candidates for their Election Commissioner. To my

knowledge the full democratic committee never voted specifically to authorize this zoom meeting. What's more important is the fact that no nominations were ever made during any sort of meeting where there was a quorum of membership present. The very letter of the law was ignored at the very beginning of this process. Candidates magically appeared without a quorum of any group to nominate them, let alone members of the committee. Ballots were prepared and mailed to committee members and most of the ballots were returned as instructed. On October 5th those ballots were collected and canvased, again without a quorum of any committee present. Eight people- very official – met in the office of Lewis & Lewis to count, but again the law was ignored. Democratic Committee members and very few private citizens were able to watch via a Facebook live stream. We were unable to take part in any way or comment. So, the process needs to be crystal clear. The process for recommending a candidate for Election Commissioner was deeply flawed. I commend you in pulling the resolution and urge you to go back and revisit the letter of the law and make sure all procedure and proper protocol are followed before you make your final recommendation. Thank you.

Chairman Chagnon: Thank you. Next, please.

I'm Kathleen Thompson. I live on North Road in South Ripley. My house is less than two miles from the proposed site for the battery storage. My husband and I are both firefighters. I have been at several meetings with (*inaudible.*)

Chairman Chagnon: Please speak into the microphone.

Ms. Thompson: And have asked them how we stop this and they cannot give us an answer, they just tell us that we have to leave. My thoughts are that if this is not safe, then why is getting put out where people are living? Most places that have the battery storage are deserts. We are not a desert. We are a wonderful farming community. We have the biggest aquifer in South Ripley. It feeds not only our state, but the state of Pennsylvania. We are hoping that you will help us stop the solar project for South Ripley. Thank you.

Chairman Chagnon: Thank you.

Hi, my name is Judy Einach and I live at 8 Beckman Avenue in Westfield, New York. I too would like to address the recommendation for commissioner. I witnessed the consequences of a troubling intentional reworking of our county committee bylaws. Until 2018 our bylaws stated that members of the town or city committees must reside in the district they represent. That was changed to allow the county chair to appoint members from outside the district if it benefits the interests of the party. Such appointments are ex-officio and effective only until a town or city reorganizes. In other words, out of district appointments serve a limited purpose. At our last full committee meeting in February it was clear that the majority opposed the wishes of the chair and the chairs remaining supporters. When COVID hit we (*inaudible*) being removed from the committee and new people appointed to fill their seats and fill long standing vacant seats. Some of the appointments were astounding. The wife of the Mayor of Dunkirk was appointed to fill a vacant seat in the Town of Poland. Bottom line, people with the active majority, whose weighted votes totaled 48 were removed and people with no attachments to the committee, whose weighted votes totaled 50 were appointed. The purpose of these removals and

appointments was to control the vote. We repeatedly heard the same story from newly appointed people that the pitch used to recruit them was this- this county committee is no big deal. You won't have to attend meetings or do any work. All you have to do is sign your proxy over to a particular individual who will vote for you. Typically the (*inaudible*) approves appointments. In this instance the chair requested approval by the officers. Of the four officers besides the chair, two were consistently (*inaudible*) the chair. The chair had no need to even bother to consult the other two for approval. It's our version of three men in a room. This process was not illegal, but it blatantly and systematically stacked the committee to receive an outcome that long standing, acting, principled people know was a brutal manipulation. None of this upheld the interests of the party. All it did was uphold the interests of a group who recognized they no longer had control of the full committee. These actions were taken for the singular purpose of subverting the will of the majority by controlling the outcome of the vote. With respect to the current recommendation for commissioner, that recommendation relies on needed votes that were not cast by people with knowledge of the candidates or the responsibilities of Election Commissioner. The extra votes needed to win were cast by people who were told how to fill in a mail in ballot. I've worked for the board of elections, helping people in nursing homes vote, I know how wrong it is to influence a vote. With your authority to appoint, please refuse to let this flawed process stand. We look to you to right this wrong. Thank you.

Chairman Chagnon: Thank you. Next.

