

Regular Meeting
Chautauqua County Legislature
**Meeting was Held Virtually due to Social Distancing Guidelines
And Live Streamed on Social Media**
Wednesday, May 26, 2021 6:30 p.m.
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:31 p.m.

Clerk Tampio called the roll and announced a quorum present

Legislator Hemmer delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Rankin and duly carried the minutes were approved. (04/28/2021)

1st Privilege of the Floor

Chairman Chagnon: Kathy, lets move to the first privilege of the floor.

Clerk Tampio: Yes, I have one entry from a Mr. Gerrit Cain of 2486 Falconer-Frewsburg Road, Jamestown, N.Y. 14701.

“Dear Legislators,

The time has come for the county to step aside and leave management of the Chautauqua Lake to the property owners, user groups, and advocacy groups in cooperation with the surrounding municipalities and the NY DEC. The last few decades of intense involvement of county bureaucrats and investment of county monies has resulted in waste, conflict, and confusion with nothing to show for improvement of lake conditions.

County funding should be removed from the CLA, the Alliance, CLP, municipal entities and other various interest groups. Hopefully the result of this would be lower taxes especially for lakeshore property owners. Residents could then invest these savings in management of the lake.

Legal repercussions for harming another person or their property is the root of civil society and the rule of law. With this necessary component in place, lakeshore property owners should be free to collaborate and use different management strategies in different areas of the lake while respecting the rights of their neighbors and keeping within the bounds established by the DEC. In time, the best and most effective management strategies would be replicated and adopted throughout the lake.

In short, County bureaucrats are the too many cooks in the kitchen spoiling the pot of Chautauqua Lake.

I urge this body to vote NO on adopting the MOU and strive to further divest the County from managing the lake going forward.

Gerrit Cain

2486 Falconer-Frewsburg Road

Jamestown, NY 14701”

Clerk Tampio: That is the only communication I have for the privilege of the floor.

Chairman Chagnon: Thank you.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 04/28/2021**

Clerk Tampio: There are 11 communications listed on your agenda this evening and I have one late addition that came to us from the Chautauqua County Agriculture and Farmland Protection Board and it's in regard to concerns regarding renewable energy projects on agricultural lands. 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 of any of these, please notify our office.

COMMUNICATIONS:

1. Letter – Town of Ellery to Chairman Chagnon, Re: CLPRA
2. Letter –Reply to Town of Ellery, Re: CLPRA
3. Reports – Quarterly reports – Small Business Development Center
4. Letter – Chautauqua County Agriculture & Farmland Protection Board, Re: 2021 Agricultural District Review
5. Affidavit of Publication – Post-Journal, Re: Legal Notice of Local Law Amending the Chautauqua County Code of Ethics
6. Affidavit of Publication – Observer, Re: Legal Notice of Local Law Amending the Chautauqua County Code of Ethics
7. Report – Finance Director Crow, Re: March 2021 Investment Report
8. Notices – List of Certified 2021 State Equalization Rates
9. Message of Necessity - County Executive Wendel, Re: Local Law Introductory No. 2-21
10. Letter – Brad Zimmer, Re: Chautauqua Lake District Tax
11. Affidavit of Publication – Post-Journal, Re: Adoption of Local Law Amending the Chautauqua County Code of Ethics
12. *Letter - Chautauqua County Ag & Farmland Protection Board – Re: Concerns Regarding Renewable Energy Projects on Agricultural Lands*

LOCAL LAW INTRO. 2-21 – A Local Law Adopting a Pilot Youth Deer Hunting Program

Clerk Tampio: The office is in receipt of a message of necessity from Paul M. Wendel, Jr., County Executive. We received it May 21, 2021 regarding the local law introductory number 2-21.

“I hereby certify that the immediate passage of local law introductory number 2-21 entitled, “A Local Law Adopting a Pilot Youth Deer Hunting Program” is necessary in order to

allow Chautauqua County's adoption of the pilot program to be included in the New York State DEC's annual hunting and trapping regulation guide."

