

Regular Meeting
Chautauqua County Legislature
Live Streamed on Social Media
Wednesday, November 17, 2021 6:30 p.m.
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:32 p.m.

Deputy Clerk Ames called the roll and announced a quorum present

Legislator Rankin delivered the prayer and pledge of allegiance.

Moment of silence for Robert Duff by Legislator Scudder

MOVED by Legislator Bankoski, SECONDED by Legislator Vanstrom and duly carried the minutes were approved. (10/27/2021)

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. Is there anyone to address the first privilege of the floor- please step up to the microphone and introduce yourself.

Thank you, Mr. Chairman. My name is Randy Woodbury- 342 Central Avenue, Dunkirk. I'm the Director of Public Works for the city and I'm speaking to resolution 255 this evening. I'd like to thank- its to co-fund the operation of a weed harvester in the Dunkirk harbor and this will be the first weed harvester on the Great Lakes side of the county's continental divide, there are several weed harvesters on the Mississippi side of the continental divide- several in Chautauqua Lake, one in Cassadaga Lake and one in Findley Lake. The weed harvester comes to us with the efforts primarily of Senator Catherine Young and then with Senator George Borrello. George Borrello sent a notice to the Planning and Economic Development committee explaining his background on that. He's been a proponent of this- having a weed harvester in the Dunkirk harbor. It would be a pilot project to perhaps get another one for Barcelona and then we'll bring the Silver Creek area- it's a very- I'd like to thank those senators and also the committee's in this body that helped put up through and the Legislators Muldowney and Bankoski who sponsored it and County Executive Wendel that proposed this. We went to Audit and Control and we tweak the resolution to read better so it's helping to pay for the operation of this weed harvester in the coming years. Dunkirk is going to host the national walleye invitational championship this year and we have a great venue for that and with bringing all those people there and with a harbor clean of weeds, we hope to fill up all the hotels and get this occupancy tax back to you, so there's a return on investment in this project. So, thank you for that and we have several- we have the Con Club, Bart's Yacht Club, Boat Launch, Chadwick Bay Marina- they're all partnering in this

and now the Legislature will be partnering in this. So thank you, Mr. Chairman, you were very helpful in putting this all together and I'd like to thank you especially.

Chairman Chagnon: Thank you. Anyone else wishing to address the first privilege of the floor? Seeing no one, we will now have a commendation by the County Executive and myself for Brad Bentley.

COMMENDATIONS:

**Director of Facilities
Brad Bentley
By
County Executive Wendel and Legislator Chagnon**

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 10/27/2021**

COMMUNICATIONS:

- 1. Letter – Resignation - L.J. Foster as Committee Secretary/Chaut. Co. Legislature**
- 2. Report – Small Business Development Center – Quarterly Report**
- 3. Report – Small Business Development Center – Business Permit Center – Quarterly Report**

Deputy Clerk Ames: On the agenda there are three communications listed. Are there any items you would wish to have read aloud? Please contact our office if you would like a copy of any of these.

Legislator Bankoski: I would just like to speak on communication #1. I would like to thank Lori Foster for her years of service to the County and I hope she enjoys her retirement. I don't think I've ever met anyone who does not enjoy retirement, so I'm sure she'll have something to do to take up her spare time but she's been an asset to Chautauqua County and she'll be missed.

Chairman Chagnon: Thank you, Bob. Well said.

LOCAL LAW INTRO. 3-21 – A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees

Chairman Chagnon: Any questions or comments regarding the local law?

Legislator Niebel: Look, I've been asked why department heads and managers deserve a 3% raise. Well, 18 months ago our department heads and managers helped us decrease our 2020

budget by \$4 million. Working with the County Executive and the Legislature our department heads and managers have helped us to reduce the county tax rate from \$8.50 cents to \$8.10 cents in the 2022 budget. So yes, they deserve a 3% raise and our thanks for all they do. Thank you..

Chairman Chagnon: Thank you, well said. Other questions or comments?

Legislator Rankin: Thank you, I'd like to say that I think this follows management best practices, which will help us to attract and retain quality employees, so thank you for doing this.

