

Regular Meeting  
Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, September 27, 2023 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:30 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on September 27, 2023. Would the clerk please call the roll?

Clerk Lee called the roll and announced a quorum present.

Legislator Hemmer delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon and duly carried the minutes were approved. (8/23/2023)

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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 appearing on the agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes.

Good Evening, Anthony Toda and I live at 144 Clifton Avenue, Jamestown. I just have a question on resolution 251-23. Is that going to be – that was discussed in the paper, the gift cards for giving vaccinations to selected groups, that was the County was supposed to be getting money for? And about \$250,000, is that what they're talking about here in this resolution? I just read it in the paper about 3 or 4 days ago.

Chairman Chagnon: Anthony, I can't explain to you what was in the newspaper article but the resolution 251-23 is on the agenda and it reads "Authorize Acceptance of Aging and Disability Vaccination Collaborative Funding for Chautauqua County".

Mr. Toda: Okay, in the event that it is for a COVID and Flu vaccination as it was stated in the paper, it is targeting a specific group of people. The COVID vaccines and the Federal government is part of that National issue here and when you're selecting a few groups in (*inaudible*) one to take either the Flu vaccine or the COVID vaccine, then you are eliminating or isolating the rest of us who may or may not want to take the COVID vaccine without such funding and the amount of funds that are appropriated for that purpose, obviously won't include everybody in the County who want to take the vaccine or Flu vaccine. So in that event, it's kind of discriminatory against a group or that doesn't have the opportunity to get the \$25, I believe it

was a \$25 incentive (*inaudible*) gift card to get a vaccination because there is certainly not enough funds in there. It targets specific groups, not the whole group and that is in contrast with the spirit of the COVID National inoculation incentive and that's why I am opposed to it, thank you.

Good evening, my name is Dr. Michael Faulk. I'm a Chautauqua County resident, a local physician, and I serve as Chautauqua County's Chief Medical Officer and interim Public Health Director. I am speaking here tonight on behalf of a group of dedicated individuals comprising the Chautauqua County Health Department in support of Resolution 251-23 being facilitated by Chautauqua County's Office for Aging Services. This is a grant opportunity targeting older adults, disabled persons, those in underserved areas, and those who otherwise have difficulty accessing medical care due to difficult social determinants and focuses on prevention, primarily the prevention of respiratory illness including Bacterial Pneumonia, Influenza and COVID. I think we can all agree that health care expenses are out of control but I'd like to give a different perspective on this. It is commonly rumored that Benjamin Franklin once said: "An ounce of prevention is worth a pound of cure". According to the American Medical Association, the U.S. spent \$4.3 trillion on Healthcare in 2021, this includes every facet of healthcare in our society. 31% of this was Hospital Care. The vast majority of this is paid by Medicare, Medicaid, Private Health Insurance and other federal and state programs. All of these essentially coming from Taxpayer dollars and Health Insurance premiums. When the Health of our population decreases, meaning the sicker we get, the more we as Americans access medical care which results in higher taxes and health insurance premiums. What is the most important remedy for this? Prevention. An essay written in 2019 by authors from the National Center for Chronic Disease Prevention and Health Promotion showed in 2015 only 8% of US adults aged 35 or older received recommended, high priority, appropriate clinical preventative services. These would, of course, include vaccines for the above stated respiratory illnesses. I think we can safely assume this is the case in 2023 as well. Many diseases, whether it be diabetes, heart disease, chronic obstructive pulmonary disease, stroke or infections (such as pneumonia resulting from bacteria or viruses including influenza, COVID and RSV) can be delayed, minimized or avoided all together with strong public health, community, healthcare industry led preventative efforts thus reducing medical visits, medications, expensive hospitalizations and the overall burden of healthcare costs in our country. In speaking of the burden of healthcare costs and relevant to this resolution: the burden of pneumonia specifically on the US healthcare system is substantial: In the US, the direct annual cost of community acquired pneumonia has been estimated between \$13-17 billion/year, this includes office visits, ER/urgent care visits and hospitalizations. The average hospital bill for pneumonia is roughly \$10k, and can be much higher and remember the vast majority of those are being paid for with taxpayer dollars or through high health insurance premiums. Pneumonia is mostly caused by a bacteria, but as all of you know, pneumonia can also be caused by viruses such as Influenza, RSV and COVID. The bacterial pneumonia vaccine or the pneumococcal is recommended for all adults aged greater than 65 and may be indicated in other at risk age groups as well. Influenza and COVID vaccines are also commonly recommended especially for those with advanced age, compromised immune systems, diabetes and chronic respiratory disease. While I acknowledge every treatment (such as a surgery or a medication, or a vaccine in this case) has their risks and their benefits, it is my opinion that the