Chairman Chagnon: Thank you. I would be looking for a motion to bring the local law introductory 2-21 to the floor.

Legislator Gould: I would like to make that motion to bring local law introduction 2-21 to the floor so that we can act on it tonight.

Legislator Bankoski: I would like to second that motion to bring it to the floor.

Chairman Chagnon: Thank you. We now need to have a vote to bring local law introductory 2-21 to the floor. Is there any discussion on the motion? Hearing none, all those in favor please say aye. Opposed?

Unnaimously Carried to Bring Local Law Introductory 2-21 to the Floor

Chairman Chagnon: Local Law Introductory 2-21 is on the floor for discussion. Any questions, or comments?

Legislator Muldowney: Thank you, Mr. Chairman. I do support this new local law. I just wish that the State Legislature would have not included rifles, but I do appreciate the mentoring program and support the rest of the bill and that's the reason I will be supporting it tonight.

Chairman Chagnon: Thank you.

Legislator Bankoski: I'll be supporting this this evening. I think the earlier that we can get our youths out and this way they don't pick up bad habits and they're being taken out with a seasoned adult hunter to teach them the correct ways to handle a weapon is a great idea. I'll be supporting this.

Chairman Chagnon: Thank you.

Legislator Ward. Thank you, Chairman. I will echo Mr. Muldowney's sentiments about my dismay that the rifle was included in this, but I will support it tonight because I do believe, as has been said, this highlights and enhances safety and I think that is somewhat of a regulation that really contributes to safe hunting, safe use at an earlier age and that certainly can't hurt.

Chairman Chagnon: Thank you.

Legislator Rankin. I want to echo my fellow legislators. One of the things about the rifle piece is that this is an opportunity not only for mentoring and safety, but teaching responsibility, responsible hunting, and actions when you're out hunting. So much of the- when we look at the state as a whole- if you look at the down-state, they don't understand hunting (*inaudible*) and in Chautauqua County it's a way of life for a lot of people. So, if we're going to have it, this is a

great opportunity to learn from a young age how to do it carefully, and safely, and responsibly, so I'll be voting yes.

Chairman Chagnon: Thank you, Elisabeth. Anyone else?

Legislator Whitney: Mr. Chairman?

Chairman Chagnon: Yes.

Legislator Whitney: I liked everything in the bill except for the word rifle and because of that I will be voting no. The word rifle should not be in there for a child that age. They can shoot guns, that's fine, but the word rifle just throws the whole thing off for me.

Chairman Chagnon: Thank you, Bob.

Legislator Pavlock: Thank you, Mr. Chairman. I'll be supporting this this evening. It's a very family oriented opportunity- providing something for families to do, especially in our trying times. It gives people the opportunity to get outdoors and participate in other activity. Gun safety is always practiced – these kids are required to have had their proper gun training and take the hunters safety courses, they're accompanied by an adult or another hunter, so it's a great way to teach and learn and I think this will be a well utilized and great for youth. In committee meetings the Sheriff had thought that this was a good way to teach safety for kids and get them introduced to using some firearms at an earlier age. So, I'll be supporting this this evening also.

Chairman Chagnon: Thank you.

Legislator Davis: Thank you, Mr. Chairman. As an educator I see firsthand the importance of training and teaching our young individuals the proper policies, techniques, practices and I think it's extremely important particularly with hunting (*inaudible*) in my district and in Chautauqua County I think that it's very important for us to begin teaching individuals at a young age how to properly handle firearms and how to properly hunt. With the mentoring of seasoned hunters as Legislator Pavlock indicated, I think that's very important to have seasoned individuals teaching our youngsters how to properly hunt. So, I will be supporting this.

Chairman Chagnon: Thank you, John. Anyone else? Hearing none and seeing none, will the Clerk please call the roll?

