

Regular Meeting
Chautauqua County Legislature
Live Streamed on Social Media
Wednesday, October 27, 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 Pavlock delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (09/08/21 & 09/22/21)

Chairman Chagnon: Now, we are going to postpone the first privilege of the floor until after the commendations and the award presentation. So, I will invite the County Executive down for the commendations.

COMMENDATIONS:

**JCC Men's Swim Team
JCC Women's Swim Team
Karianne Yuchnitz – JCC Women's Swim Team
by
Chairman Pierre E. Chagnon
and
County Executive Paul M. Wendel, Jr.**

AWARD PRESENTATION:

**Chautauqua County Finance Department
90+cashVest Award for 2021
By
Joseph Rulison, CEO threeplusone**

1st Privilege of the Floor

Chairman Chagnon: That brings us to our first privilege of the floor. Members of the public may comment on any subject relating to any local law, resolution or motion appearing on

the agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. I see there's someone who'd like to speak to the first privilege of the floor- please introduce yourself.

My name is Cheryl Fiedler and I'm from Ellery and I'm representing the Tea Party Patriots of Jamestown and also Western New York Freedom Seekers. First of all I'd like to thank Legislator's John Davis, Dan Pavlock and County Executive PJ Wendel for bringing forth a motion calling on elected officials to exercise their powers within the bounds of their constitutional authority. I look at this as a motion that everyone should be able to get behind and support when upholding our Constitution. The motion lays a foundation to build on for future discussions, debates and decisions, as we all face difficult issues at this time in history. I understand there is a second motion regarding health care workers who declined receiving the COVID vaccination. It is good that this is being addressed, they are still heroes. And I may be getting a little off the agenda topic, but I'm old and I'm going to read it anyway. Also, a brief mention regarding this vaccination that is a grave concern to me- is the decision to vaccinate children aged 5 to 11 with a substance that has had adverse reactions in many older youth, such as myocarditis and also in many adults. There has not been adequate testing and studies, and this is a very serious matter, in my opinion. There seems to be more potential danger in the vaccines than in the virus itself, at that age especially, and it's a medical decision that should be made by parents and their physician. I'm scared for my grandkids and now for my great grandkids and I look to all of you, as fellow Americans, we must unite and do the right thing, our future generations are counting on us, thank you.

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

Tammy Scheck(?) Dewittville. I'm also representing the Western New York Freedom Seekers. On behalf of the residents of Chautauqua County the Western New York Freedom Seekers come before you once again. Over 400 citizens attended last month's legislature meeting to show their support for the freedom ordinance and their displeasure with the handling of our most basic rights, namely the right to say what goes in or on our own bodies. Month after month, we see our representative stalled as they seem unable to navigate exactly how to uphold the US Constitution, while facing pressures from New York mandates. Currently 1500 signatures and counting are on the freedom ordinance petition and we beseech you to act against the unconstitutional mandates of forced vaccinations, testing and masking. In our research, it seems that even the well-meaning legislators and your fellow county politicians- all of them are at odds of what to do. The time is already passed for many citizens who have unwillingly been coerced into taking the vaccines in order to provide for their families. You have already failed many. Some have died from the vaccine, some have left New York, some have no jobs due to civil government overreach. There is still time to stand up for the citizens of Chautauqua County and say no to mandates of any kind. By our officials not controlling mandates, there are other real life consequences in Chautauqua County. Nonfatal overdoses are up 54%, fatal overdoses are up 33%, unemployment is up 45%. Chautauqua County is number 56 for the worst poverty out of 62 counties in New York, can you imagine the rise in domestic abuse and child abuse and the standard of living in our county. Ladies and gentlemen, we appreciate you making the motion. That being said, we are still concerned about our bodies, our livelihoods and especially

our children. We are concerned about the effects this will have on the future of the county's economic development as people leave because you leave them no choice. Then we have a governor- Governor Hochul creating emergencies with her mandates in order to further her executive branch powers, yet again, and we must be protected. The out of control, President and those above him have their tentacles reaching down through a more than willing Governor Hochul. We need you to be our bastions of freedom. When is the last time you guys have had 1500 people asking you to educate them. These people who signed the petition look to you. This can be a mutually beneficial relationship with these 1500 and counting people. What an opportunity you have. We exhort you to give the people of Chautauqua County a direct response and listen, I've been here, we've been here talking to everyone- Legislators up to the Executive Council- anyone we can talk to- Mr. Wendel and everyone has said the same thing. The people have the power, the power is in the people that we must do something, and all we are asking you, is to give us direction to tell us what to do ,to show us how the system works. That's what you guys do and that's what we need to learn. We do want a direct response. We're asking for you to do that, that is our request. All of you just received an email Tuesday morning from the Western New York Freedom Seekers, I urge you to please respond, I urge you to act so you can help us act. Thank you.

