

Regular Meeting  
Chautauqua County Legislature  
Live Streamed on Social Media  
Wednesday, August 25, 2021 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 (Absent: Nazzaro, Pavlock, Scudder, Ward)

Legislator Niebel delivered the prayer and pledge of allegiance.

MOVED by Legislator Vanstrom, SECONDED by Legislator Bankoski and duly carried the minutes were approved. (07/28/2021)

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

Chairman Chagnon: That brings us to our first privilege of the floor.. Members of the public may comment on any subject relating to any local law, resolution or motion which appears on the agenda tonight. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. Is there anyone wishing to address the first privilege of the floor? Anyone wishing to address the first privilege of the floor? Hearing none, we will close the first privilege of the floor.

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 07/28/21**

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Clerk Tampio: There are six communications as listed on the agenda this evening. There are two additional communications that came in after the agenda was filed. Number 7 would be the certificate to fill a vacancy on the County Legislature for District 7. Number 8 is the certificate of acceptance by person nominated to fill the vacancy, Johnathan Penhollow. Both of these items were received in the afternoon of the 24<sup>th</sup>. Are there any items you wish to have read aloud? Hearing none, if you would like a copy of any of these please notify our office.

Chairman Chagnon: Thank you.

**COMMUNICATIONS:**

- 1. Minutes – Conewango Watershed Commission – August 11, 2021 Meeting**
- 2. Report – Bonadio & Co., LLP – Single Audit Report 2020**
- 3. Report – Small Business Development Center – Quarterly Report**
- 4. Report – Small Business Development Center – Business Permit Center – Quarterly Report**

5. **Report – Chautauqua County Department of Health and Human Services – 2019-2020 Annual Report**
  6. **Report (4) – Bonadio & Co., LLP – Results of the 2020 Year-End Audit**
  7. *Certificate – Fill Vacancy on County Legislature – District 7*
  8. *Certificate of Acceptance – District 7 – Johnathan Penhollow*
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**COMMENDATIONS:**

**Department of Public Facilities  
CARTS Employee  
James Krzyanowicz  
By  
Chairman Pierre E. Chagnon  
and  
County Executive Paul M. Wendel, Jr.**

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**PROCLAMATION:**

**Declaring the Month of September as  
“Childhood Cancer Awareness Month”  
By  
Chairman Pierre E. Chagnon  
and  
County Executive Paul M. Wendel, Jr.**

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**RESOLUTIONS:**

Legislator Gould: I would like to make a motion to bring the resolution for the Appointment Johnathan Penhollow .as Legislator from District 7, North East Town of Chautauqua, Towns of Stockton and Portland and Villages of Brocton & Cassadaga. I would like to make a motion to bring that to the floor.

Chairman Chagnon: Thank you.

Legislator Vanstrom: Second.

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

*Unanimously Carried*

Chairman Chagnon: Now, onto the resolution.

Clerk Tampio: This will be resolution 186-21.

**RES. NO. 186-21 Appointment of Johnathan Penhollow as Legislator from District 7, North East Town of Chautauqua, Towns of Stockton and Portland and Villages of Brocton & Cassadaga**

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

RES. NO. 186-21 – UNANIMOUSLY ADOPTED

Chairman Chagnon: John, please join us.

Legislator Penhollow: Good evening. I appreciate this opportunity. My name is Johnathan Penhollow. I've been a resident of Chautauqua County my whole life- born and raised here, went to college in Edinboro with my lovely wife. I have three kids that are currently in college. My wife is involved with Dunkirk school administration and I've been serving on the County Planning Board for 10 plus years. Thank you.

Chairman Chagnon: John is now seated and an active legislator.

**RES. NO. 167-21 Confirm Appointment – Southern Tier West Regional Planning & Development Board, Planning & Economic Development Committee – UNANIMOUSLY ADOPTED**

**RES. NO. 168-21 Amend 2021 Budget for DPF Parks Division, Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 169-21 Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Dunkirk Airport, Public Facilities and Audit & Control Committees**

Legislator Bankoski: I would like to make a motion to table this resolution.

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

Legislator Vanstrom: I'll second that.

Chairman Chagnon: If there is no discussion, all those in favor please say aye. Opposed?

RES. NO. 169-21 – UNANIMOUSLY CARRIED TO TABLE

**RES. NO. 170-21 Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Jamestown Airport, Public**

Facilities and Audit & Control Committees

Legislator Bankoski: I would like to make a motion to table this resolution.

Chairman Chagnon: Thank you.

Legislator Vanstrom: Second.

Chairman Chagnon: O.k., if there is no discussion all those in favor of tabling please say aye. Opposed?

