

Regular Meeting  
Chautauqua County Legislature  
**Meeting was Held Virtually due to Social Distancing Guidelines  
And Live Streamed on Social Media**  
Wednesday, March 24, 2021 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:34 p.m.

Clerk Tampo called the roll and announced a quorum present

Legislator Davis delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (02/24/2021)

1<sup>st</sup> Privilege of the Floor

Clerk Tampo: I will read the comments for the first privilege of the floor.

“Greetings,

*I am writing to express my support for Loren Kent being named Election Commissioner. Mr. Kent offers a wealth of experience and knowledge of local politics and election law. His civic service extends back to his youth, and his service in his church, and he is meticulous and conscientious, in his writing, his employment, and his volunteer work as Secretary of the Democratic Committee, both important traits for this position.*

*Most importantly, in my opinion, Mr. Kent is deeply ethical. His dedication to the residents of Chautauqua County is proven. I trust that Mr. Kent will uphold election law and will perform every duty in the service of delivering free and fair elections to all voters in the County.*

*Thank you for your consideration.*

*Sincerely Yours,  
Kristina Benson”*

Clerk Tampo: “Dear Mrs. Tampo and Legislature,

*I am writing to you to express my support on behalf of Loren Kent to become Chautauqua County’s next Election Commissioner. I know Loren to be a hardworking, trustworthy, political leader. He is a lifelong Chautauqua County resident and has been an active political leader for years. I know Loren has the experience, organizational skills, and temperament to serve as commissioner. I support Loren Kent 100% and ask that you do the same.*

*Sincerely,  
Phyllis C. Caloren  
Chairperson, Town of Ellery”*

Clerk Tampo: “Good evening-

*As a lifelong Democrat and a resident of over 45 years, I have been appalled at the situation regarding the Chautauqua County Democratic Party Election Commissioner. I have followed this situation closely in the newspaper, and I cannot understand why you, the Democratic County Legislators, did not follow the established procedure of appointing the recommended candidate based on the wishes of the majority of the Democratic Party committee. I have not seen a single article or op-ed from any of you that explains why you have decided to nullify the wishes of the majority.*

*The paper reports that you plan to vote on the appointment of a different candidate at the March 24 meeting (tomorrow). I have not read nor heard any reason why this candidate should go forward over the recommended candidate, Luz Torres. Can you tell me how the candidate you propose to install is better qualified or has more experience than Ms. Torres? Can you explain to me why you have dragged this process out to the point that the previous commissioner (who I assume is out of favor with you) has had to extend his work in this position despite the expiration of his term? Are you able to articulate to your constituents the reasons behind this entire debacle, at a time when the Democratic Party needs to utilize its strongest resources to reverse the decades-long decline we've seen in this county?*

*Either appoint the most qualified person or tell us why your preferred candidate should get the nod. You owe that to us.*

*Sincerely,  
Wendy S. Dunst  
Sheridan, NY"*

*Clerk Tampio: "Dear Chautauqua County Legislator,*

*It pains me to learn that you have decided to ignore the will of the Democratic party to elect Luz Torres for the position of Election Commissioner, and instead are choosing to install a less qualified person for the position. The members of the committee voted for the most qualified candidate, Ms. Torres. How do you justify installing a less qualified white man over a more qualified Hispanic woman? Please offer a transparent explanation for the decision. You are making a mockery of the democratic process and the Chautauqua County Democratic party. Respectfully submitted,  
Mary Charbonnet  
Fredonia, NY"*

*Clerk Tampio: "My name is Judy Einach (I-knock). I live at 8 Beckman Avenue in Westfield, NY.*

*Several months ago I addressed this body to explain the process that resulted in a tiny weighted vote difference between the only 2 people who were ever voted on by the full Democratic County Committee to be put forward as our recommendation for Election Commissioner. In spite of the generally successful attempt to sway that vote, Loren Kent maintained his position as Party Secretary and was a mere 8 weighted votes shy of winning the recommendation. These 2 factors signal the strength of support for Kent in the face of an attempt to create an impossible obstacle.*

*Tonight I want to tell you a short story about the Loren Kent I know. Loren is a man who's dedicated his life to the Chautauqua County Democratic Party. From the time he was 8 years old helping his dad circulate petitions to the last 14 months when he's worked tirelessly to achieve a position of senior leadership in the Party, Loren has built a record of achievement.*

*Loren led the Young Dems when he was a young man and later served, and continues to serve, as an officer of the County Committee. He has watched and learned from different Party Chairs who have taught him the difference between good and not so good leadership and what that means for the 2 Party System in Chautauqua County. From his years of highly respected service on the State Committee, and as a judicial delegate, Loren has developed a vast network of connections few others in our Party can claim. He brings a profound understanding of the role and responsibilities of an Election Commission and enters the position with a familiarity with election law that exceeds that of most other new Commissioners. Over the years Loren has helped more candidates win elections than anyone else I know has. Yet he knows as Election Commissioner he is responsible for safe, fair elections for candidates and voters from every Party or no Party at all. Loren is one of those unique leaders who brings intelligence and understanding of people to leadership. Loren is a person with integrity. As those of us who study leadership know, integrity is the essential characteristic of successful leaders.*