Chairman Chagnon: Other questions or comments on the local law? Hearing none, would Olivia please call the role?

Local Law Intro 3-2 – R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

RESOLUTIONS:

RES. NO. 244-21 Confirm Re-Appointments – North Chautauqua Lake Sewer District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 245-21 Amend 2021 Budget to Implement the LED Lighting Retrofit for Various County Owned Buildings, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 246-21 Authorizing Lease of Office Space in the City of Dunkirk

Legislator Nazzaro: I would like to make a motion to amend this resolution specifically under the “Resolved, item number four.” What I’m proposing –“up to \$95,000 with up to \$35,000 payable upon completion of the work. The remainder payable at a rate of up to \$1,000 per month during the lease term.” So, the amendment is clarifying the cost to be \$95,000 of which \$35,000 will be paid by a grant. Thank you.

Chairman Chagnon: O.k., we have a motion to amend and second by Legislator Vanstrom. Discussion on the motion to amend the resolution? Hearing none, all those in favor of the amendment, please say aye. Opposed? The amendment is carried.

Unanimously Carried to Amend

Chairman Chagnon: Now, onto the resolution as amended. Any discussion, comments questions on the resolution as amended?

Legislator Bankoski: Yes, Mr. Chairman, back in the day when I was the Director of Public Works for the City of Dunkirk it was somewhat of a shame that a lot of times the district attorney and the public defender had to conduct their business in so to speak closets or shared offices or whatever space they could find to speak with their clients recently the City of Dunkirk realized that there was issues and they purchased the Stearns building, which is adjacent to City

Hall and it's all tied in together there. So, I think this is a great win-win situation for the city and for Chautauqua County that now there will be designated space in the Stearns building for access for the public defender and the district attorney to conduct professional consultations with their clients and so on and so forth.

Chairman Chagnon: Thank you, any other questions or comments on the resolution as amended? Hearing none all those in favor please say Aye.

RES. NO. 246-21 – UNANIMOUSLY ADOPTED

RES. NO. 247-21 Probation DCJS Employment Focused Services Grant, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 248-21 Emergency Services 2021 Budget Adjustment, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 249-21 Authorize Lease of Property for Ten (10) Years from Christopher Cannon for Chautauqua County Radio System, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 250-21 Authorize Execution of NYS Office of Homeland Security Funding Grant Operation Stonegarden FY21, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 251-21 Authorize Execution of NYS Office of Homeland Security FY21 State Law Enforcement Terrorism Prevention Program Grant, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 252-21 Amend 2021 Budget for Office of the Sheriff, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 253-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Personal Services and Employee Benefits Costs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 254-21 Amend Chautauqua County Health & Human Services 2021 Adopted Budget for Increased Equipment Costs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 255-21 Co-Fund Lake Erie Weed Harvester, by Planning & Economic Development and Audit & Control Committees

Legislator Bankoski: (*Inaudible*) fellow Legislator Muldowney to help co-sponsor this resolution. It may not seem like it was a lot of money being only \$20,000, but this piece of equipment will be such a key (*inaudible*) for the City of Dunkirk and the harbor that we have to help alleviate the weed problem. If you're a watercraft owner or a boat owner, nothing worse

than when you want to go out on your piece of equipment enjoy the day and your prop or your intake gets plugged up with weeds and you can't enjoy your day other than pulling stuff out and trying to get out and then, like Mr. Woodbury spoke about the great tournament that the City of Dunkirk is going to host this year- I just feel that this will just make it so much easier and welcoming to everyone to come to the Dunkirk harbor.

Chairman Chagnon: Thank you.

Legislator Niebel: There may have been an informal understanding with the county in the city of Dunkirk, so passage of this resolution fulfills that commitment made by the county to the city of Dunkirk. Thank you.

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

RES. NO. 255-21 – UNANIMOUSLY ADOPTED

RES. NO. 256-21 2022 County Sponsorship Contribution for JCC, by Administrative Services and Audit & Control Committees

Legislator Nazzaro: Thank you, Mr. Chairman. Just a brief comment- this resolution, again, demonstrates our commitment to Jamestown Community College, which is a very valuable asset to this community and I want to commend President Daniel Demart and the CFO there Michael Martello, who has worked very diligently during these difficult times in the pandemic when enrollment has been declining at no fault of their own due to the Covid and this demonstrates that we are willing to sponsor the college. We've actually added a 2% increase to this and it represents our commitment and this is in the budget, so I encourage everyone to support this, thank you.