LOCAL LAW INTRO. 2-21 – R/C Vote: 18 Yes; 1 No – ADOPTED w/ Legislator Whitney voting “no”

RESOLUTIONS:

RES. NO. 94-21 Confirm Appointments – Parks Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 95-21 Confirm Appointments - Chautauqua County Office for Aging Services

Advisory Council, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 96-21 Confirm Appointments - Chautauqua County Land Bank Board of Directors, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 97-21 Amend 2021 Capital Project Account (DPF Large Equipment), by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 98-21 Acceptance of Funds from the FAA for Reconstruction of Taxiway A East Including Associated Drainage and Remarking (Design) at the Chautauqua County Dunkirk Airport, by Public Facilities and Audit & Control Committees – ADOPTED w/ Legislator Scudder voting “no”

RES. NO. 99-21 FY19 Cyber Security Grant Program, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 100-21 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 101-21 Amend 2021 Budget–District Attorney, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 102-21 Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Explosive Detection Canine Team FY19, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 103-21 Authorize Execution of New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program FY19, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 104-21 Amend 2021 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 105-21 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 106-21 Authorize Agreement with Silver Creek Central School District for School Resource Officer, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 107-21 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY21, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 108-21 FY2019 Hazardous Materials Grant Program, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 109-21 Authorize Agreement with Village of Lakewood for Purchase of Fuel, by Public Safety Committee – UNANIMOUSLY ADOPTED

RES. NO. 110-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased Home Energy Assistance Program Costs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 111-21 Designate Chautauqua County Legislature as the Lead Agency Responsible for Environmental Quality Review (SEQR) of Proposed Agricultural District Modifications, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 112-21 Authorizing Public Hearing Regarding Proposed Modifications to Chautauqua County Agricultural Districts, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 113-21 Endorsement of 2021 Chautauqua Lake Memorandum of Understanding, by Planning & Economic Development Committee

Chairman Chagnon: Any comments or questions on the resolution?

Legislator Ward: Thank you. I'm going to vote in favor of adopting the MOU. In all of our conversations with the principles of drafting this document I'm understanding rightly that it is an (*inaudible*) of hope and aspiration in an atmosphere where you might have a situation where there may be too many cooks, this is a way and perhaps a suggestion that we may step back- that all of the cooks may step back so that we have a- because of the fact that there is perhaps more science at work right now than ever before. We are in a situation where it is important to honor each other, even if it is just in a non-binding agreement. So, I want to thank everyone involved for putting this together and I'm in favor of this document of hope and aspiration as to where we may end up as neighbors around the lake. It is, of course, a non-binding agreement, but those sometimes are the best kinds- the handshakes across the fence perhaps have meant more to us than some of the long drawn out documents that we're supposedly bound to. So, I will be voting in favor. Thank you.

Chairman Chagnon: Thank you. Other questions or comments on the resolution? Hearing none and seeing none, all those in favor please say aye.

RES. NO. 113-21 – UNANIMOUSLY ADOPTED

RES. NO. 114-21 Confirm Appointment - Luz Torres (D) Commissioner of Elections, at the request of Legislators Starks, Nazzaro, Bankoski, Whitford and Whitney

Chairman Chagnon: Questions or comments on the resolution?

Legislator Nazzaro: Thank you, Mr. Chairman. I would like to make a few comments on this resolution. Although the democratic caucus does not agree with Judge (?) decision regarding the process to appoint election commissioner, we have decided not to appeal her decision. After careful consideration of our options we decided it is in the best interest of the democratic party to move forward and start the healing process. The caucus still believes that the process used by the democratic county committee to recommend an election commissioner was flawed and they did not follow proper procedures. However, we do feel it's time to move on because there are other important matters that we should be focusing on such as how to use the stimulus money that we will be receiving under the American Rescue Plan, preparation of the 2022 budget, economic development, just to name a few. We would like to thank the entire County Legislature and specifically our County Attorney, Steve Abdella, for supporting us during these conflicting times. We encourage all of you to vote with us for Luz Torres as Democratic Election Commissioner.