RES. NO. 170-21 – UNANIMOUSLY CARRIED TO TABLE

**RES. NO. 171-21 Acceptance of Funds from the FAA for Replacement of Snow Removal Equipment (Blower) at the Chautauqua County Dunkirk Airport, Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 172-21 Authorization of Fund Reallocation for Purchase of Replacement Grounds Maintenance Tractor at the Chautauqua County Dunkirk Airport, Public Facilities and Audit & Control Committees**

Legislator Bankoski: I'd like to make a motion to amend this resolution. There was a discrepancy on the funds to purchase this. \$1,287 removed from the personal services account to the grounds equipment account to make this purchase.

Chairman Chagnon: O.k., we have a motion to amend the resolution and a second by Legislator Vanstrom. Is there any discussion on the motion to amend the resolution? Hearing none, all those in favor of amending please say aye. Opposed?

UNANIMOUSLY CARRIED TO AMEND

Chairman Chagnon: Now, is there any discussion on the resolution as amended? Hearing none, all those in favor please say aye. Opposed?

RES. NO. 172-21 – UNANIMOUSLY ADOPTED

**RES. NO. 173-21 Amend 2021 Budget for County Executive, Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 174-21 Amend 2021 Budget–District Attorney, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 175-21 Accept New York State Department of Health Award to Support Nurse Family Partnership, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**RES. NO. 176-21 To Accept New York State Office of Children and Family Services (OCFS) Safe Summer NY 2021 Funding**, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 177-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased Preschool Transportation Costs**, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 178-21 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**, Human Services Committee – UNANIMOUSLY ADOPTED

**RES. NO. 179-21 Authorizing and Approving a Settlement Agreement in an Action Relating to the Opioid Crisis (J & J)**, Human Services and Audit & Control Committees

Legislator Niebel: 21% of the money from this settlement, which may be up to almost a million dollars, is unrestricted funds that can be used for anything. Just so there’s no surprises later on, I’ll be pushing to use the unrestricted funds to reduce the tax levy whenever it is that we receive these funds. Thank you.

Chairman Chagnon: Thank you. Are there any other questions or comments on the resolution? Hearing none, all those in favor please say aye. Opposed?

RES. NO. 179-21 – UNANIMOUSLY ADOPTED

**RES. NO. 180-21 Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds to Remove Debris from Goose Creek**, Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 181-21 Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism**, Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 182-21 Amend 2021 Budget – Kayaks Along Chautauqua**, Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 183-21 Prospective Cancellation of Uncollectible Tax Liens**, Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**RES. NO. 184-21 Approving Labor Contract with Deputy Sheriffs' Association of Chautauqua County (DSACC)**, Administrative Services, Public Safety and Audit & Control Committees

Legislator Niebel: These increases are significantly higher than the increases four years ago, but I do think these increases are necessary to retain current sheriff's deputies and hopefully recruit new deputies. All we've heard for the past 18 months from the mainstream media is derogatory comments about our police officers and calls to defund the police. Hopefully, this resolution will help mitigate our efforts to retain and recruit new deputies.

Chairman Chagnon: Thank you. Other questions or comments?

Legislator Bankoski: I would like to commend the HR department, Kitty Crow in Finance and the Sheriff's Department for sitting down and getting this hashed out before the budget comes about – coming into October that the County Executive will have some solid numbers going out for the next four years as far as our budget goes and I think it's a very give-take contract. Obviously they are going to get some raises, but in the long term we're going to save money on our insurance and I would just like to commend them for really stepping up and trying to get this done before budget time comes around.

Chairman Chagnon: Thank you. Other questions?

Legislator Rankin: I'd like to thank my colleagues, Mr. Niebel and Mr. Bankoski for their comments and I think we should support the retention and recruitment of quality employees – law enforcement professionals who sacrifice their personal safety every day and support our personal safety every day, so I'll be in favor of this.

Chairman Chagnon: Thank you.

Legislator Vanstrom: (*Inaudible*) I think the Chautauqua County Sheriff's Department, as well as other local law enforcement agencies in our county, do a stellar job. They're professional, they're well trained and we should be really proud of what they do- putting themselves on the line every day. I'm sure most of the duties they are tasked with are not pleasant and they're not fun and I'm pretty sure they do not always get treated with the respect that they deserve, so I want to thank them for their dedication and service.

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

RES. NO. 184-21 – R/C Vote 15 Yes; 4 Absent – UNANIMOUSLY ADOPTED

**RES. NO. 185-21 Quit Claim Deeds, Administrative Services and Audit & Control Committees**

Legislator Vanstrom: I usually don't have this much to say. I'm very pleased about the list of quit claim deeds we have this time. Our department went out of their way to extend correspondence and seek responses from landlocked parcels that needed new owners. So, I'm really grateful to see the list as what it was and we received nice, honest offers with nice, honest comments and feedback from these potential property owners as to what they're going to do with

the property that touches their current properties. We did a good job of finding some new ownership on land locked, previously orphaned properties, if you might say. Thank you.