*Over the last 14 months Loren has been accused of absurd falsehoods from being unqualified, to being a resident of another county, and worse, to being other than an equalist. His response has been a simple rebuttal stating the facts. He has never stooped to the level of his accusers but rather has maintained his dignity, as a good leader does.*

*Over the years I've known Loren he has become among my very few closest friends. I would trust him with my life. I trust him with and have faith that he will be an outstanding Election Commissioner who elevates the status of the Democratic Party in Chautauqua County and who strengthens the 2 Party System here, which has suffered over the last decade. I am profoundly grateful for the wisdom and courage you, as Legislators, Democrats and Republicans, have shown by advancing Loren Kent for Democratic Election Commissioner. God bless you and God bless the United States of America."*

Clerk Tampio: *"To be read to the County Legislature:  
As you gather to consider the appointment of a new Election Commissioner I would like to add my voice to those supporting Loren Kent. He has been active in politics since he was a teenager and has worked on local, county and State committees. I know of no other person as well-versed in election law and local politics. He has demonstrated the ability to positively resolve conflict within and between political parties. Many currently serving in the legislature have benefitted from this ability. Loren has always been committed to encouraging people to be active in political life whether as Democrats, Republicans, or Independents.*

*Michael Rowe  
Deputy Town Supervisor  
Town of Ripley"*

Clerk Tampio: *"Dear Legislators Starks, Bankoski, Nazzaro, Whitney, and Whitford:  
First, thank you for putting yourselves out there as legislators and for what no doubt is often a thankless job that involves late night meetings and plenty of work. In addition as legislators in the minority, your job is doubly difficult and I appreciate your efforts in that position.*

*I am writing to express concerns after reading an email that Leslie Wylie shared with permission from Legislator Whitney\* wherein he makes clear that all of you are utilizing what can only be called a misuse and undemocratic use of your power despite that you think that Ms. Torres is qualified for the position, despite that she was voted for and recommended for the*

*position of election commissioner by the county Democratic Party, despite that you think she has a future in the party; but because her boss has “drug her down” whatever that means in real terms. To put it bluntly, your complaints about Norm Green should not be a consideration in your appointment of a new election commissioner.*

*You are united in your cause, but your efforts to conflate this appointment of election commissioner with your concerns about the chairman of the county democratic committee and current election commissioner are damaging to democratic principles, to the all of good Democrats in the county, and to your own stated cause.*

*Please use your principles and good sense to see that your resolution and use of Ms. Torres as a pawn shows a lack of regard for democracy, for human decency and really in the end will not serve your stated and intended goals.*

*Regards to you all,  
Susan Parker  
82 Newton Street  
Fredonia NY”*

*Clerk Tampio: “Dear Kathy Tampio  
Please ask the legislators of Chautauqua County to confirm Loren Kent as the next election commissioner for Chautauqua County. Loren Kent is knowledgeable, efficient, and experienced. Thank you for your consideration.*

*Sincerely  
Susan Baldwin  
Resident/Town of Villenova”*

*Clerk Tampio: “Ms. Kathy Tampio, Clerk  
Chautauqua County Legislature (Via email)  
RE: Appointment of Democratic Election Commissioner – Privilege of the Floor*

*Dear Ms. Tampio,*

*The undersigned respectfully requests that this letter be read to the full Legislature at its March 24, 2021 Meeting and placed in the record of the formal proceedings for the meeting.*

*The Legislature has a resolution on its Agenda seeking the appointment of the Democratic Election Commissioner. As outlined below, the undersigned oppose consideration of this resolution and or its adoption without fair and transparent consideration of Ms. Luz Torres for the position as Democratic Election Commissioner.*

*The sponsors of the pending resolution have failed to give consideration to the appointment of Ms. Luz Torres – and aim to gain the cooperation and cover of the full Legislature in their unfair efforts.*

*The pending resolution should be withdrawn or defeated because it is unfair in its treatment of Ms. Torres; the process employed by these legislators lacks transparency; and the legislators lack honor in this action.*

***Fairness***

*The Chautauqua County Democratic Committee put forth a highly qualified experienced person, Luz Torres, a Latina woman, to be the Democratic Election Commissioner for our County.*

*Initially, she was named in a Chautauqua County Legislature resolution that was adopted unanimously by the Legislature's Administrative Services Committee. The resolution was sent to the full legislature.*

*Before Ms. Torres's appointment could be voted on, Legislator Christine Starks withdrew the resolution without explanation.*

*Ms. Torres never got an opportunity for consideration despite her knowledge, experience, and qualifications.*

*Now, it appears she will never be considered.*

*In fairness, Ms. Torres should be given the opportunity. She deserves consideration and a vote by the full Legislature.*

### **Transparency**

*While the five Democratic legislators initially allowed Ms. Torres to be named for appointment as the Democratic election commissioner, they withdrew her name without explanation.*

*While many have been told that Ms. Torres is the most qualified and that the legislators support her, the legislators have never publicly explained their decision to withdraw her name.*

*The legislators never publicly explained how they will proceed to name a new commissioner.*

*And now, the legislators have failed to publicly explain their attempt to rush an appointment other than Ms. Torres. They are now proceeding without a public announcement, without committee consideration, and by cover of a last minute addition of a resolution to the full legislature agenda with only a few days notice.*