benefits far outweigh the risks and the decision to move forward with any treatment or intervention should be discussed with a trusted primary care provider so that a shared decision can be made. And in conclusion, while our priority should always be the health of an individual in need, please know that targeting vaccination and programs around prevention can substantially reduce associated healthcare costs and in this case specifically when it comes to respiratory illnesses and pneumonia and therefore has the potential to reign in and contain rising healthcare associated taxes and health insurance premiums. While a grant such as this does not solve all of the problems with this burden, it does go a long way to assist our neighbors and most vulnerable community members in need. Thank you for your time.

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**COMMENDATION:**

**Dave Rowley**  
**By**  
**Legislators Bob Bankoski,**  
**Tom Harmon and Kevin Muldowney**

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**PRESENTATION:**

**2024 CHAUTAUQUA COUNTY**  
**TENTATIVE BUDGET**  
**By**  
**COUNTY EXECUTIVE PAUL M. WENDEL, JR.**  
<https://chqgov.com/2024Budget>

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL**  
**NO VETOES FROM 08/23/2023**

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Clerk Lee: There are 7 communications listed on the agenda. Are there any items you wish you have read aloud? Please contact our office if you would like a copy of any of these items.

**COMMUNICATIONS:**

- 1. Letter – NYS Department of State – Acknowledgement of Local Law 8-23**
- 2. Affidavit of Publication (2) – Legal Notice – Local Law Intro 8-23 (Post Journal and Observer)**
- 3. Affidavit of Publication (2) – Legal Notice – Local Law Intro 9-23 (Post Journal and Observer)**
- 4. Letter – Certificate of County Equalization Rates for 2023 Assessment Rolls for**

**Municipalities in Chautauqua County**

5. **Resolution No. 390 - Fulton County, Clerk of the Board of Supervisors- Support For Senate Bill S7645**
  6. **Minutes – Conewango Watershed Commission – September 13, 2023 Meeting**
  7. **Letter - Chautauqua County Ethics Board – Re: Financial Disclosures**
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**RESOLUTIONS:**

- 241-23 Confirm Re-Appointments - Chautauqua Opportunities Board of Directors, by Human Services Committee – UNANIMOUSLY ADOPTED**
- 242-23 Authorize Purchase of Real Property in the Town of Chautauqua, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 243-23 Authorize Agreement with County of Cattaraugus to Extend Term of the Conewango Watershed Commission, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 244-23 Amend 2023 Budget for Tenant Work for Jury Room Alterations In the Chautauqua County Courthouse, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 245-23 Amend 2023 Budget to Implement the Gerace Office Building Carpet Tiles Project, Using Funding from the American Rescue Plan Act (ARPA), by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 246-23 Adjust Capital Project Accounts-Road Machinery, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 247-23 Authorize Agreement for Purchase and Removal of County Owned Timber from the Dinsbier Landfill Property on Dinsbier Rd. in the Town of Chautauqua, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 248-23 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY24, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 249-23 Amend 2023 Emergency Services Budget for FY2019 Hazard Materials Grant Program (HM19), by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 250-23 Amend 2023 Emergency Services Budget for FY2020 SHSP Grant Expenses, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**251-23 Authorize Acceptance of Aging and Disability Vaccination Collaborative Funding for Chautauqua County, by Human Services and Audit & Control Committees**

MOVED by Legislator Harmon, SECONDED by Legislator Bankoski to amend Resolution 251-23 by adding a third resolved clause

***“RESOLVED, That no grant funding shall be used for the purchase of gift cards or other similar inducements or enticements; and be it further”***

Chairman Chagnon: Any discussion on the motion to amend Resolution 251-23?