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

My name is Katie Stratton(?) I live in Westfield. I was fortunate enough to grow up in a home where hard work and determination and grit were the core of our family. My parents model this behavior for me, showing me the true sense of the American spirit. I was taught that hard work, sacrifice and education were the keys to success. Hard work, even when you didn't want to the fire what had we stacked we struggled but we were free. As I consider what our country was then, and what it is now I grieve what has happened to us. What has become the American spirit- that pioneer spirit of grit and determination and resilience. When did we stop cherishing liberty? When did we forget that the freedoms endowed by the creator are the birth right of the American citizens? Franklin (*inaudible*) who was the conservative press secretary and the political advisor to President Reagan said, "Government should work to ensure the rights of the individual not plot to take them away. Freedom is our most precious commodity, and if we are not eternally vigilant government will take it all away." To you, the Chautauqua County Legislators, I say we are there, our liberties are no longer insured by the government, but threatened by it. You as a political body have experienced what I have as an individual we have both and all experienced being at the mercy of a merciless state. When the New York State Legislature abdicated its responsibilities and power in March 2020 the governor assumed them. I knew that we had arrived at a destination to which we had long been traveling, a land of compliant people who had forgotten the precious and fragile nature of freedom and were bowing before the authoritarian liberty denying state. The very government tasked with ensuring our liberties became the government smothering them. Every citizen who resides in your county is obligated to interact with the state and its mandates on a daily basis and every citizen who resides in your county faces potential negative consequences at the hand of that same State should they fail to interact in the prescribed manner. The government now (*inaudible*) the consent of the government and the government which extends or denies permission to the people and often this unconstitutional permission granting power (*inaudible*) in an arbitrary and

capricious manner. As an example, does the state really have the authority to tell some people that their work is essential and some that it's not? When you're feeding your family and paying bills your job is essential. It's absolutely evil for the state to tell people that they could not pursue their livelihoods. And a free society does not do what ours did last year, and continues to do this year- executive order 202 may have been rescinded by Cuomo in June, but many of the mandates created continue to live on via agencies, like the New York State Department of Health codifying them into official rules and regulations. The stealth codifying mandates without legislative oversight without public comment is truly illegal if the Constitution is the law. Since unelected bureaucrats have had the constitutional authority to write and enforce these rules and regulations that they call law you, the duly elected legislative body of Chautauqua County are considering an ordinance to affirm the county embraces the liberties expressed by the constitution of the United States, particularly the Bill of Rights. How odd that a resolution is necessary, but it is necessary, how odd that supporting the Constitution and desiring to live up to the high ideals is now considered by academia, mainstream media and the political elites to be radical.

Chairman Chagnon: You've exceeded your three minutes. Please wrap it up.

Ms. Stratton(?): I'm speaking on behalf of the Freedom Seekers. I apologize for not saying that at the beginning. I would imagine that it was radical in the 1700s also. It was just and moral then and it was just and moral now to support the Constitution of the United States. I'll end there. Thank you.

Chairman Chagnon: Thank you. Next to address the first privilege of the floor?

Yes, my name is Alan Johnson. I'm a veteran- 70 years old and I'd like to state that we need to go by our Constitution. It's been ignored by the President. He's done what he wants by calling mandates. Mandates are not a law, they have not been passed by a Legislature, therefore they're illegal. All these people, the sheriff's, the state troopers, the nurses, some of the school teachers worked for 18 months and they didn't worry about being sick. They got out there and did their jobs, and we have turned around and held them to a much lower standard now by saying oh great, you were there for us when it was really bad, but we don't care anymore- you either get the shot, or you get out. It's wrong, I believe it's illegal, but I'm not a lawyer, so I could not hit a finer point on that. I just want you to know that there are a lot of us out here that have an eye on everything that's going on now that weren't usually politically motivated. I'm just a citizen of the United States and of this county and I think this Legislature can do a good job for us. Just listen to the people, please.

Chairman Chagnon: Thank you. Next to speak to the first privilege of the floor?

Hello, my name is Marsha Johnson. I'm from Fredonia, New York. First thing I'd like to say is a petition with 1500 signatures represents about 1% of the population of our county and do we even know if they're all residents of our county? But before I get into that, I want to say about the resolution regarding stopping vaccine mandates for healthcare professionals, I would like to know, was the Department of Health shown this resolution prior to being submitted. Did they have any input into its wording and do they approve of it. This is nonsensical. One suggestion was to have unvaccinated personnel only work with those who are less vulnerable. First of all,

this is an acknowledgement that they may present more of a risk to patients. Second, in an emergency room, hospital floor, or even a doctor's office they are going to assign staff according to the health status of the patients? That would never ever work. Next, regarding the resolution urging elected officials to uphold the Constitution, I would like to note that every elected official sitting here took an oath to uphold the Constitution of the United States. I'd like to ask, were you not serious when you said that? Every elected official in the country takes that oath. I assume you did take this seriously. Now, as legislators, you seem fit to remind other elected officials of this oath to office. Why? What if a local town board passed a resolution reminding you to uphold the constitution of the United States? Would you accept a slap in the face to your integrity? Why did Legislators Pavlock, Davis and County Executive Wendel decide at this time to spend county time, energy and resources to remind elected officials that they swore to uphold the Constitution? Has anyone forgotten this oath? And yet you assume that other elected officials, including the President and Vice President, Governor and legislative leaders and both Congress and the House need to be reminded. What type of hubris would lead this body to think you are above all other elected officials? A mayor in Texas has refused to sign a similar resolution. He said, "I have said I will stand behind the Constitution, I can't sign a document that says I'm going to be more constitutional. Signing something additional saying I will be constitutional undermines the Constitution. It says, I have to do something further in order to be constitutional."

Chairman Chagnon: Excuse me, you've exceeded your three minutes Ma'am, please wrap it up.

Ms. Johnson: O.k., I'd like to say that this resolution should be withdrawn or at least tabled, because we are a constitutional county by being in the United States of America. This is redundant and unnecessary Thank you.