### **Courage**

*While it is impossible to know all of the motivations for why the Democratic legislators have acted unfairly, and without transparency regarding Ms. Torres, their utter lack of courage to appoint the most qualified person because it is the right thing to do is most damning.*

*Not one of the five Democratic legislators had or has the courage to say "I'm going to do the right thing".*

*Not one of the five Democratic legislators has or had the courage to say, "I'm supporting the best candidate who was legally presented to us".*

*For shame.*

*May Ms. Torres not be a victim of unfairness, lack of transparency, or lack of courage by Democratic legislators.*

*May Ms. Luz Torres and the manner in which she has been treated not be forgotten if she falls victim to such unfairness.*

*We respectfully ask that the resolution be withdrawn or defeated if it is submitted to a vote.*

*Very truly yours and on behalf of the people named hereafter,*

*Michael K. Bobseine"*

Clerk Tampio: He also asked that I read the names that were signatories on this letter too. Mary Charbonnet, Ada Rosas, Maria Vega, Natalie Luczkowiak, Virginia Jourdanais, Amy Snyder, Stephen Snyder, Sara Dorogi, Marty Bamonto, Rosalia Vega, Richard Morrisroe, Miriam Lugo Alfaro, Joanne Kelley, Edwin Ramos, John Ramos, Maria Ramos, Judi Lutz-Woods, Virginia Harper, Marcus Buchanan, Dr. Joy Bilharz, Phil Collier, Willie Rosas, Ned Divine, Susan Parker, Lisa Mertz, Dr. Susan Royal, Marcia Johnson, Leslie Willie, Linda

O'Connell, Lillian Divine, Mary Croxton, Jack Croxton, Diane Ringer. That concludes the communications for the first privilege of the floor.

Chairman Chagnon: Are there any other comments for the first privilege of the floor? Seeing none, Kathy, please take us on through the agenda.

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 02/24/2021**

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**COMMUNICATIONS:**

Clerk Tampio: On your agenda you received this evening there are three communications, but I have additions to the communications that I would like to have listed on the agenda this evening.

- 1. Letter – County Executive Wendel – Appointment to Ethics Board**
- 2. Report – Finance Director Crow – December 2020 Investment Report**
- 3. Report – Finance Director Crow – January 2021 Investment Report**
- 4. *March 22, 2021 – County Executive Wendel – Amendments to the Chautauqua County Administrative Code – Re: Article IV, Public Facilities***
- 5. *Affidavit of Publication – 30 Day Public Review Period for Chautauqua County Agricultural Districts – Post Journal***
- 6. *Affidavit of Publication – 30 Day Public Review Period for Chautauqua County Agricultural Districts – Observer***
- 7. *Affidavit of Publication – Legal Notice of Public Hearing – Re: Implementation of Chautauqua County’s 2019 Community Development Block Grant Program, “Chautauqua Septics and Wells”***

Clerk Tampio: I also have several communications I received today and the majority of them, if not all of them, are regarding the Board of Election Commissioner. They will be entered into our record, but I'm just going to list the name and whether it's a supporter of Luz Torres or Mr. Kent.

- 8. *Patricia W. Lefferts – Fredonia, N.Y. – Support of Ms. Torres***
- 9. *Marie T. Carrubba – Jamestown, N.Y. – Support of Loren Kent***
- 10. *Nancy Jankowski Kubera – Support of Luz Torres***
- 11. *Marion A. Gibbon & Robert Gibbon MD – Lakewood, N.Y. – Support of Loren Kent***
- 12. *Susan Baldwin – Villenova, N.Y. – Support of Loren Kent***
- 13. *Lynda Albert – Bemus Point, N.Y. – Support of Loren Kent***
- 14. *Mary Ellen Decker – Dunkirk, N.Y. – Support of Loren Kent***
- 15. *Janet Keefe – Fredonia, N.Y. – Support of Luz Torres***
- 16. *Susan T. Westling – Support of Luz Torres***

17. *Amy Near – Chautauqua County Democratic Committee Member – Support of Loren Kent*
18. *Donna Higginbotham – Support of Loren Kent*
19. *Susan E. Conti – Support of Loren Kent*
20. *Nancy Padak – Lakewood-Busti Democratic Committee – Support of Loren Kent*
21. *Nancy Boynton – Support of Luz Torres*
22. *Chris Anderson – Lakewood-Busti Democratic Committee – Support of Loren Kent*
23. *Tamu Graham-Reinhardt – Jamestown City Council At-Large – Support of Loren Kent*
24. *Andrew Maggitti – Asks to Table the vote for Election Commissioner*
25. *Marcia Johnson – Fredonia, N.Y. – Support of Luz Torres*
26. *Leanna S. McMahon, Ph. D. – Support of Luz Torres*
27. *Mary Jane Wagner – Support of Luz Torres*

Clerk Tampio: That concludes the communications received. If there are any of these items you wish to be read aloud please let me know, if not and you would like a copy, I would be glad to send them out to you.

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6:35 P.M.

**PUBLIC HEARING**

**REGARDING THE IMPLEMENTATION OF CHAUTAUQUA COUNTY'S  
2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, "CHAUTAUQUA  
SEPTICS AND WELLS", FUNDED BY THE NEW YORK STATE HOMES AND  
COMMUNITY RENEWAL HOUSING TRUST FUND CORPORATION'S OFFICE OF  
COMMUNITY RENEWAL**

Chairman Chagnon: We will now convene the public hearing. (7:02 p.m.) Kathy, did you receive any communications regarding the public hearing?