*Carried to amend Resolution 251-23 with Legislator Niebel voting “No”*

Chairman Chagnon: 1 “No”, any others? The motion to amend is approved. Now onto the Resolution 251-23 as amended. Is there any discussion on the resolution as amended, comments or questions?

Legislator Niebel: Thank you Mr. Chairman. 18 months ago we had a similar resolution, 124-22, in that resolution it was for \$75,000. That was to vaccinate children and I quote “the black African community”. Now, I voted in favor of that resolution because I got assurances from the Health Department that they would not push the COVID vaccination for children under 5. However, that resolution was defeated 12 to 6 with 1 absent. Subsequently, high ranking Health Department officials contacted nonprofit’s within the County and tried to circumvent the will of the Legislature and ultimately the Health Department issued an apology. So look, this resolution speaks directly to vaccinating people of any age against COVID and although the grant is through the Office for the Aging, it references a working relationship with the Departments of Health in Mental Hygiene. I will not be supporting this resolution. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you. Any other comments or questions on the resolution as amended? Hearing none, would the clerk please call the roll?

**251-23 Authorize Acceptance of Aging and Disability Vaccination Collaborative Funding for Chautauqua County (as Amended) – R/C Vote: 18 Yes; 1 No (Niebel); ADOPTED**

**252-23 Amend Chautauqua County Department of Mental Hygiene and Social Services 2023 Budget for Increased Emergency Aid for Adults Costs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**253-23 Amend Chautauqua County Department of Mental Hygiene and Social Services 2023 Budget for Increased Services for Recipients Costs, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

**254-23 Lake Erie Management Commission Authorization to Approve and Fund Projects,** Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**255-23 Environmental Assessment of Projects for 2024 2% Occupancy Tax Grant Program,** by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**256-23 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings On 2024 Tentative Budget & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman,** by Audit & Control Committee – UNANIMOUSLY ADOPTED

**257-23 Quit Claim Deeds,** by Administrative Services and Audit & Control Committees – R/C  
Vote: 19 Yes; 0 No; – UNANIMOUSLY ADOPTED

Clerk Lee: We have an emergency resolution which has been emailed to all Legislators and laid on their desks. This will be emergency resolution number 258-23 titled “Authorize Acceptance of funds from the Department of Justice Bureau of Justice Assistance for the State Alien Criminal Assistance Program (SCAAP) for FY 2022”

Chairman Chagnon: Okay, do I have a motion to bring the emergency resolution to the floor?

MOVED by Legislator Niebel, SECONDED by Legislator Bankoski to bring the emergency resolution to the floor

Chairman Chagnon: Any discussion to bring the emergency resolution to the floor?

Legislator Niebel: Mr. Chairman, this is a grant for \$20,704 for the Sheriff’s Department. This grant needs to be approved by the Legislature before October 13<sup>th</sup>. Therefore, the emergency nature of the resolution.

Chairman Chagnon: Thank you for the explanation. Any other discussion on the motion to bring the emergency resolution to the floor? Hearing none, all those in favor of the motion, please say “aye”. Opposed?

*Unanimously Carried to bring the emergency resolution to the floor*

Chairman Chagnon: The resolution is on the floor. The emergency resolution for discussion, any questions, comments or discussion on the emergency resolution? Hearing none, all those in favor please say “aye” Opposed?

**Emergency Resolution 258-23 – Authorize Acceptance of funds from the Department of Justice Bureau of Justice Assistance for the State Alien Criminal Assistance Program (SCAAP) for FY 2022 – UNANIMOUSLY ADOPTED**

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**MOTIONS:**

Clerk Lee: Motion A. on the agenda has received the required amount of signatures to bring to the floor. Motion A. Proclaiming September 15, 2023 – October 15, 2023 Hispanic Heritage Month.

**A. Proclaiming September 15, 2023 – October 15, 2023 Hispanic Heritage Month**

Chairman Chagnon: Are there any comments or any discussion on Motion A.? Hearing none, all those in favor, please say “aye”. Opposed?