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

My name is Barbara Colt and I am a candidate for the village trustee in Brocton. Good evening, I want to first thank you for this opportunity to speak, and I will begin by saying, I am a retired veteran 30 years in the US army. I live, believe and fought for the Constitution. With that being said, we the undersigned Chautauqua, Cattaraugus women and men's action group have some questions and concerns about the motion entitled, "Calling on all elected officials of the State of New York. And the United States Government to exercise their legislative and executive powers within the bounds of the constitutional authority." As you know, all elected officials in New York must sign an oath to the New York and United State Constitution, therefore, we find this motion to be perplexing and this invites questions that need to be answered, namely why will we ask our public officials to follow the Constitution when they already have signed an oath to do so. Why would the Legislature and the County Executive spend time and taxpayers money to have an inexplicable motion drawn that accomplishes nothing and appears to serve no other purpose than to ask other elected official to do something that all elected officials have sworn to do. Furthermore, if the purpose of this motion is to remind other public officials to follow the Constitution, what happened? What happened that led the County Executive and Legislators Pavlock and Davis to request that many other public officials, up to the Vice President and President of United State follow the Constitution? What is the purpose of inserting (*inaudible*)

information, reminding public officials of second amendment rights and quotes from Daniel Webster and Thomas Jefferson? We ask the question listed above, be considered, answer and clarified by the Chautauqua County Executive PJ Wendel, the County Legislators Pavlock and Davis, and the County Attorney's office. We are requesting that the motion be tabled by the Legislature until this request is honored. Jessica Lustig, Nancy Waasdorp, Marcia Johnson, Priscilla Titus, Karen Ehrlich, Joy Bilharz, Cheryl Ritch, Mary Woo, David Salley, Catherine Kestler, Patricia Kirell, Nancy Boynton, Judi Lutz Woods, Vickey Kaiser, Marie Tomlinson, Susan Royal, Christina Rausa, LeeAnne Cogdill, Amy O'Connell, Ann Janik, Tom Janik, Sara Dorogi, Valeria Colt, Barbara Colt, Joanne Kelley, Susan Bigler, Leanna McMahon, Mary Jane Wagner, Andrew Maggitti, Jon Titus, Lisa Mertz, and Amy Snyder. Again, thank you so much for this opportunity.

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

Good evening. Gerrit Cain, 2486 Falconer-Frewsburg Road, Jamestown, New York. I'd like to thank this body and the legislators that put the two motions forward tonight and I encourage you all to consider voting yes on them. I'd like to echo some of the concerns brought up by the Freedom Seekers here. We do need these motions. They're just motions and you folks know what motions are and how little teeth and power that they have but they're a good first step, I think, in that they're admitting that we have a problem. We have a problem with levels of government ahead of us putting down unconstitutional legislation or mandates, which aren't legislation, on us and why can't we do something, you know my fellow freedom loving individual say well why can't why can't this county just stand up and make some legislation to counter this and, frankly, the problem is, is that that we have an addiction problem, not a constitutional problem. This county and this body are addicted to state and federal money. If we stand up to the state or federal government that goes away and over the past several decades we've learned how not to survive without that money and that's the root of the problem, and I think most of you realize that and most of you realize how hard that's going to be to do what your constituents are asking and stand up to these constitutional mandates which most of you realize are wrong- constitution or otherwise, it's wrong to threaten somebody's livelihood if they don't get a vaccine. It's wrong to threaten someone's education if they don't get a vaccine. You know that's wrong, and you know it's going to be hard work. But we're here to help. We're here to help in the recovery. I'm afraid this ARPA funding is going to threaten to overdose you on federal funding, but if you survive that overdose, we are here to help you through the rehabilitation to find creative and innovative solutions we don't have to rely on state and federal funding as much anymore. When the next round of mandates or crazy laws come down from the state or federal government we'll be able to stand up to them and do what's right.

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

My name is Anthony Toda I live in Jamestown, New York. I want to make a few comments here about some of the people that spoke. The Constitution was made because we are not a perfect people. We are very imperfect in fact, so that allows for anything that we want to make that- let's say you make an oath, that doesn't mean they're going to abide by it, and that

certainly has happened many times in our Constitution society. But, again, I'm from Jamestown, New York and I'm requesting that if this body has the authority to demand an impeachment of Governor Kathy Hochul. If they do not have the authority at least listen to my reasons for impeachment of Governor Kathy Hochul. New York State has always been a constitutional state, so what is causing the oppressive mandates of Governor Hochul to remain? Regarding Governor Hochul's vaccine mandates, they are all illegal because number one, a person cannot make an informed decision as to treatment with this vaccine because the experts cannot produce consistent reliable information as to the effectiveness, durability, protection and long term possible effects of the vaccine. Number two, the vaccine violates even the international Nuremberg (*inaudible*) because Hitler employed, the same type of dictatorial mandates that Governor Hochul is using right now. Number three, Governor Hochul by forcing transparency as to who is and who is not vaccinating is violating privacy HIPAA laws that are guaranteed by our Federal Government and is using Gestapo type of forced admissions here. Number three, the healthcare workers who were forced from their jobs are entitled to unemployment because of the fact they were not fired for any reason of their own, in other words, they were fired for no reason but an arbitrary and capricious mandate without due process of law from a single person, with no authority to make a statewide mandate involving so many people in New York State. Executive orders that are- the executive orders deny, as I stated, due process of our representatives, the right to be heard on any issue as serious as a statewide issue of a COVID disease. (*Inaudible*) the U.S. and New York constitutions also say that we have a right to decide to do with what we want with our own bodies that's a -those are constitutional amendment protections for both documents and now Kathy Hochul has been stated here previously wants to vaccinate kids from 5 to 11 years old according the media reports. This is unnecessary because of death rates in those children are very small.