Clerk Tampio: I did not.

Chairman Chagnon: O.K. Is anyone here tonight wishing to address the public hearing?

Ms. Ames: There is nobody in person in the Legislative Chambers to address the public hearing.

Chairman Chagnon: Thank you. I will ask one more time, is there anyone wishing to address the public hearing? Hearing none and seeing none, I will now close the public hearing. (7:04 p.m.)

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Legislator Bankoski: I'd like to make a motion to bring this off the table, please.

Chairman Chagnon: O.K.

Legislator Gould: Second.

Chairman Chagnon: A motion by Legislator Bankoski and Legislator Gould seconds the motion to bring the tabled resolution 65-21 to the floor. Is there any discussion on the motion to bring the tabled resolution to the floor? Hearing none, all those in favor of bringing the tabled resolution to the floor please say aye. Opposed?

*Unanimously Carried to bring Tabled Resolution 65-21 to the Floor*

**TABLED RES 65-21 – Application for Credit of Real Property Taxes for 2021**

Chairman Chagnon: The resolution is now on the floor for discussion. Are there any questions, comments, discussion on resolution 65-21? Hearing none and seeing none, all those in favor please aye. Opposed?

**TABLED RES 65-21 – UNANIMOUSLY ADOPTED**

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**RENEW & AMEND RES 62-21 – Authorizing Public Hearing Regarding a Potential Application for 2021 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal and the Uses of Said Funding**

Legislator Nazzaro: I’d like to make a motion to renew resolution 62-21.

Chairman Chagnon: Thank you.

Legislator Bankoski: Second.

Chairman Chagnon: Thank you. We will have discussion on the motion to renew resolution 62-21. Is there any discussion on the motion to renew? Hearing none and seeing none, all those in favor of renewing resolution 62-21 please say aye. Opposed?

*Unanimously Carried to Renew Resolution 62-21*

Legislator Gould: I would like to make an amendment to resolution 62-21 to move the date of the public hearing to April 6<sup>th</sup>.

Chairman Chagnon: O.K., we have a motion to amend resolution 62-21. Legislator Vanstrom, was that a second?

Legislator Vanstrom: Yes sir.

Chairman Chagnon: O.K.



Clerk Tampio: Mr. Chairman, may I interject? The original time for the public hearing was 6:40 p.m., would you like to amend that time to 6:35 p.m. or keep it the same?

Chairman Chagnon: Legislator Gould, what is your preference?

Legislator Gould: 6:35 p.m.

Chairman Chagnon: So, your motion is to amend it to 6:35 p.m. on April 6<sup>th</sup>?

Legislator Gould: Yes.

Chairman Chagnon: Legislator Vanstrom, are you O.K. with your second?

Legislator Vanstrom: Yes, I am sir.

Chairman Chagnon: O.K. We now have an opportunity to discuss the motion to amend resolution 62-21 to place the date of the public hearing to April 6<sup>th</sup> and the time to 6:35 p.m. Any discussion on the motion to amend? Hearing none and seeing none, all those in favor please say aye. Opposed?

*Unanimously Carried to Amend Resolution 62-21*

Chairman Chagnon: Now, we will have discussion on resolution 62-21 as amended. Is there any discussion on the resolution? Hearing none and seeing none, all those in favor please say aye. Opposed?

**RENEW & AMEND RES 62-21 – UNANIMOUSLY ADOPTED**

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**RESOLUTIONS:**

**RES. NO. 66-21 Confirm Appointment - Chautauqua County Ethics Board**, by Administrative Services Committee – UNANIMOUSLY ADOPTED

**RES. NO. 67-21 Amend Parks Capital Accounts**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 68-21 Authorize Supplemental Agreement No. 1 with NY State DOT for Performance of Federal-Aid Project PIN 5761.82**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 69-21 Vehicle Loan Agreement – E2CCB**, by Public Safety Committee – UNANIMOUSLY ADOPTED

**RES. NO. 70-21 Adoption and Certification of New York State Police Reform and Reinvention Collaborative Plan**, by Public Safety Committee

Legislator Niebel: Was the Sheriff going to comment on this resolution?

Chairman Chagnon: I believe he was. Would you like to speak first?

Legislator Niebel: Sure. I can. First of all, I'd like to thank the Sheriff and his department for what appears to be a very comprehensive plan. A lot of time and effort went into this plan and part of the objective of the plan was to look at so called systematic racism in local police departments. Personally, I object to the term because just using the term implies that there is systemic racism and that implication should not be made before looking at the facts. The facts are; of the people who are arrested and charged by the Chautauqua County Sheriff's Office, 91% identify as white or Caucasian and according to data USA, 92% of the population of Chautauqua County is white or Caucasian. So, we have a population of 92% white, while the people being arrested and charged are 91% white; a difference of 1%, which is statistically insignificant.

There is no systemic racism in the Chautauqua County Sheriff's Department and probably none in the other policing units in Chautauqua County either. Mr. Chairman, I just wanted to clarify this particular point.