Good evening. I am Phyllis (?) and I am the democratic committee chair person for the Town of Ripley and I reside at 7239 (*inaudible*) in Bemus Point. I just wanted to start by saying that what happened here in regards to the Election Commissioner has nothing to do with gender. It has nothing to do with race. It has to do with fair elections. I think people of our county want a fair election process and I think they depend on people like me and people like you to make sure that that happens. Earlier this year we were out canvassing- getting signatures on our (*inaudible*) petitions and I, along with other committee members were getting signatures too so we could be reinstated, reappointed and then COVID hit and suddenly less signatures (*inaudible*) less time to do it. So, we hustled and got everything done and I thought that things were great and then it came to my attention that some of our members are immunocompromised. They were afraid that they would get sick or worse, die. They were told it was going to be OK- they would be reappointed, but instead what happened is they were purged. They never got a choice to voice their position that was stolen from them and the upshot of that was a razor thin vote- 8 weighted votes determined who Election Commissioner- 8 weighted votes was. It was a spirited contest, but it wasn't fair. The system is flawed. When long time members in good standing are told that they are going to be reappointed, that they have nothing to worry about, when it was known that these people were immunocompromised there is a major problem. These people were denied their right to a democratic election. Their rights were not protected and there were absolutely no provisions at all that protected their positions. Yes, we're fractured. We've been fractured since January. We were fractured as the voting continued, and we are fractured now. What I just described to you is one of the reasons that we are fractured. Ms. Einach said it. It was a manipulation and we knew it. These people deserve to have their voices heard. So when we look at the recommendation for the Election Commissioner- when we look at the vote, we're looking at a flawed and unfair process and of course the result of that was the result of those 8 weighted votes. Thankfully we have a resolution- we have a way to resolve this and ladies and gentleman

that falls to you. You have the right to right this wrong- to right this flawed process. I thank you for removing the recommendation from the floor and I want to thank you all for listening to me. Thank you.

Chairman Chagnon: Thank you. Next? Please introduce yourself.

My name is Mike Rowe. I live at 9674 East Lake Road, Ripley, New York. I'm the chairman of the Democratic Party in Ripley and I'm the deputy town supervisor there. Talking about the flawed process- it never needed to reach this point. On January 16th we had a full democratic meeting scheduled and at that meeting the first thing on the agenda was to make a recommendation for democratic Election Commissioner for this body. That was the first thing on the agenda. That meeting was cancelled. I don't remember why. I do remember we had another full committee meeting on February 22nd. At that meeting the first thing they did was reject a proposal to establish (*inaudible*) election transition committee. That election transition committee would do a search for a new Election Commissioner. It was discussed and it was rejected by the full committee. It was pretty obvious at that point that they wanted to proceed with what (*inaudible*) to make a recommendation for Election Commissioner. At that meeting Bob Whitney made a motion and Bob Bankoski seconded it to open the floor for recommendations. After spirited discussion Bob Bankoski moved and Don Williams seconded to call the question of those nominations by paper ballot. This comes from the minutes of that meeting. In the midst of this discussion Jim Walton moved, without a call from the chair by the way, to adjourn the meeting. There was a second. I don't remember who did the second and it wasn't in the minutes and the next thing you know the meeting was adjourned- abruptly adjourned and everyone got very upset at that point. There was already a call to the question and that was left there and ignored. Then it was obvious that the committee was ready to vote at that time and they were denied the ability to do it and that was the only full committee meeting we had this year and there should have been a recommendation to you guys way back in February and we wouldn't have had to go through a very difficult process during COVID. (*Inaudible*) and by that time we had a whole different committee as opposed to the committee that was present for the February 22nd full committee meeting. The legislature has the sole responsibility to determine who is going to be the democratic Election Commissioner and we turn it back to you guys.

Chairman Chagnon: Thank you. Next?

Mr. Chairman, my name is Loren Kent I reside at 413 Route 62 in the Town of Ellington with a Conewango address. For full disclosure I was also a candidate who sought the recommendation of the democratic committee for Election Commissioner this year. I'm a long term committee member of about 35 years. I've served as the committee secretary for 18 of the past 20 years. I've served as a state committee member for 18 years and I just ended that term this fall. Following some of colleagues, I would like to concur. I also would like to stress the importance of maintaining a fair process in local government at all levels. I also need to say that I know Luz Torres and I like Luz Torres. I have nothing against a Hispanic woman as a department head in this county. Many years ago I worked towards the (*inaudible*) of the first black legislator here. (*Inaudible*) I don't think they should be using the race card. From the very beginning of our process to recommend an Election Commissioner candidate to the legislature