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

Legislator Starks: Just to add to Mrs. Vanstrom- the committee had difficult decisions and the privilege of reviewing multiple bids on some of those properties. So, I wanted to thank the neighbors of those adjacent properties for their interest in preserving their neighborhoods and for participating in the process of making sure our properties are cared for.

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

RES. NO. 185-21 – R/C Vote 15 Yes; 4 Absent – UNANIMOUSLY ADOPTED

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### ANNOUNCEMENTS

Chairman Chagnon: Are there any announcements wishing to be made by legislators for the good of the order? Any announcements?

Legislator Rankin: I would like to remind people that in a few weeks we have the anniversary of 9-11 coming up and I would like to encourage everybody to take a few moments to think how we can honor the people that we lost, the first responders that helped and what it meant to our country at the time and now, especially how we came together as a people and as a country to support what we are and who we are and hope that we can remember that in such a difficult time. Thank you.

Chairman Chagnon: Thank you. Are there any other announcements?

Legislator Starks: Thank you, Mrs. Rankin. Those were lovely thoughts. On a different note, I'd like to invite everyone to the Fredonia Farm Festival, which is yet again running this year in a different format. It will be at the Dunkirk Fairgrounds. That starts this Friday and runs through Sunday. If you are in the area please come on over and check it out.

Chairman Chagnon: Thank you. Any other announcements? Hearing none, that will bring us to the second privilege of the floor.

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### PRIVILEGE OF THE FLOOR

Chairman Chagnon: Members of the public may comment on any subject. A member of the legislature may speak on any subject. Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Is there anyone wishing to address the second privilege of the floor? Please state your name and address for the record.

Sheriff Quattrone: I am Sheriff Jim Quattrone, 15 East Chautauqua Avenue in Mayville. I just wanted to address the resolution for our contract and thank the Legislature for their support. I think that is huge for all law enforcement to see that unanimous support that we got from the Legislature. I would also like to thank the professionalism of the negotiating team- Kitty, Jean, Allison, Ken Westphal and then the Union also. They were great to work with and I think we all had the same common goal. Also, wanted to address Mr. Niebel's comments about the mainstream media. Truly, in Chautauqua County we have some great support for law enforcement and if we pretty much ignore the national media I think we can see that we do have support and I thank the people for that. The Post-Journal ran a poll and over two-thirds of the people supported the contract and the surveys we did through the police reform- we had over 90% favorable rates from the public. So, I want to recognize that.

I'm going to call on Tara because she didn't make the announcement, but on Wednesday, September 1<sup>st</sup> there's an event at Tracey Plaza for Kallies Crusade at 3:30 p.m. and then September 6<sup>th</sup> at the Bemus Point Tap House. They have their annual fundraiser. I would encourage people- 9 a.m., so come out for a fun time and support a great cause. Thank you.

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

Mr. McGinnus: Yes, Mel McGinnus, 24 East Main Street, Frewsburg New York. It felt great today walking into our legislative building because last month I felt like a subject when I was asked if I had my vaccine card. Sheriff Quattrone was quick and others worked with him to ensure that that didn't happen time. So, I felt much more like a citizen this time. I (*inaudible*) something yesterday, it was great. I walked into the DMV in Jamestown and saw the employees without masks. That was great. They ought to have the freedom to do that. However, when I walked through the door it said, "No masks, no service, no debate." So I had to go back and get my mask, put on my mask to go into the DMV and it was just strange to see a double standard there, but the County Clerk moved swiftly to remove that sign at the Jamestown office. I really appreciated that. I really appreciated John Davis, my Legislator, because I called him about the resolution to make our County a sanctuary county while on vacation – he got back to me and I really appreciated that. Do you know that Cattaraugus County just passed, making their County a sanctuary county for our constitution- 15 to nothing. It passed just moments ago. So, I will encourage our Legislature here to continue to work on that so that we can be another county that sends a message to Albany and even to Washington, D.C. that we're going to be a county that stands by our constitution. Kathy Hochul said today that all mask will be on kids in our schools. I think we need a provision that says to her that we're going to respect the constitution of our United States, especially when assembly bill A416 is active, meaning if the governor and the health commissioner feels like people are a health threat they can retain them in medical facilities – medical detention centers. That's crossing the line. I feel like the constitution, more than ever, needs to be upheld in our county and I appreciate the work that you're doing to see this thing through and joining Cattaraugus County and making our County a sanctuary county for the constitution. Thank you.

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



Robert Tompkins, 292 Fifth Street, Sherman New York. I want to echo what was said here about the Sheriff's Department. I knew Jim before and I love him and I respect for what he does to uphold the rights of citizens. I want to remind you all of your oath of office, which echo's what Mel was just talking about. "I do solemnly swear that I will support the Constitution of the United States and the State of New York and that I will faithfully discharge the duties of the Office of-" and then your office. So, I think what Mel was saying about making this a sanctuary for the Constitution should be a no brainer if you're men and women of honor of your word of the oath that you swore. Oh, and I'm a United States Service (*inaudible*) connected disabled veteran, so upholding that oath means a lot to me too because I swore up to and including my life to defend the Constitution.