Chairman Chagnon: Thank you Mr. Niebel. Sheriff, would you like to make some comments?

Sheriff Quattrone: I sure would. First of all, thank you Mr. Chairman for giving me the time to just share a little bit of the process we went through to get public comment. Hopefully everybody knows that this is based on executive order 203 that was issued on June 12<sup>th</sup> of 2020 directing each local government (*inaudible*.) It has to be submitted by April 1<sup>st</sup> and certified by the County Executive. We'd like to point out that every local and county police agency had to go through this process. It was not required that any state agency would go through this. Prior to the order, as early as May 2020 the Sheriff's Office and I were working and meeting with community groups, attending some of the protests and rallies around the County to listen to the community to learn what their needs and their wants were. We also have collaborated with other police agencies in Chautauqua County. We've worked together to convene our (*inaudible*) groups and listen to them either through personal meetings or Zoom and Facebook Live meetings. We had a county-wide survey, conducted seven Facebook Live Zoom meetings with the stakeholders from the various municipalities and police agencies. We completed the draft report and submitted a media release announcing that we would be doing an additional five Zoom meetings- Facebook Live meetings to give the opportunity for the community to have input and at the recommendation at our County Attorney's Office, we also placed the draft report in all attachments in every public library in the County. We have received very few comments back. (*Inaudible*) we had one negative comment and that was to get rid of all police, so that wasn't specifically for the Sheriff's Office, but to all law enforcement. Many of the comments were saying that they were pleased with the Sheriff's Office as well as other Police Departments in the County. There were several comments about rather than having criminal justice reform that we needed to have criminal reform and to eliminate the bail reform regulations. Overall, I'd like to say it's a good process- something I've felt we've been doing very well and as is many other police agencies in the County and this just helped us to be more specific and intentional with getting that input from the community.

Chairman Chagnon: Thank you for your comments.

Sheriff Quattrone: Thank you.

Legislator Rankin: I'd actually like to follow up with that and say that we are so blessed to have Sheriff Quattrone who last summer, when everything was so difficult whatever the challenges were, that Sheriff Quattrone showed up at everything he could- at the protests, the rallies to show people that he was interested, he wanted to hear their concerns, he was there and represented us so well. I think we are really blessed to have you and I really appreciate everything you've done to represent law enforcement in situations that have been very difficult. You've been willing to listen and hear what people have to say and make adjustments based on that and with great respect I want to personally thank you for that.

Chairman Chagnon: Thank you Legislator Rankin. Are there any other comments?  
Legislator Ward.

Legislator Ward: Thank you. I would like to add my thanks to the Sheriff and all the folks that work on this initiative because no matter how we might perceive the issues in this county, you, by your actions and by your intent understand that there are some problems somewhere and that proactive action on your part and on our parts are going to be the (*inaudible*) that keep us ahead of the curve if indeed that is the case, so I really appreciate this kind of proactive work. It's what needs to be done in more places around this county and once again, Chautauqua County sort of leads the way, so thank you.

Sheriff Quattrone: Thank you.

Chairman Chagnon: Other questions, comments, discussion on the resolution?

**RES. NO. 70-21 – UNANIMOUSLY ADOPTED**

**RES. NO. 71-21 Amend 2021 Budget for Grant Expenses – Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 72-21 Amend 2021 Budget for Capital Project: Jail Upgrades, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 73-21 Amend 2020 Budget for Year End Reconciliations – Additional Adjustments for Various Departments**

Legislator Nazzaro: Thank you, Mr. Chairman. I would like to make a motion to amend resolution 73-21. I believe our Clerk, Kathy Tampio has the changes.

Clerk Tampio: Right. Under decrease appropriation accounts, account number EWN.8310.4 contractual water district the original amount is \$562 and it should be changed to \$582, which also changes the balance by the same amount, so instead of \$736,453 it is now \$736,473.

Likewise, increase appropriation accounts EWN.8310.8 employee benefits water district in the amount of \$562 is amended to \$582 and that also changes the total of that column which is

\$594,962, where the previous amount was \$594,942. Those were the recommended changes provided by Budget Director Dennison.

Chairman Chagnon: Thank you. We have a motion.

Legislator Vanstrom: Second.

Chairman Chagnon: Thank you. Discussion on the motion to amend resolution 73-21? Hearing none and seeing none, all those in favor of the motion to amend please say aye. Opposed?

*Unanimously Carried to Amend Resolution 73-21*

Chairman Chagnon: Is there any discussion on the amended resolution? Hearing none and seeing none, all those in favor please say aye. Opposed?

**RES. NO. 73-21 – UNANIMOUSLY ADOPTED**

**RES. NO. 74-21 Authorize Grant Application for 2021 Community Development Block Grant Funding through the New York State Office of Community Renewal – Septic and Wells Program**

Legislator Vanstrom: I'd like to make a motion to table.

Chairman Chagnon: O.K., we have a motion to table.

Legislator Bankoski: I'll second it.

Chairman Chagnon: And a second by Legislator Bankoski. The reason that we are moving to table this is earlier we rescheduled the public hearing to April 6<sup>th</sup>, so this resolution will have to wait until that public hearing has occurred. All those in favor please say aye. Opposed?