Chairman Chagnon: Mr. Toda, you've exceeded your three minutes, please wrap it up.

Mr. Toda: And, finally, I just- hopefully that the legislature will listen in regards to the impeachment of Kathy Hochul for these illegal acts, thank you very much.

Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor? Seeing no one, we will close the first privilege of the floor.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 09/22/2021**

6:30 P.M.

PUBLIC HEARING

**2022 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS**

(7:15 p.m.)

Chairman Chagnon: O.k., I will call to order the public hearing regarding the 2022 tentative budget and sewer district assessment roles. So, the public hearing is now in session. Is there anyone wishing to address the public hearing? Is there anyone wishing to address the public hearing regarding the tentative budget and sewer district assessment roles? Hearing no one and seeing no one, I will close the public hearing.

(7:16 p.m.)

COMMUNICATIONS:

1. **Report – NYS Office of Real Property Tax Services – Re: County Equalization Rates 2021**
 2. **Letter – Robert Neratko**
 3. **Report – Department of Finance – 2021 Investment Report – Re: August**
 4. **Affidavits of Publication (2) – Post-Journal – Re: Public Hearing- Chautauqua County Tentative Budget and Sewer Districts Assessment Rolls**
 5. **Affidavits of Publication (2) – Observer – Re: Public Hearing- Chautauqua County Tentative Budget and Sewer Districts Assessment Rolls**
 6. *Minutes – Conewango Watershed Commission – October 13, 2021*
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Clerk Tampio: On the agenda this evening there are five communications listed. I have an additional one that was received yesterday after the agenda was put out publicly, and that is the minutes from the Conewango Watershed Commission from October 13, 2021. Are there any item you wish to have read aloud? Hearing none, if you would like to see a copy of any of these please contact our office.

RESOLUTIONS:

Chairman Chagnon: O.k., that brings us to resolutions.

Legislator Niebel: *(Inaudible)* I would like a motion that we block resolutions 205-240 with the exception of resolutions 212 and 218.

Chairman Chagnon: O.K., we have a motion by Legislator Niebel. Do I have a second? Second by Legislator Bankoski. Discussion on the motion to black the resolutions? Any discussion on the motion? Hearing none all those in favor please say aye? Opposed? They are blocked.

Unanimously Carried to Block Resolutions 205-21 through 211-21 and Resolutions 219-21 through 240-21.

RES. NO. 205-21 Confirm Appointment - Chautauqua Opportunities Board of Directors, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 206-21 Confirm Appointment - Chautauqua County Health Board, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 207-21 Confirm Appointment - Chautauqua County Planning Board, Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 208-21 Reestablish County Sewer Agency for Proposed Phase 2 Extension of South & Center Chautauqua Lake Sewer Districts, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 209-21 Amend 2021 Budget for DPF Parks Division, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 210-21 Amend 2021 Budget to Implement the Purchase of Heavy Equipment Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 211-21 Increase Capital Account for the Replacement of Hangar 3 at the Chautauqua County Dunkirk Airport, by Public Facilities and Audit & Control Committees – ADOPTED w/ Legislator Scudder voting “No”

RES. NO. 213-21 Amend 2021 Budget to Implement the County Internet Bandwidth Upgrades Project Within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 214-21 Amend 2021 Budget to Increase Revenue & Expenditure Accounts for Historian Department, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 215-21 Amend 2021 Budget for Liability Insurance, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 216-21 Authorize Acceptance of Criminal Justice Discovery Reform Funding, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 217-21 Amend 2021 Budget for Capital Project: Server & Storage Replacement, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 219-21 Amend 2021 Budget to Implement the Body & Mail Scanners Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 220-21 Authorize Lease Agreement with Erie 2-Chautauqua Cattaraugus BOCES at Hewes Educational Center, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 221-21 Authorize Lease Agreement with Erie 2-Chautauqua Cattaraugus BOCES at Phillip J. LoGuidice Educational Center, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 222-21 Authorize Agreement with Forestville Central School for School Resource Officer, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 223-21 Authorize Execution of State Interoperability Communications Grant Program FY20, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 224-21 Emergency Services 2021 Budget Amendment, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 225-21 Amend Emergency Services 2021 Budget for Vehicle Accident Claims, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 226-21 Authorize Agreement for Early Intervention Services Program Administration, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 227-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for New York State Department of Health Award to Support Nurse Family Partnership, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 228-21 Amend 2021 Budget to Implement the Chautauqua County Agricultural Improvement Plan Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 229-21 Amend 2021 Budget for New York State Housing Trust Fund Corporation Community Development Block Grant Award, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 230-21 Amend 2021 Budget to Implement the Workforce Development Initiative Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 231-21 Amend 2021 Occupancy Tax Program Budgets to Include Chautauqua County American Rescue Plan Act (ARPA) Funding, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 232-21 Amend 2021 Budget to Implement the Support for the Jefferson Project at Chautauqua Lake Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 233-21 Amend 2021 Budget to Implement the Chautauqua County Partnership for Economic Growth (CCPEG) Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 234-21 Amend ~~2021~~ 2022 Tentative Budget to Develop a Chautauqua Lake District Work Plan Project Within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 235-21 Amend 2021 Budget to Implement the Marketing Assistance to Businesses and Not-for-Profits Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 236-21 Amend 2021 Budget to Implement the Chautauqua County Site Acquisition for Shovel Ready Sites Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 237-21 Amend 2021 Budget to Implement the Ag Building Upgrades within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 238-21 Amend 2021 Budget to Implement the Conewango Dams Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 239-21 Amend Resolution 141-21 - Standard Workday and Reporting Resolution, by Administrative Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 240-21 Canceling Outstanding Tax Balances on County-Owned Properties and a Property Conveyed to the City of Jamestown, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

Chairman Chagnon: Thank you. Now, for all of those blocked resolutions are there any questions, comments discussion on any of the resolutions that are blocked?