the process was flawed. From the unfair abrupt adjournment of our February meeting to the nomination of candidates and counting ballots without a quorum present, the process was unfair and flawed. From that abruptly adjourned meeting- a meeting that clearly ignored Roberts rules of Order or any other order- I think anyone that was in that room that day can attest that there was no order-until tonight, our entire process democratic committee members never had any opportunity to engage our candidates for Election Commissioner. Like Judy said, long standing members were removed, new members were appointed and shown how to fill in a ballot and we call that democracy? Eight weighted votes. (*Inaudible*) Instead, our committee was manipulated and stacked by certain members of our leadership in order to obtain a certain outcome. Some long standing members were disenfranchised during the petition process, perhaps because of COVID fears and other new members were selected and put into districts far from their home. Clearly our petition process was used very effectively. It's perfectly legal, I'm sure, but it was also muddled and absolutely, blatantly unfair. An abruptly adjourned meeting adjourned in the middle of a debate – that process is deeply flawed. A petition process that saw many long standing committee members disenfranchised and unable to vote- that process is flawed. A petition process that saw a person from Dunkirk placed in a position in the Town of Poland- that is flawed. The repeated lack of any quorum as re-nominated candidates and as we counted ballots, again, that process is flawed. No one in this chamber would struggle to come to grips if they were to lose a fair and honest election. If you lose a fair and honest election- we're all adults and we understand the nature of politics, but to be witness to a flawed process; that is not acceptable. It lacks both decency and order. I am not a mean, perpendicular (?) person. I have served my community in many ways since I was first elected as clerk of the Ellington Congregational Church in my home town. I was elected clerk when I was just 15 years old. So if I may, I will fall back on a bit of scripture tonight. 1 Corinthians 14:40 asks us to let all things be done decently and in order. I think that it is only right that the resolution was removed from the floor tonight and I applaud that. Thank you.

Chairman Chagnon: Thank you. Next?

Hello, my name's Marcia Johnson. I live at 138 Cushing Street, Fredonia, New York. I'm also chair of the Fredonia-Pomfret Democrats and I just want to say that we've been hearing a lot lately elections have consequences. We've heard this at the national level and at the local level. We held an election for officers and to make a recommendation for Election Commissioner. Every candidate on the ballot, including Ms. Einach, including Mr. Kent, every democratic legislator in this room agreed to the process. Not one person said there was a problem with the process. When we had the meeting to decide the process they all agreed to it. The election was held, ballots were sent out in the mail due to COVID and they agreed to get together and do a Zoom meeting, which was open to anybody in the whole country to watch. So, even though they feel there was not a quorum in the room, there was definitely a quorum of people watching. Now, the process- we've heard a few accusations here for instance they are saying that there were new bylaws. There were no new bylaws in 2018. We have the same bylaws for years and I think Legislator Bankoski could say that. Do we have new bylaws? Mr. Rowe, who spoke up here against people living in one district and being a representative in another district- well, his wife who lives in Ripley is in my district. She asked to be in my district- or I asked her, I don't remember, but she agreed to it. This has been happening for years because we can't always get people who live in the district. This is not a new situation as much as they'll want you to believe

that. Again, the process – when the vote was held- and Ms. Einach was in there, Mr. Kent was in there and many others were in there and they agreed to the process. Mr. Kent filed the resolution or the paperwork for the election, but he objected to the process? Or, is this something they thought up after they lost the election? Why? Why do they object to Ms. Torres being Election Commissioner? That is the big question since they agreed to the process. What is the problem? Why are 5 legislators not putting forth the will of the people of our district of all the committee people? This is a question for our legislators. She is eminently qualified. She has been in the job for many years and has acted as a supervisor and now this woman has been denied the position. There is a procedure to follow. If you feel there is a problem with the election, the procedure is not to deny it, but to file an Article 78 in State Supreme Court. Why has this not been done if there was a flaw with the procedure? They know that they won't win. That is why. There is no flaw. They didn't win, so they decided to come up with a reason to deny Ms. Torres the position that a majority of the committee (*inaudible*) voted for her. Again, elections have consequences. The people voted for Ms. Torres and our Legislators need to put her in the position and I respectfully ask you to reconsider. Thank you.

Chairman Chagnon: Thank you. Next?

My name is Gregory Rabb. I live at 518 Lakeview Avenue in Jamestown. I came here tonight to speak to you as a longstanding democratic committeeman, former vice chair of the county democratic committee, former chairman of the county democratic committee, delegate to the 2012 Democratic National Convention representing Chautauqua County and I served for 10 years as president and Councilman at Large of the Jamestown City Council and I'm now in my 35th year as a professor of political science at our local college and I thank you ladies and gentlemen for your support of the best community college in New York state. I've been watching this process as it unfolded and you all heard comments from various individuals tonight about how deeply flawed the process is. It pains me to watch my democratic committee not be small d democratic. This was wrong, it wasn't done properly and again, I want to emphasize that this is not about Luz Torres. This is not about the county committee discriminating against someone who is a woman and a member of a minority. As a gay man I'm very sensitive to how minorities are mistreated. I've gone through a lot of it myself. That's not what this is about. This is about a process that is not just flawed as some of my friends have pointed out, but it's grossly undemocratic. I too applaud the committee for pulling this resolution off the floor with the hopes that we can come to a democratic solution to a process that up to this point has been anything but democratic. Thank you.