**RES. NO. 74-21 - TABLED**

**RES. NO. 75-21 Authorizing Public Hearing Regarding a Potential Application for 2021 Community Development Block Grant, By Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 76-21 Close Capital Projects – 2020 Year End Reconciliation, by Audit & Control Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 77-21 Authorization for Receipt of Bids and Offers via Electronic Submission, by Administrative Services Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 78-21 Extend 2020 Tax Foreclosure Redemption Date**, by Administrative Services Committee – UNANIMOUSLY ADOPTED

**RES. NO. 79-21 Application for Credit of Real Property Taxes for 2021**, by Administrative Services and Audit & Control Committees  
– UNANIMOUSLY ADOPTED

**RES. NO. 80-21 Appointment – Loren T. Kent (D) Commissioner of Elections**

Legislator Nazzaro: Thank you, Mr. Chairman. I'd like to make a motion to amend resolution 80-21 by adding a third resolved at the end of the resolution. I'd like the language to state, "and be it further, RESOLVED, that the certificate of appointment of Loren T. Kent as Democratic Commissioner of Elections for the County of Chautauqua, will not be filed with the Chautauqua County Clerk until further order of the New York State Supreme Court, as provided in the Order of Honorable Lynn W. Keane, Justice of the Supreme Court, dated March 24, 2021."

Chairman Chagnon: O.K., thank you.

Legislator Bankoski: I'll second that.

Chairman Chagnon: Then lets have a discussion on the motion to amend resolution 80-21. Are there any comments, questions, discussion? Hearing none and seeing none, all those in favor of the motion to amend please say aye. Opposed?

*Unanimously Carried to Amend Resolution 80-21*

Chairman Chagnon: Now, for discussion, questions, comments on resolution 80-21 as amended.

Legislator Ward: Thank you. Once again I'm having real trouble wrapping my head around this and I've talked to my colleagues about this. I'm grateful, especially to my democratic colleagues who are on the legislature who are sort of willing to fall on the sword here to solve a problem that in my heart seems like it's not up to us to solve. I mean, it is this body's task to ratify a cogent candidate for this position, but I don't think that we've gotten that. I think that we are still seeing a fracture in the Democratic Party and we are being asked to arbitrate that. I admire my democratic colleagues willingness to do this and respect your decision, I'm just stil confused why this body is arbitrating this and now it's going to go to court and I'm afraid that it's going to cost us even more money. I think there are too many questions and I would move to table this resolution in hopes that we can get it back to the Democratic Party to figure out and not leave us as sort of the *(inaudible.)*

Chairman Chagnon: O.K., we have a motion to table by Legislator Ward. Do we have a second?

Legislator Hemmer: Yes, Chairman Chagnon I'd like to second that motion. I feel the same way. As we've heard from the letters coming into the Legislature, this is not a question that has been adequately considered by the Democratic committee and the democrat legislators and I do not feel like it's the position of the Legislature to make a decision for them. They need to take this upon themselves and get it straight.

Chairman Chagnon: O.K., we have a motion and a second. There is no discussion on the motion, so all in favor of tabling resolution 80-21 as amended please say aye. Opposed?

*Motion to Table Resolution 80-21 Failed – 2 Yes; 17 No (Hemmer and Ward voting Yes)*

Chairman Chagnon: Motion to table is defeated. We will proceed with discussion of resolution 80-21 as amended.

Legislator Scudder: Thank you. I've prepared a brief statement that I'd like to read. Tonight, I will not be voting in support of resolution 80-21. My concern with this resolution is that it does not seem to have the full support of both the Democratic County Committee and the Democrat County Legislators. In my 12 years as a legislator I have voted to appoint both the Democrat and Republican Commissioners of Elections to the respective offices. The votes were always unanimous and no politics were influential to my vote. This year has been a different story. We have pulled a resolution after a committee's favorable vote. We have had (*inaudible*) not presented to the legislature for this position. Let me be clear; this is not a no vote for Loren Kent. This is no vote for the democrats of this Legislature and this is not a no vote against the Democratic County Committee. This is a vote of no for a resolution that does not have the support as I have experienced in the past. I am not confident in this resolution and I also have a concern that if the outcome goes one way or the other the tax payers of Chautauqua County will be left paying for legal actions. Thank you.

Chairman Chagnon: Thank you. Other comments?

Legislator Nazzaro: Thank you. As Democratic Minority Leader, I appreciate all the legislators reviewing this resolution and obviously you are to vote whatever way you so desire, but I do want to make one comment. The Democratic Caucus is united. We stand behind Loren Kent and because of the temporary restraining order and pending litigation, this case will be heard in the Supreme Court on April 26<sup>th</sup>, just a month away. Once that is heard, the Democratic Caucus will be making a public statement outlining all of our rational reasoning for bringing this resolution forward. At this time, I encourage my colleagues to vote for this and let the courts decide in April. Again, we'll be releasing a public statement at a later date. Thank you so much.

Chairman Chagnon: Thank you. Other comments or questions?

Legislator Rankin: Thank you Legislator Nazzaro. I appreciate your comments because I will be voting in favor of this out of respect and the highest regard for my democratic colleagues who have had to work so well and I just appreciate everything we do together as a team and my feeling is that if you are behind this, I will vote in favor of this because you are behind this. So, thank you all of you for everything you do and that's why I'm going to vote is in favor of what you believe. Thank you.