Legislator Rankin: Thank you. There a couple I would like to comment on. One, is 211 about the hangar. I have mixed feelings about the airport and the investments on the airport. I feel convinced that investment in the hangar at the Dunkirk Airport can help us because there's

an opportunity for positive income. So, I think that that would benefit us in the long run. I'll be in favor of that. I would like to comment on 212 about a study on the airport at Chautauqua County Airport.

Chairman Chagnon: That resolution wasn't blocked. We're going to come back to that one for a specific discussion on that one.

Legislator Rankin: O.k., then I'll comment on that at that time. I want to say that I want to support the Dunkirk Airport hangar investment.

Chairman Chagnon: O.k., thank you. Are there any other comments, questions, discussion on any of the blocked resolutions? Hearing none and seeing none, all those in favor of the blocked resolutions please say aye. Opposed?

Legislator Scudder: I have a question. If I am opposed to one and not to all, how do I express that? Can I not express that?

Chairman Chagnon: You missed that in the blocking.

Legislator Scudder: Then I am opposed to all of them. Thank you.

Chairman Chagnon: O.k., would you like to express your specific concern?

Legislator Scudder: If I can't vote on it specifically, I'll just against all of them.

Chairman Chagnon: O.k., then the blocked resolutions are adopted.

Clerk Tampio: O.k., I'll go back to resolution 212-21

RES. NO. 212-21 Amend 2021 Budget to Implement the Air Service Development Study Project within Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Facilities and Audit & Control Committees

Legislator Rankin: Thank you, Mr. Chairman. We've done so much work on this airport and we've had so many opportunities to make it work. I am totally in favor of any kind of infrastructure investment that will help the county and I've been the beneficiary for years of flying in and out of Jamestown Airport, however, I do believe that we've given it its chance and I think its time has come and gone and I am not in favor of spending money on a study of something that I don't think is going to get us anywhere. I am not in favor of this because I think we can spend the money better elsewhere. Thank you.

Chairman Chagnon: Thank you.

Legislator Gould: (*Inaudible*) not be in favor of 212 for a couple of reasons. One, it's another study and we've had too many studies and not enough action. Another reason I think it's

a poor way to spend some ARPA money. So, for the fourth time, I will vote no on this resolution.

Chairman Chagnon: Thank you.

Legislator Nazzaro: Thank you, Mr. Chairman. I, too, will be voting no on this resolution. As Legislator Gould said and Legislator Rankin said, I think there are better ways to spend the money. The \$72,000 is to see if we can support commercial air service. I think at one time, definitely. I flew out of Jamestown, but those days are gone. We need to move forward. I do support the airports going forward. As far as our current FBO, I think they're doing a great job. I support private air traffic out of the airport, I support industrial air traffic and I support looking at other ways to improve the operations of the airports such as charter service, but I cannot spend another \$72,000 for a study that will probably lead to another study. Thank you.

Chairman Chagnon: Thank you.

Legislator Ward: I'd like to echo what Mr. Nazzaro said. As folks found out in committee, I am (*inaudible*) to spending money on studies. It's hard to talk me into spending money on any studies, but this one particularly, I can't support for all the reasons listed here. We heading quickly away from that kind of activity at the airport and I wish we would just spend the money on the things that those airports can be good at.

Chairman Chagnon: Thank you. Other comments or questions on resolution 212-21? We will have a roll call vote.

RES. NO. 212-21 – R/C Vote: 4 Yes; 15 No – DEFEATED w/ Legislators Bankoski, Gould, Harmon, Lawton, Nazzaro, Niebel, Pavlock, Penhollow, Rankin, Scudder, Starks, Vanstrom, Ward, Whitford, Whitney Voting “No”

RES. NO. 218-21 Amend 2021 Budget to Implement the New Handguns Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Safety and Audit & Control Committees

Clerk Tampio: Resolution 218-21 has been withdrawn from the agenda by its legislator signers: Mr. Whitford, Mr. Pavlock, Mr. Niebel, Mr Harmon and Mr. Nazzaro.

RES. NO. 218-21 - WITHDRAWN

RES. NO. 241-21 Amend Resolution 185-21 Regarding Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

RES. NO. 242-21 Approving Labor Contract with Chautauqua County Sheriff's Supervisors' Association (CCSSA) , by Administrative Services, Public Safety and Audit & Control Committees – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

RES. NO. 243-21 Consider 2022 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action, by Audit & Control Committee

Legislator Nazzaro: I would just like to thank everyone involved in this budget process. An awful lot goes into this. The County Executive, Mr. Wendel, presented a structurally sound budget to this legislature back in September. All the committee's went through this budget thoroughly. We met for four and a half days back in October reviewing the budget, the department managers stepped up to the plate, as always, and did everything they could to trim costs and worked with everyone. This budget provides property tax relief, there's no use of undesignated fund balance. It creates a contingency account for those unexpected expenses and meets our five year plan. So, I really encourage everyone to vote for this, and again I commend everyone for their hard work on this budget, thank you.