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

RES. NO. 256-21 – UNANIMOUSLY ADOPTED

RES. NO. 257-21 Standard Workday and Reporting Resolution, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 258-21 Amend 2021 Budget to Implement the Upgrades to County Trails Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Facilities, Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 259-21 Amend 2021 Budget to Implement the HVAC/Indoor Quality Improvements for County Owned Buildings within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 260-21 Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Dunkirk Airport, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 261-21 Authorize Acceptance of American Rescue Plan Act of 2021 (ARPA) Grant to Provide Economic Relief for Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 262-21 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 – UNANIMOUSLY ADOPTED

RES. NO. 263-21 Environmental Review for Occupancy Tax for Lakes & Waterways Grant Projects Within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 264-21 Amend 2022 Budget to Implement the Digitization of County Records Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 265-21 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 266-21 A Resolution Authorizing the Issuance pursuant to Section 90.10 of the Local Finance Law of Refunding Bonds of the County of Chautauqua, New York, to be Designated Substantially “Public Improvement Refunding (Serial) Bonds,” and Providing for Other Matters in Relation Thereto and the Payment of the Bonds to be Refunded Thereby, by Audit & Control Committee – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 267-21 A Resolution Authorizing Various Capital Projects in and for the County of Chautauqua, New York, at a total maximum estimated cost of \$5,509,151, and Authorizing the Issuance of \$4,986,000 in bonds of said County to pay costs thereof, by Audit & Control Committee – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

Legislator Bankoski: make a motion that we block 268-21 through 275-21.

Chairman Chagnon: We have a motion to block and a second by Legislator Vanstrom. Any discussion on the motion to block the resolutions? Hearing none, all those in favor please say aye. Opposed? The resolutions are blocked, however, each one of them will require an individual roll call vote, so we will now proceed with- Oh, thank you Allison. She just made all of our lives a lot easier. We are able to do one roll call vote on all of the blocked resolutions.

(Applause)

RES. NO. 268-21 Making Appropriations for the Conduct of County Government For Fiscal Year 2022 – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 269-21 Authorize Tax Levy – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 270-21 Authorize Levy of Town Taxes – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 271-21 Authorize Levy of Unpaid Town Charges – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 272-21 Authorize Levy of Omitted Taxes – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 273-21 Authorize Tax Levy – North Chautauqua Lake Sewer District – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 274-21 Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 275-21 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts – R/C Vote – 19 Yes - UNANIMOUSLY ADOPTED

RES. NO. 276-21 Fixing Equalization Rates for 2022

Legislator Nazzaro: I would like to make a motion to amend resolution number 276-21, specifically in the second whereas instead of “2020 county taxes”, it should be “2022” and then in the Resolved, it should be “2021.”

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

Unanimously Carried to Amend

Chairman Chagnon: Any discussion on the resolution as amended? All those in favor say aye. Opposed?

RES. NO. 276-21 – UNANIMOUSLY ADOPTED

Legislator Bankoski: Mr. Chairman, I’d like to bring emergency resolution 277-21 to the floor please.

Chairman Chagnon: O.k., we have a motion to bring an emergency resolution that has been laid on the desks, to the floor. Do I have a second? Second by Legislator Gould. Is there

any discussion on the motion to bring the emergency resolution to the floor? Hearing none all those in favor please say aye. Opposed?

Unanimously Carried to Bring Emergency Resolution 277-21 to the Floor.

EMERG. RES. NO. 277-21 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation

Chairman Chagnon: O.k., so the resolution is on the floor. Any discussion on the emergency resolution?

Legislator Nazzaro: I would just like to thank the Land Bank for agreeing to this. We've had a few meetings with the committee and they're being very supportive of taking these properties and what this will do is it helps everyone- one, it helps the county from the continual accrual of delinquent taxes that are guaranteed by the county. Then, also, these properties will either be demolished, sold, rehabbed, but at least now the delinquent property taxes will not continue to accrue on the county's books. So again, I would like to thank the Land Bank for helping us out here.