Chairman Chagnon: Thank you. Other comments?

Legislator Ward: Thank you, again. Thank you Chairman Nazzaro. I do appreciate all the hard work you've done and I do want to echo Legislator Scudder's comments that when I vote no against this it

is it not a vote for or against these candidates that have been put forth, it is simply a vote against this process that seems to be fatally flawed.

Legislator Hemmer: Mr. Chairman? I agree with Legislator Scudder and Legislator Ward. This process is obviously a flawed process. I'm not voting against the sitting democrat legislators, I'm voting against the process that took place here. I do not believe that New York State Election Law has been followed and therefore I'm going to vote no. Thank you.

Chairman Chagnon: Thank you. Other comments? Discussion? Hearing none and seeing none, will the Clerk please call the roll?

**RES. NO. 80-21** – R/C Vote: 16 Yes; 3 No – ADOPTED w/ Legislators Hemmer, Scudder and Ward voting “No”

Chairman Chagnon: And now I understand there is an emergency resolution.

Clerk Tampio: The title of this emergency resolution coming to you tonight is “Authorize Grant Agreement with the New York State Department of Environmental Conservation for the South Chautauqua Lake West Side Sewer Extension” If it is brought to the floor it will be resolution 81-21.

Legislator Nazzaro: I make a motion to move this resolution to the floor.

Chairman Chagnon: Thank you.

Legislator Bankoski: Second.

Chairman Chagnon: Thank you. Discussion on the motion to bring this emergency resolution to the floor for consideration? Hearing none and seeing none, all those in favor of bringing this to the floor please say aye. Opposed?

*Unanimously Carried to Bring Emergency Resolution 81-21 to the Floor*

**EMERGENCY RES. NO. 81-21 Authorize Grant Agreement with the New York State Department of Environmental Conservation for the South Chautauqua Lake West Side Sewer Extension – UNANIMOUSLY ADOPTED**

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## ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements. I believe Legislator Ward has something he would like to share with us.

Legislator Ward: I do and I appreciate the recognition. I'm not sure if my friend Julie Rockcastle is onboard with us; she has a farm to run. So, I do want to say- speaking on behalf of Chautauqua County Hospitality Business Recognition Program that has been recognizing folks through this entire sort of year long ordeal that we've been experiencing. There have been some

businesses and I know that the COVID Hero's program recognizes individuals that are just doing a fabulous job during this entire thing and we've been trying to recognize some businesses who have been making things safe and easier for not only their customers, but also for their employees and we are pleased this month to recognize the Heron Farm and Event Center in Sherman. Julie and Steve Rockcastle do a fabulous job out there, so we are awarding this certificate of recognition to the Heron Farm and Event Center by Chautauqua County Hospitality Business Recognition Program because they are a business in Chautauqua County that is demonstrating exemplary standards in customer safety and service. During the COVID-19 pandemic this venue has enhanced cleaning protocols and social distancing measures throughout their (*inaudible*) and their property. All of these precautions are taken while still creating a friendly, welcoming and safe atmosphere for its patrons and employees and I really, really want to thank Julie and Steve for their hard work. They are being an example of how to think outside the box with regard to a small box. Unfortunately, the festival, the Blue Heron Festival will not be held this year, but they have planned (*inaudible*) event calendar, so I would urge folks to check that out and participate. Congratulations to Julie and Steve Rockcastle and all the folks that work at the Heron Farm and Event Center.

Chairman Chagnon: Thank you. Well done. Any other announcements?

Legislator Vanstrom: I just want to give a gigantic shoutout to the JCC swim team and their coach Todd Conklin. They're trying their best. They're tiny and mighty. So, good luck.

Chairman Chagnon: Thank you. Any other announcements?

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### PRIVILEGE OF THE FLOOR

Chairman Chagnon: Kathy, are there any communications received for the second privilege of the floor?

Clerk Tampio: Yes there are, Mr. Chairman. I have three of them. This is submitted by Karen Engstrom of Mayville, New York.

*"Two points to consider:*

- *Point 1 -- Niagara County legislators propose a solar recycling mandate bill.*

*The bill, proposed by Niagara County Legislator Dave Godfrey, proposes a local law that requires solar panel manufacturers to finance the recovery and recycling of any of their solar panels installed in Niagara County.*

*Legislator Godfrey said, "We are doing everything we can to battle against Gov. Cuomo's efforts to strip away local decision-making on where these green energy projects can be located in Niagara County. But we need to be prepared to protect our community from becoming a depository for spent solar panels that contain hazardous waste even for solar projects that enjoy the support from local residents."*

*"The lack of action by New York State is the reason we are being proactive in passing a local law for Niagara County," Godfrey said. A similar plan was adopted by the state of Washington. Godfrey said. "There are solar projects being proposed all across Niagara County with zero plan for recycling. This law will stop that. We will make every solar developer and*



*manufacturer acknowledge this financial responsibility on their end and, if that makes them decide not to come here, well we're OK with that, too."*

- *Point 2 -- Forbes Magazine, recently stated utility solar at this latitude – 42 degrees north – falls below the "economically viable threshold".*

*Forbes author Robert Bryce explains the energy industry standard that measures energy efficiency is called "Energy Returned on Energy Invested" (ERoEI).*

*The energy expended to manufacture, transport, install and decommission utility scale solar EXCEEDS the amount of energy utility solar can produce in the lifetime of a solar project in New York State.*

*The December 2020 article quoted is titled "Why Is Solar Energy Getting 250 Times More Federal Tax Credits Than Nuclear?" <http://robertbryce.com/why-is-solar-energy-getting-250-times-more-in-federal-tax-credits-than-nuclear/>*

*Thank You, Karen Engstrom, Mayville New York:*

Clerk Tampio: This comes from Joni Riggles of Sinclairville, New York.