Chairman Chagnon: Thank you, well said. Other questions, comments, discussion on the resolution?

Legislator Niebel: Mr. Chairman, just a word of caution, we did create 42 new positions this year and I realized that many of these positions are 100% funded either by the state or the federal government, but look, two or three years from now we're going to have to decide how we're going to fund these positions or whether we're going to fund these positions at all. As of tonight's budget, I think this is a reasonable and fair budget and I'll be vote voting in favor of it, thank you.

Chairman Chagnon: Thank you. Other comments, questions, discussion?

Legislator Ward: Thank you. I am very much in favor of this budget, I again I have been impressed by the work that has gone into all of the committee's and the presentation by the County Executive. The last budget that we approved was a very, very low tax increase and this one has none. I'm proud of the work that that these folks have done to present this budget, and I will wholeheartedly support it. Thank you.

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

RES. NO. 243-21 - R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

Chairman Chagnon: With the advice of the County Attorney, since we have never historically had a situation where we've had a block and an individual wanted to vote no on one resolution in the block, he suggested that I might give Legislator Scudder an opportunity to vote no on the individual resolution or resolutions that he would choose to vote no on.

Legislator Scudder: It does kind of spoil the record of 37 no votes in a single evening, but I'll give that up to just vote no on 211-21. Thank you.

Chairman Chagnon: Thank you for that clarification, Legislator Scudder and thank you to the County Attorney for providing that advice as to how we might clarify, for the record what your intent was. O.k., sorry for the interruption, if you would continue.

MOTION:

A. Calling on All Elected Officials of the State of New York and the United States Government to Exercise Their Legislative and Executive Powers Within the Bounds of Their Constitutional Authority

Clerk Tampio: Yes. The two motions listed on the agenda this evening, each of them have received the required amount of signatures to bring them to the floor, so I will read motion A, “Calling on All Elected Officials of the State of New York and the United States Government to Exercise Their Legislative and Executive Powers Within the Bounds of Their Constitutional Authority,” and I have received a request that this motion be read in its entirety and I’m going to ask the Deputy Clerk to do that for you today.

Ms. Ames: “WHEREAS, members of the Chautauqua County Legislature, members of the New York State Legislature, and the Governor of the State of New York are duly sworn by their oath of office to uphold the Constitution of the United States and the New York State Constitution and Laws, including the New York State Civil Rights Law; and

WHEREAS, members of the United States Congress and the President of the United States similarly are duly sworn by their oath of office to uphold the Constitution and Laws of the United States; and

WHEREAS, rights specifically enumerated in the United States and New York constitutions include, but are not limited to, rights to freedom of expression, speech, association, religion, press, and petition, the right to keep and bear arms, the right to protection of person and property, and the right against unreasonable searches and seizures; and

WHEREAS, the exercise of governmental power by the legislative and executive branches of the state and federal governments must be undertaken within the delegated authority and restraints on such authority found in the constitutions; and

WHEREAS, throughout the history of the United States and State of New York, elected officials within the legislative and executive branches of government, regardless of political affiliation, have periodically sought to push the boundaries of their constitutional authority to achieve their legislative and executive policy objectives; and

WHEREAS, Daniel Webster, a nineteenth century United States Congressman and Secretary of State aptly said that “[i]t is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions,” and President Thomas Jefferson said that “[i]n questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution;” and

WHEREAS, in a time of frequent disagreement over many issues regarding the best path forward for the United States and the State of New York, it is of the utmost importance that the Constitutions of the United States and State of New York be keenly supported and upheld by all of our elected representatives in the exercise of their duties; therefore

LET IT BE KNOWN, That the Chautauqua County Legislature urges the New York State Legislature, the Governor of the State of New York, the President of the United States, and the United States Congress to support, uphold, and preserve the principles set forth in the Constitutions of the United States and State of New York, and exercise their legislative and executive powers within the bounds of their constitutional authority; and be it further

MOVED, That the Clerk of the County Legislature is directed to send copies of this Motion to Governor Kathy Hochul, New York Senate Majority Leader Andrea Stewart-Cousins, Senate Minority Leader Robert Ort, Senator George Borrello, New York Assembly Speaker Carl Heastie, Assembly Majority Leader Crystal Peoples-Stokes, Assembly Minority Leader William Barclay, and Assemblyman Andrew Goodell; and be it further

MOVED, That the Clerk of the County Legislature is directed to send copies of this motion to President Joseph Biden, Vice-President Kamala Harris, United States Senate President Pro Tempore Patrick Leahy, Majority Leader Charles Schumer, Minority Leader Mitch McConnell, New York Senator Kirsten Gillibrand, Speaker of the House Nancy Pelosi, House Majority Leader Steny Hoyer, House Minority Leader Kevin McCarthy, and Congressman Tom Reed.”

Chairman Chagnon: Thank you, Olivia. Now, any questions, comments, discussion on the motion?