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

Hello. My name is Kathy Abbate, Ashville New York. Up until a few weeks ago I didn't even know who my Legislator was. The last year has really been hard on a lot of us and we have felt very stressed about things that are happening in our government. When I was raising my kids I wasn't concerned about what my government was doing, but more so now than ever, I've very concerned about what our government is doing. I swore to myself that I would become more involved, become more educated and more knowledgeable about what's being done locally and federally. Mel just gave the information about Cattaraugus County adopting the constitutional sanctuary for their county and it sounds kind of strange that we would even have to ask you to do that, but I'm asking you to do that. I'm asking you to put something in place that we, as residents of Chautauqua County, can feel very secure that when our federal government starts putting mandates and executive orders in place that are going to go against our constitutional rights, for example vaccine passports- I'm very, very concerned about that. I don't care if you are on the right or the left, if you believe that vaccines are important or that you don't, what I believe is that we should have our liberty and freedom and our medical autonomy to make that decision for ourselves. I'm asking you when things get tough to make those tough decisions for us as residents. I thank you very much for listening and I had a nice conversation with Mr. Gould, who I didn't know was my Legislator, but now I know who he is and he knows who I am. Thank you very much.

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

My name is Susan Baldwin. I live in Villenova and I've been here before. I've been here showing you photographs of my water and my bathtub that's (*inaudible*) and I wanted to point out- before I get any farther I want to say Villenova has already given the PILOT for 204 acres of solar power and when the people from Ontario Northland Power came to present this lovely brochure to us peasants, we found out that it was going right down in the direction of that lovely South Dayton Super Duper that so many of you love to buy the doughnuts from. Anyways, going on, we didn't get a whole lot of say, in fact, our Town Supervisor said will you have any problems with anything we've got and she said maybe our height limits might be a problem and our supervisor said 8 feet is too low- 16 feet- how about that? Just like that we're going to get 16

foot, 204 acres worth of solar in Villenova and that's just one of the farms to go right along with our 600 foot turbines. Now, this is a photo I tried to get a poster made of it. This is our Town Councilmember on her lawnmower. This is the driveway in the direction of the turbine that's going to be placed in her back yard. This is a (*inaudible*) that are permits for gas wells- for fracking of gas wells because apparently, I went online and there's a thing called the drillers edge and it will tell you all the gas wells that are being permitted in Chautauqua County for fracking. They call it unconventional drilling. The reason being, to be able to give gas to new factories. Now, there's no factories in Villenova unless you guys got a different map than I do and I live there. We've got two churches and no stores, but they're putting gas wells. Why? I ask you to please look up PPP Future Development LLC and you will see they are for fracking and shale investment and I am terribly worried because my blood pressure- oh, I've got to show you that one before I go- 140 over 105. My doctor asked if there was something wrong with my cuffs. I had never had one that high, but I'd been drinking that shiny water. Let's not be a Hinkley California. This is what's going to happen to Chautauqua County, I can promise it. Thank you.

Chairman Chagnon: Thank you. Are there any other people wishing to speak to the second privilege of the floor?

Mrs. Dennison: My name is Kathleen Dennison and I live at 50 Eagle Street in Fredonia. I come to these meetings every month because I'm also the Budget Director for Chautauqua County. At these meetings I usually don't say anything because my job requires me to be impartial, but I'm speaking tonight as a citizen and not as the Budget Director. Last month and this month I heard people come and speak about needing a resolution for a constitutional sanctuary because of government mandates for Covid related items. I don't think we need a constitutional sanctuary or a resolution for a constitutional sanctuary. I was confused last month and I'm confused again tonight about complaints about these laws that people think are infringing on their personal freedom. There are lots of laws that infringe on personal freedom- laws against drunk driving, laws against speeding, laws against smoking in public places. So, all of those have something in common. They do infringe on our personal freedoms, but they also protect public health and they protect public health against actions of individuals that might not be in the public's best interest. So, I think that the mask mandates fall into that category. They're there to protect public health. Instead of a resolution for a constitutional sanctuary, I just think people need to get vaccinated because then we won't need these executive orders. Also, if people are vaccinated it will protect my personal freedom to live in a world that is pandemic free. Thank you for your time.

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

Legislator Whitney: Bob Whitney, 41 Hallock Street, Jamestown. I just want to repeat what Kathleen said. Thanks for standing up and I agree with you.

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

Yes. Loren Kent, 413 Route 62, Conewango Valley. That's in the Town of Ellington. Kathleen, I agree with you also.

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

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MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. *(7:15 p.m.)*

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