*"Dear Legislators,*

*I fully support Karen Engstrom's letter proposing the adoption of a solar module recycling mandate. Of significant concern, NYSEERDA admits there is still no viable recycling for end-of-life solar panels. I received the following email from NYSEERDA/NY SUN regarding this.*

*From: Mace, Frank W (NYSEERDA) Sent: Tuesday, March 27, 2018 9:05 AM To: [rigglejoni@gmail.com](mailto:rigglejoni@gmail.com) Cc: Neligan, Alison L (NYSEERDA)*

*There are a couple of items in your question that we need to address. The first is the question of recycling solar modules (panels). Because of the long useful life, there is not currently a large enough waste stream to consider recycling a viable option today. The waste stream is not expected to occur for another 20 to 25 years. NYS DEC is already considering what that will look like and what measures will need to be in place to take care of that. However, without a waste stream, recycling will remain in the planning stage. That does not mean that we should not plan for the eventual decommissioning of these systems. NYSEERDA as part of the NY-Sun program provides technical assistance and guidance to local governments, the "Guidebook" has a specific chapter relating to decommissioning.*

*Thank you for your thoughtful consideration in this matter!"*

Clerk Tampio: I have one more. This comes from Robert and Katherine Galbraith of Ripley/Westfield.

*"The Politics Are Way Ahead of the Science, or New York State Energy Policy, Texas Style The irony is inescapable. ConnectGen, a Texas LLC, is proposing to develop 1,500-2,000 acres of Agricultural and Forested land for the South Ripley Solar Project. Last month, Texas was hit with massive power outages precipitated by an unrealistic energy policy that was too dependent on intermittent power generation from wind and solar. New York State is recklessly heading down the same "Green Energy" path as Texas, where a faulty renewable energy policy added up to power outages and rolling blackouts. Texas suffered severe, sometimes tragic, results. Considering this, it is appropriate for our elected officials to reconsider New York's energy plans. Given the recent revelations of Governor Cuomo's actions, it brings into question his policies on renewable energy. Let's look at the facts: • Our state, our businesses, our homes, our country, cannot rely on intermittent power. We need a steady, sustained source of power -*

*which we currently have with our hydroelectric (70%) and nuclear (no CO2 emissions) power sources. • New York State, and Chautauqua County in particular, have the worst solar insolation in the country. • The only reason the state is being overrun by solar developers is the Federal and New York state overly generous tax credits, subsidies, and advanced depreciation, “Green Energy” credits, enhanced electricity rates, and local tax abatements. These actions have nothing to do with good environmental stewardship. • The South Ripley Solar Project capacity is 270 megawatts, but given the efficiency of the panels of 14%, real output will be in the area of 34 megawatts, while sacrificing 1,500-2,000 acres of agricultural and forested land. • Solar panels are typically manufactured in China, and are composed of rare earth elements and other materials known to be toxic. They are also known to be coated with an anti-glare compound called perfluoroalkyl (PFAS) substances which is toxic and cannot be broken down. • Currently there is no way to recycle solar panels. Once they reach their life expectancy, they will be tossed into a landfill. • Decommissioning plans and funding remain a major concern, the possibility being the taxpayers are left holding the bag to decommission these projects. • The newly formed State Office of Renewable Energy Siting, or ORES, has just issued regulations called Section 94-C, which overhauls the state’s large scale renewable siting processes. This fast tracks all NY State’s renewable energy projects. 94-C moves these projects to a centralized, closed, decision making process, bypassing local government input. • Our rights as citizens have been severely curtailed by this new policy. • Our counties and our towns are the last line of defense against the onslaught of these solar developers. We still have options to control the outcome and protect ourselves and the environment by passing sensible, fair, and comprehensive zoning laws. Ripley currently has their draft law out for comment, which will hopefully be adopted soon. • We request that the Chautauqua County Industrial Development Agency (CCIDA), carefully consider their positions on Payment In Lieu of Taxes (PILOT) on proposed solar and wind projects. Consider, not only the financial ramifications, but also the impact these projects will have on the health and safety of our communities and our environment. Without any checks and balances provided on the county and local levels, the solar industry will proliferate throughout Chautauqua County and our neighboring counties, turning our green farmland and forests into wastelands. • We urge the County Legislature to pass a No-PILOT resolution and send it to the Chautauqua County IDA. We cannot sit by and watch our beautiful farmland, animal habitats, and verdant forests destroyed in the name of “Green Energy.*

*Robert and Katherine Galbraith  
Ripley/Westfield”*

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MOVED by Legislator Gould, SECONDED by Legislator Scudder meeting was adjourned with Legislator Vanstrom voting “no”. (7:51 p.m.)

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