Chairman Chagnon: Thank you.

Legislator Starks: Throughout this whole process I've received countless emails, phone calls and visits to my door from people in my district and from across the county. I have carefully considered all points of view and I take my role very seriously and this has been a very emotional time. Each vote reflects what I think is best for the county as a whole and it's a difficult task to bring a divided group together. My sincere hope is that we will be able to move forward with integrity. I've always supported women in leadership and I hope you will join me in supporting Luz Torres. Thank you.

Chairman Chagnon: Thank you, Christine.

Legislator Bankoski: I'll be voting yes on this this evening also. It would have been the easy way to just sit back and allow a flawed process to go forward and I guess that's why we're elected officials. Sometimes you have to make the difficult decision and do the right thing even though the majority doesn't feel that way. During this whole thing, like Christine said, you get countless emails and text messages, people saying that we're being racist, that we're discriminating against gender and stuff like that. That was never, ever, ever said or discussed during this whole process. It made me pretty angry and the rest of us also, that people would use those vicious (*inaudible*) to manipulate this process even more and I just wanted to put it out there and when we sat back for quite a while and when we made our press release and told our side of the story after it was dragged through the paper for weeks and weeks and weeks and we still didn't get the right answer, but we all feel that we need to move forward and not backwards here. Our whole party is divided and people are quitting and leaving and it's just sad and I think like Christine said, it's a time to heal and move forward.

Chairman Chagnon: Thank you, Bob.

Legislator Whitney: I would like to say I'm very proud of the democratic caucus for standing up for what was right. While I'm not happy with the decision, I will support it to move

on. I'm not very happy with the process with the manipulation that went on and we've lost some members over it and we need to move on. Thank you.

Chairman Chagnon: Thank you, Bob.

Legislator Niebel: I just want to say that Ms. Torres has appeared before the Legislature's Audit & Control Committee a number of times as the Deputy Election Commissioner. I've always found her to be well informed and helpful. I congratulate her on her appointment as election commission and wish her the best.

Chairman Chagnon: Thank you.

Legislator Rankin: Thank you, Mr. Chairman. I want to comment on Luz Torres experience and expertise. I'm really impressed with what she's offered and what she's done and I'm going to be voting in favor of this, but I also want to say that I want to do this in support of and with respect for my democratic colleagues on the Legislature and what they've been able to do to help bring together some healing and movement forward and I think this is a great opportunity for us, as a group, to have healing and I'm really proud of what we've been able to accomplish, so I'll be voting yes.

Chairman Chagnon: Thank you, Elisabeth.

Legislator Ward: Thank you, Mr. Chairman. I would echo Ms. Rankin's comments. In caucus we had a good discussion about this and I also chatted with Chairman Nazzaro earlier as it is no secret that I have been (*inaudible*) steadfast opponent of the way this whole thing has happened. I am grateful, however, that I have folks that willing to sit down and chat about these things with each other and I am also grateful to my democratic colleagues on the Legislature who have found a resolution to this. Because of the fact that we are sort of where we started with what appeared to what have been as flawed as it was, not the candidate for sure, she is absolutely qualified, but the process, but because there is an agreement between the committee and the caucus I will be supporting Luz Torres.

Chairman Chagnon: Thank you, Bill. Any other comments?

Legislator Vanstrom: I just want to make it clear for the record I have never had a problem with Ms. Torres, I had a problem with the process. If I didn't say this right now, I don't think I could live with myself. I have been in government a long time and I respect all of my colleagues and Ms. Torres and our committees that we each are a part of. So, I just want to make everybody understand that a lot of what happened is not well understood in the public and I'm ashamed and sorry about that, but I don't feel like anyone of us did the wrong thing to hurt anyone personally or professionally. That's what I want to say tonight. Thank you all.

Chairman Chagnon: Thank you, Lisa. Any other comments?