Chairman Chagnon: Thank you, any other questions or comments? I would just like to comment that Todd Button brought us some recommendations earlier this year and we formed a committee to review and address his recommendations, and this is another enactment of some of his recommendations. So, my appreciation goes out to the committee that has worked on those recommendations, and in particular to Todd Button for bringing those recommendations to us. So, are there any other questions or comments or discussion and the emergency resolution? Olivia, please call the role.

EMERG. RES. NO. 277-21- R/C Vote: 19 Yes – UNANIMOUSLY ADOPTED

MOTION:

A. Urging Continuation of the Longstanding Practice of Combining the New York State Southern Tier Counties in a Single Congressional District

Deputy Clerk Ames: The motion on the agenda this evening has received the required amount of signatures to bring it to the floor.

Chairman Chagnon: Are there any questions, comments, discussion on the motion? Hearing none, will you please call the roll?

R/C Vote: 17 Yes; 2 No – ADOPTED w/ Legislators Bankoski and Whitney Voting “No”

ANNOUNCEMENTS

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

Legislator Hemmer: I just wanted to remind everybody that this weekend in Westfield is Christmas in the Village. Santa comes for the kids on Friday night. Saturday, we have a parade of lights in the late afternoon early evening and Saturday and Sunday both days there's at Eason Hall there's the vendors in Eason Hall. There's a lot of activities this weekend.

Chairman Chagnon: Thank you, other announcements? Hearing none, we will move 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.

My name is Anthony Toda. I live at 144 Clifton Avenue in Jamestown and I'd like to talk a little bit more about the executive orders not only by Kathy Hochul, but also by President Biden. I call for impeachment of both of them and I'd like to state in detail the reasons why I believe they should be impeached. First, they've gone beyond the scope of authority for executive orders called for by the Constitution of United States and the New York State Constitution. For the reasons that the executive orders that Joe Biden and Kathy Hochul have issued, on the national level affect every American- on the state level affect every New Yorker and because of such a broad influence on the general public, national and state, the orders- the people have a right to an opportunity to be heard through the representatives on each and every order- they're so broad they do not have- either one of them don't have the effect, whether Kathy Hochul or President Biden- because you have to have due process, opportunity to be heard through our representatives- state, local, federal and none of that happened with the Kathy Hochul and none of that's happened with President Biden, so both of them have overstepped their authority for executive orders and I'm asking the legislature to consider that they are illegal. I don't know what you can do about it, but that's my belief. That's the basis for my belief that they're illegal. Secondly, I'd like to discuss a little bit about the vaccinations for 5 to 12 year old children. I'd just like to say that from the statistics- from the reports and I'm getting, up to 80% of the general population- the world population doesn't even know they may have Covid or may have a mild case of Covid. So, you can compare that with the Spanish flu, which was much more serious and, again, the debate is- is this a pandemic. How restrictive should the laws be? Our children probably already have herd immunity. They have a very low rate reportedly of deaths from Covid and they should not be forced to take the vaccine. There is actually- there's alternative reasons for Kathy Hochul to be doing this, especially in New York State and Joe Biden, I think the big pharma who are huge lobbyists in state and federal government are forcing people- our representatives to make these laws paying them, giving them benefits to make the

laws and it's apparent in New York State when you have a Governor like Kathy Hochul who claims to protect New Yorkers by inoculating everybody, but then you turn around and watch a Buffalo Bills game and there's 80,000 people bumper to bumper sitting at a game. Sports arenas all over New York State- hundreds of thousands of people on weekends (*inaudible*) so there's a lot of hypocrisy here.

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

Mr. Toda: O.k., so that is one of the main reason that I believe that impeachments, or some of them anyway, should be considered by the Legislature for Mr. Biden and Governor Hochul, thank you,

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

MOVED by Legislator Gould, SECONDED by Legislator Pavlock and duly carried the meeting was adjourned. (7:19 p.m.)

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