Legislator Ward: Thank you, Chairman. I would like to commend Mr. Pavlock for the job that he did putting this together, and also Mr. Abdella. I know that Mr. Pavlock and I and a few other folks were asked directly by some constituents exactly how to move forward with this sort of thing referencing Cattaraugus County’s move towards a constitutional county and we had said in those moments that we will do as good a job as we can to try to try to put something forward and I was very clear in that we would - and I’m saying we because I didn’t- Mr. Pavlock and Mr. Davis did this, but I was also very clear that I would not, or it would be hard for me to support such a thing. I don’t believe there’s a- again, I think we’ve done as good a job as we can presenting this. I don’t think there’s a clarity here, I think the questions brought up by one of the members in the gallery here are valid ones with regard to this one, and the next. So, I am- I would like some answers, I’d like to see some clarity. I don’t think that this has any teeth. I don’t think that- I just think there are just way too many questions. It’s way too unclear. I’m going to move to table this.

Chairman Chagnon: O.k., we have a motion to table. There’s no discussion on a motion to table, so do I have a second on the motion to table? Is there a second on the motion to table? Hearing none, we will proceed with discussion on the motion. Any other questions, comments?

Legislator Davis: Thank you, Mr. Chairman. For several months now Legislator Pavlock and I have been in communication about the best way to craft the wording of this motion and County Executive Wendel has also been taking part in those conversations. The reality is that each of us as legislators, has been sworn to uphold the Constitution. It’s an oath that Mr. Pavlock, myself and many of our colleagues take seriously. Having said that, it has become clear in my opinion, especially during this pandemic, that there are some elected officials at the state and federal levels who have used mandates to push the limits of their constitutional authority as they seek to achieve their own policy objectives. This motion serves as a reminder to all elected

officials of their oath to uphold the Constitution, and it would be my pleasure to support this motion, thank you,

Chairman Chagnon: Thank you. Other comments, questions, discussion on the motion?

Legislator Pavlock: I've put some serious thought into this motion and consider- I- all of us took an oath and it's something that I certainly take seriously as I'm sure we all do. So, why a reminder, why something to state that? I use the example, I whether it's accurate or not, I have my wife remind me of a lot of things and well, I'd be lost if I didn't have those reminders. Sometimes the reminder to take the garbage out- I may get annoyed with. Some of those maybe she could forget but, nonetheless, they're important and the garbage doesn't back up. I'm not irritated by any reminder and I doubt that any of our officials would be irritated by a reminder to follow their oath. Someone tells me to remember the oath- I don't take it as an insult, I take it as a thank you and I will continue to do so. So, the statement is other than just reminding the oath that you did take, but to follow it and that's where the motion is going to have some action is the following part, thank you.

Chairman Chagnon: Thank you, other questions, comments, discussion?

Legislator Whitford: Thank you, Mr. Chairman. There's been much debate about this Constitutional motion and my own view of this is that it's really a reaffirmation of what our oath really is, and once in a while I certainly believe that we need to be reminded of the oath that we took and what our parameters are. So, I really don't have any problems with voting yes on this motion. I think it will end a very rigorous debate that is really governed about whether we are within our constitutional rights, whether at the local level or the state level or the federal level, so I would urge my colleagues to vote yes on this motion and end this debate, thank you.

Chairman Chagnon: Thank you. Any other questions, comments, discussion on the motion? Hearing none will the Clerk please call the role?

R/C - Vote -13 Yes; 6 No – Adopted w/ Legislators Bankoski, Lawton, Nazzaro, Starks, Ward, Whitney Voting “No”

B. Calling on Elected Officials of the State of New York to Consider Alternatives to Vaccination Mandates for Healthcare Workers

Chairman Chagnon: Are there any questions, comments, discussion on the motion?

Legislator Ward: Thank you again, Chairman. Thank you to Mr. Scudder for putting this together. I was dismayed to see in the language of this particular motion that there was no mention- while there was mention of some other- there was a declarative statement about some other scientific facts regarding the virus, there was no mention of the fact that our Health Department recommends the vaccine. I think that that is something that is absolutely as imperative as helping us to keep our healthcare team together. My wife is an RN in the ER. She does not have the luxury of arguing with this virus. She worked for 18 months and plus very much worried about this, this is not about hubris, this is not about- it is about- we are, or at least I

thought, our Health Department is about getting as many folks vaccinated as possible. I worry that this kind of motion, which by the way, we all know a motion has no teeth, has nothing, can do nothing- I also know because I have heard from a great many of folks and we heard tonight that these that many folks do not want a motion, they want an ordinance. So, if this is a step towards moving us toward a county that disobeys the law, it's not going to happen. That has to happen in court. If you want to change the law, you have to go to court. We can't do this in this body, certainly not with a motion and my hope with this motion, though, is that while I don't think it's the best solution, if we can allow folks to test out of this and regularly testing- that is daily testing, and if that somehow moves us toward it I guess that I can reluctantly support it, but I would urge that we go on record saying we absolutely, absolutely endorse vaccines for everyone who is eligible, thank you.

Chairman Chagnon: Thank you. Other questions, comments, discussion on the motion?

Legislator Nazzaro: Thank you. I'm having difficulty with this one as well. I did sign off on it to bring it to the floor. I, as Legislator Ward, am very hesitant to support this, but I guess I'm going to only because the 6th whereas, where it says such alternative preventative procedures might include but not limited to daily rapid COVID testing, aggressive use of PPE and so forth. This does give an alternative, I know the school systems are encouraging vaccinations, but if they don't the school systems across New York are doing daily testing so, again, I don't want to cripple the healthcare industry. When I listen to the news and I see healthcare workers leaving their jobs because they don't get the vaccination and putting the strain on our resources in the emergency room, in the ICU units and other areas, something needs to be done. I will go on record- I think everyone should get vaccinated. I'll say it again, everyone should get vaccinated unless they have a medical reason. They have a medical reason, I understand that, but I will support the motion, so our health care system is not crippled and we can continue to provide health care for people who need it, thank you.