Chairman Chagnon: Thank you. Next.

My name is Donna Carts(?), resident of the Town of Pomfret. I live at 5319 West Lake Road. I came here tonight to read a statement on behalf of Chautauqua-Cattaraugus Women's Action Group in support of Luz Torres as democratic Election Commissioner. In spite of everything that has happened here tonight, I still intend to read that. I still believe what we wrote when we drafted this letter and I will also backup the statements that Ms. Johnson stated earlier. Everything that she stated is 100% correct and I believe the naysayers are doing so solely because of sour grapes. With that being said, Luz is uniquely qualified for this position. She possesses a diverse resume, which highlights her experience and ability to handle the job. She

has an educational background in business management. Luz attended both Jamestown Community College SUNY Fredonia. Her work experience includes positions that required strict attention to detail, exceptional organizational skills and the ability to work with many different types of people. These experiences include, but are not limited to, case management, social welfare, journalism, as well as a wealth of experiences within the Board of Elections. She's worked for the Board of Elections since 2013 in a bipartisan manner to register voters, manage absentee ballots and ensure compliance with election laws and procedures. Luz set up and rolled out the very first early voting site for northern Chautauqua County. She has also led the (*inaudible*) bilingual voting program. As the sole Spanish speaker at the Board of Elections, Luz translates all documents required by Federal law to be translated into Spanish for voters in Chautauqua County. Luz also has experience with cyber security (*inaudible*) with the department of homeland security. (*Crosstalk coming from Zoom Room Screen*) She is one of only three County employees certified to create ballots and related programing. Luz is one of just two county Board of Election employees authorized by New York State Department of Motor Vehicles to access its full (*inaudible*) database. Additionally, she serves as deputy office manager, co-supervises all office functions and up to 600 employees during election season, as well as taking on the role of acting Election Commissioner during all absences of the current commissioner. She's already doing the job. While we support Luz because of her qualifications for the position, the importance of representation and historical significance of her nomination cannot go unacknowledged, although it's been acknowledged multiple times tonight. I will also add Latinos and women are important segments of the (*inaudible*) story of both the nation as a whole, and Chautauqua County, with women making up 51% of our population and Hispanics being the second largest ethnic group. Some could argue it's past time for a nomination like this to be made. I wanted to add that I hope you would join in our excitement over seeing such a nomination being made, but instead I will ask that you reconsider the appointment of Luz Torres to Democratic Elections Commissioner. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to speak to the second privilege of the floor? Anyone else wishing to speak to the second privilege of the floor? Madame Clerk, I believe we have some correspondence to address the second privilege of the floor?

Clerk Tampio: Yes. I have three communications to be read at the second privilege of the floor. The first one is to Chautauqua County Legislature "*regarding misdeeds of adverse actions by officials in the County/Town of Hanover*".

"Dear Chautauqua County Legislature: What does it take to be acceptable in a male dominated society? Shut up and put up is the usual female answer along with PUT UP being the rule of thumb for most women.

How about these experiences that has been outrageously hard to endure with the municipal government? Law, ordinances and general rules all discriminate against the female, such as ridicule, stealing of property/resources, bias/undermining action, threats/banned from public meetings, ignoring/misrepresenting the truth, disregarding trespassing, and of course, ethics (justice).

Is a female subject to political strangulation, abuse and no property rights? In Chautauqua County these labels certainly do!

Honor God with your best life "in Jesus name." Jeanne Polisoto 10/23/2020"

Chairman Chagnon: Thank you.

Clerk Tampio: The next is from Christopher Burt of Jamestown, New York.

“To the County Legislators tasked with making this decision and to the Voters and Residents of Chautauqua County,

Tonight on the agenda, you will find a resolution to appoint Luz E. Torres as the Democratic Election Commissioner for Chautauqua County. I am personally asking each and every legislator for your support on this resolution.

From the moment when I first met Luz, and accidentally tried to type “Loose” in my phone, she has guided me through the learning curve that represents the CCBOE. She has become a mentor and has provided guidance. I am proud to support Luz E. Torres for Democratic Election Commissioner for Chautauqua County.