Legislator Nazzaro: I just have to emphasize one more time, thank you to all my counterparts on the Legislature. You were very supportive, you respected the democratic caucus

and we work so well as a group. I'm proud to be part of this body and from the bottom of my heart, I really want to thank all of you for bearing with us during this conflicting time. Thank you, again.

Chairman Chagnon: Thank you, Chuck. Well said. Any other comments? Anyone else? Will the Clerk please call the roll?

RES. NO. 114-21 – R/C Vote: 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 115-21 Extend 2020 Tax Foreclosure Redemption Date

Chairman Chagnon: Are there any questions or comments on the resolution? I would ask our County Attorney Steve Abdella if he would please give us a little more explanation about this resolution so that we are all clearly understanding what the intent is.

Mr. Abdella: Yes, Mr. Chairman. The County Legislature had previously extended the redemption date for the 2020 tax foreclosure proceeding to June 18th and that was in response to the State Legislation that had enacted certain protections for all residential properties and most commercial properties. With those protections extending through May 1st. What happened was on April 29th and 30th, I believe, the State Legislature and the Governor did end those protections from May 1st through August 31st of 2021.

Discussions were held with Real Property Tax and the Finance Department and it was deemed not practical to move forward with the foreclosure proceeding and an auction with most of the properties being afforded these protections. So, what this resolution would do is extend again the redemption date, this time to Friday, October 30th 2021 and what that will allow is for us to find out on or about August 31st there's any additional extension to those protections for delinquent tax payers and if it is not extended then that will provide the ability to go ahead, provide notice to any remaining delinquents and that foreclosure proceeding that the date is now fixed as October 30th and it would allow the County to move forward and get a judgement sometime in November and allow us to clear the debts, so to speak, for new foreclosure proceedings for later years starting in January of 2022. If, for some reason, the state does extend the date of expiration of those provisions- hardship provisions, we'll have to review again where we stand in early September and will report to the Legislature at that time what the auctions are and (*inaudible.*) That's a summary of where we stand.

Chairman Chagnon: Thank you, Steve. That was a very clear summary. Thank you. Are there any comments or questions on the resolution? Hearing none and seeing none, all those in favor please say aye. Opposed?

RES. NO. 115-21 – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements. Are there any announcements this evening? I don't see any hands going up, but I have two. So, I'm going to jump in. The first

announcement is some good news is that we have determined that because of the relaxation of the restrictions on meetings due to the COVID-19 pandemic, we will be meeting as a Legislature in June, both in our committee meetings and in our Legislature meeting in person. So, with the guidance and the regulations still evolving, we will be communicating clearly before the committee meetings exactly what the protocols will be for the meetings.

My second announcement is another bit of good news. After a three year hiatus the Bemus Point – Stow Ferry is finally set to return after major renovations and restoration. So, on Friday, this Friday at 4 p.m. there will be a re-dedication and blessing of the ferry before it begins operation at 5 p.m. On Saturday the ferry will be running from 11 a.m. to 9 p.m. and from 11:30 a.m. to 2:30 p.m. on Sunday there will be a chicken barbeque dinner at the Stow landing. Then, on Monday at noon the ferry will honor the military members who have given their lives to protect the country. Come one, come all.

Legislator Ward: I might add that all of that information, including the latest information about the Bemus Point- Stow Ferry is at the website: bemuspointstowferry.org.

Chairman Chagnon: Thank you, Bill. Are there any other announcements for the good of the order?

Legislator Odell: Thank you very much, Mr. Chairman. Yours truly will be giving the key note address at the Memorial Day service in the Village of Cassadaga, Monday at 11 a.m. Hotdogs to follow at the Legion.

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

PRIVILEGE OF THE FLOOR

Clerk Tampio: Mr. Chairman, I have received no communications for the second privilege of the floor.

Chairman Chagnon: Thank you.

MOVED by Legislator Gould, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:16 p.m.)

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