Chairman Chagnon: Thank you.

Legislator Niebel: Like Chuck, I think everybody should be vaccinated, but as Legislator Ward mentioned 18 months ago, health care workers were asked to report for duty when there was no vaccine. They were asked to help people in need. They were hailed as heroes. Now, because of their own personal beliefs or because of religious beliefs they've decided not to get the vaccine and they're denied unemployment benefits and basically they're being persecuted and I think that's wrong. This motion is in support of those health care workers. I'll be voting in favor of this motion this evening.

Chairman Chagnon: Thank you. Other questions?

Legislator Starks: I just wanted to add to what Mr. Niebel, Mr. Nazzaro and Mr. Ward have all said and just point out that this motion does encourage regular testing, which demonstrates responsibility. And I too encourage vaccination. We all should be if we are able to be, but this does give a responsible alternative, so I will support it.

Chairman Chagnon: Thank you, other comments on the motion?

Legislator Rankin: I'd like to see people who are able to and feel comfortable getting the vaccination to get the vaccination. My concern, and I'll be supporting this is because of the nursing homes and healthcare facilities who stopped taking new admits once they found out about this mandate. My concern is about the domino effect of places getting backed up. People can't get into the ER because the rooms are full because the hospital doesn't have enough beds because the nursing home doesn't have enough beds so they're turning people away and I'm concerned about the effect that that has not only on the healthcare workers, but the general population and I'm hoping that if they have alternatives to those that are strict and the testing and making sure they're not going to spread the virus, but to be able to find some kind of compromise so that we can take care of the people who need help. So I'll be voting in favor. Thank you,

Chairman Chagnon: Thank you. Other comments on the motion? Hearing none, will the Clerk please call the roll?

R/C Vote – 17 Yes; 2 No – Adopted w/ Legislators Lawton and Whitney Voting “No”

ANNOUNCEMENTS

Chairman Chagnon: O.k., that brings us to announcements. Are there any announcements for the good of the order? Any announcements? That brings us to the second privilege of the floor.

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.

Gerrit Cain, Falconer Frewsburg Road, Jamestown, New York. I'm going to get away from COVID and ARPA for a minute, but something I think we've kind of lost track of as a body and population and that's the encroaching threat of industrial solar on our rural communities and there's been some voice of concern from the Farm Bureau, from people in the Planning and Economic Development Committee- I just want to put forth that I'm not a big fan of Planning and Economic Development, I'm a fan of the free market. I think planning and economic development (*inaudible*) the invisible hand as Mark Odell used to say, is more the sleight of hand. The invisible hand is the free market, which is in Adam Smith's book, "The Wealth Nations" I'd be happy to lend it to you. But my point is, we learned a lesson with wind right, I mean a lot of you were here then. So, we unleashed giant PILOT agreements for the wind farms here to the tune of almost \$14 million dollars and we're going to be invested in those \$14 million tax breaks until (*inaudible*) and then in 2018 this body came to its senses and said let's restrict these agreements to wind after the fact that it was a disaster. Still is a disaster- it's not making money, nobody's electric bill has gone down in Chautauqua County just like nobody's electric

bill is going to go down if we unleashed solar. So, I encourage this body to get out in front of solar. And George Borrello says all the state's going to steamroll us anyway, it doesn't matter it doesn't matter what the least we can do is not put the burden on our property taxpayers to give these solar companies giant tax breaks like we did with the wind farms, so I encourage this body to move to act to draft a similar resolution. I would prefer no tax abatement agreements whatsoever, but if no pilots is the best you can do, let's do it and let's do it fast.

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

Good evening. I'm Emily Reynolds with Cornell Cooperative Extension and I live in Sherman. I just wanted to publicly thank you for your continued support for Cooperative Extension both through the ARPA funding, as well as our Youth Development Program. It means a lot to us, and I know there's a lot going on and you're handling a lot of other issues, so to take the time out and hear from us and listen to us and support us means a lot, so thank you.

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

Legislator Pavlock: I just wanted to say after you know some hesitancy and approving the ARPA funding lists in the previous meetings you know just working through the process through committees has been a good process to be able to have good discernment in regards to each project and as it comes through so may seem to have a little fast pace, to begin with, but you know as we've worked through them we've already made plenty of changes through the process. We've not accepted some changes, different funding's been sought other areas so it's a good fluid spending plan, and you know I'm glad to see it's working and I look forward to other potential projects as we find funds to save and put toward others so just wanted to say thank you and the rest of the body for the work that they've done on their these this project so.

Chairman Chagnon: Thank you, you stole my thunder but I'll allow it. Any other announcements for the good of the order? I'll take mine last. This body has worked through some very weighty subjects over the last few months. We went through the ARPA funding, developed the plan and now, as Legislator Pavlock stole my thunder, we are implementing some of those projects, we're allocating funding to them, we went through a budget that has yielded historical results for the county and the taxpayers of the county and, we're dealing with some very weighty social issues that the public is very engaged in and we've been dealing with some of those issues as well. So, my thanks and my appreciation and my congratulations go out to all the legislators, thank you very much.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (8:06 p.m.)

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