Luz has the knowledge of working for the CCBOE before she put her hat in the ring for Commissioner. She has the experience of processing and mailing Absentee Ballots, designing and printing all styles of ballots we use in an election and the daunting task of maintaining a database of voters for Chautauqua County. Luz is also part of our “Area Director” model of management on Election Day, we divide Chautauqua County into 6 different segments of our 49 poll sites. Each Area Director is responsible on Election Day for the oversight of between 7 and 10 poll sites in their segment. This model allows the CCBOE to rapidly respond to situations throughout Chautauqua County by having a set of people who are dedicated to serving a few select sites. However, the work does not just happen on Election Day. Area Directors are responsible for the testing of machines deployed to their poll sites. Area Directors are responsible for the proofing of their ballots, of all types to make sure that on Election Day, when two thousand ballots are delivered to a poll site, every single one of them will scan in the machine without issue. Luz has more experience in these aspects than even the Election Commissioners who are currently serving the people of Chautauqua County. This is why it is imperative for Luz to be confirmed to the Election Commissioner role. Chautauqua County is often ranked highest across NYS and receives praise from all who work with the CCBOE. But just imagine what having someone who has done all the work can do for Chautauqua County. Someone who has experienced every situation first hand and understands how to quickly and efficiently overcome any barrier. This person is Luz Torres.

Please consider this my formal request for you to confirm the nomination of Luz E. Torres for Chautauqua County’s next Democratic Election Commissioner. Signed, Christopher Burt, 1004 Prendergast Avenue Apartment 2, Jamestown, New York”

I have one more. This is from the South Ripley/Ripley Neighbors for a Safe and Informed Community

*“To: County Executive and County Legislators, Chautauqua County New York
Subject: Comments from public to Chautauqua County Legislature monthly meeting October 28, 2020*

We, the concerns citizens of the Town of Ripley and other concerned citizens of the area, hereby request that the County Legislature pass and send a No PILOT Resolution to the Chautauqua County Industrial Development Agency (CCIDA) regarding the application of ConnectGen, LLC for Payment in Lieu of Taxes (PILOT) proposal for the South Ripley Solar Project. As information, it is believed that the CCIDA will be voting on the PILOT application

from ConnectGen, LLC in their November meeting, therefore it is imperative that this be done before the meeting. Why are the Concerned Citizens requesting this?

1. The proposed project encompasses 4510 acres of land (facility); of this 1994 acres is forested and the remainder is high value agricultural land. This proposed project facility encompasses 14.5% of the land mass of the Town of Ripley. This project is anything but green will turn pastoral South Ripley into a wasteland.

2. Should this project PILOT be approved this will turn Chautauqua County over to the insidious, thinly capitalized, LLC green energy developers who will repeat the South Ripley process all over Chautauqua County. These LLC's use outside contractors across the board for design, installation, commissioning and operations of these facilities. Chautauqua County is under attack from Wind and Solar companies from all over the country who seek to profit from generous subsidies, and tax and carbon credits, all at our expense.

3. Science for Battery Energy Storage Systems (BESS) has not caught up with the politics of green energy. BESS are still very unproven and susceptible to overheating, thermal runaway, and fire. This puts all First Responders and the local population at great risk from explosions, toxic gases and liquids as the result of a fire at one of these facilities. New York State Fire science does not offer any type of training nor documentation on combating these types of fires.

4. Solar insolation (kw/m2/day) in Chautauqua County is the worst in the nation. The solar insolation in the Southwest US is 3 times better than our area, yet the opportunists are here.

5. This company is from Texas so very little of the revenue from Operations will be returned to the NY State taxpayer. This only provides more burden on our community, and local and New York State taxpayers.

6. Chautauqua County is a vacation mecca and a major source of income for our county. Allowing these green energy projects to proliferate all over the county will only discourage people from visiting the county for its lakes, scenic vistas, activities, and our bounty of unblemished green space.

7. Solar panels are made up of rare earths and other environmentally sensitive material of which if damaged can release toxic materials into the soil which could have a surface and ground water impact. Tributaries of Twenty Mile Creek, a creek designated by New York Natural Heritage program as creek of "High Quality Occurrence of Uncommon Community Type", which means that it is very special. These tributaries flow right through this proposed site. Also, when depleted there is no way to recycle these panels. Since they are classified as hazardous material they are disposed of by putting them in landfills. Not very green,

8. This company, much like Cassadaga Wind, will use out of state workers for the construction of this project thereby offering little economic opportunity for the local workforce.

9. To summarize: We urge the legislature to pass a No PILOT Resolution prior to any IDA Board meeting that will review the ConnectGen PILOT agreement. We ask that the legislature request the CCIDA delay the ConnectGen PILOT application decision in order for the legislature to deliberate and decide on such a resolution. The County Legislature's consideration of this request is greatly appreciated.

Attachment: Petition of Opposition signatures of citizens against the proposed ConnectGen South Ripley Solar Farm"

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the meeting was adjourned. (8:50 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Ames, Deputy Clerk/Secretary to the
Legislature