*Motion A. Proclaiming September 15, 2023 – October 15, 2023 Hispanic Heritage Month – Unanimously Adopted*

Clerk Lee: Motion B. on the agenda has received the required amount of signatures to bring to the floor. Motion B. Proclaiming October 1-7, 2023 as 4-H Week in Chautauqua County.

Chairman Chagnon: Are there any comments or any discussion on Motion B.?

Legislator Nelson: Thank you, Mr. Chairman. As a new board member of the Cornell Cooperative Extension, I feel as I should say a few words. Since 4-H began, more than 100 years ago, it's become the Nation's largest youth development organization. The 4-H idea is simple, help young people and their families gain the skills needed to be proactive citizens in our communities to develop ideas for more innovative economy. Today, 4-H serves youth in rural, urban and suburban communities across the Nation. 4-H'ers are tackling the Nation's top issues from global food security to climate change to sustainable energy. Their programs offer a wide variety of stem opportunities, science, technology, (*inaudible*) and math from agricultural and animal sciences to rocketry and robotics and computer science. 4-H programs improve our Nation's ability to compete in key scientific fields and take on the challenges of the 21<sup>st</sup> century. So I'm proud to join with my colleagues tonight in recognizing and celebrating October 1<sup>st</sup> through the 7<sup>th</sup> as 4-H week in Chautauqua County and I would encourage everyone to go to County Fair and have a chocolate milkshake because it's the best that you can find anywhere, or whatever flavor you want.

Chairman Chagnon: Thank you Legislator Nelson for your explanation and for your support in service to Cornell Cooperative Extension. Any other comments or discussion on the motion?

Legislator Rankin: Thank you Mr. Chairman. I'm always happy to support this. If you look at how important agriculture is in Chautauqua County and across the State, you can see that these are going to be the future leaders and the things that they learn; responsibility, teamwork and dedication. They work hard and they come through as shining stars I think so if there's anything we can do to support them, I'm all for it so thank you

Chairman Chagnon: Thank you for your comments, well said. Any other comments or discussion on Motion B?

*Motion B. Proclaiming October 1-7, 2023 as 4-H Week in Chautauqua County – Unanimously Adopted*

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## ANNOUNCEMENTS

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### PRIVILEGE OF THE FLOOR

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.

Good Evening, my name is Jim Jaroszynski and I am the Mayor of the Village of Falconer. Thank you Mr. Chairman by the way. I'm here once again to give an update on the transitional housing code blue, code red situation in Falconer, New York. Since the last Legislature meeting, at least 3 or 4 of the Legislators visited Falconer and one has even caught me personally to talk about the problem. DSS came and spoke with Village officials which include members of the Village Board, local police and the fire department. There was discussion on both sides of the issue but DSS explained how and why people are placed at the motel in Falconer. Village officials gave updated statistics on responses to the motel along with other reasons they would like the County to look at alternative sites outside of Falconer. The meeting ended with a promise of future discussion as well as planning for DSS officials to attend a Falconer neighborhood watch meeting that's *(inaudible)* due to scheduling conflicts. This past week, the Human Services committee met and I would like to commend Legislator Elisabeth Rankin. I was not able to attend in person but after watch *(inaudible)* I saw it was her who made the effort to discuss what was happening in Falconer and again gaining responses from the County, DSS transitional housing coordinator. The number of people who *(inaudible)* in recent weeks have only been going up which *(inaudible)*. This is and will continue *(inaudible)* that must be discussed amongst all Mayors and Supervisors in Chautauqua County. Just as a reminder as I stated about statistics, the police and fire have responded nearly 200 times since January 1<sup>st</sup> of this year to this motel. Most recently, I had a meeting with the County Executive and County Attorney about transitional and homeless housing. I hope to consider these discussions. In the future I plan to meet with the owner of the motel in Falconer. I think it's important to have



conversation and see if this situation can be remedied. *(Inaudible)* I appreciate the Legislature and the Executive Branch engaging with Falconer in hopes it continues because as you seen the Village and the citizens voice, we are not going away so thank you very much.

Chairman Chagnon: Thank you, Mayor.

Good Evening my name is Anthony Toda, I live at 144 Clifton Avenue, Jamestown, New York. I am making my comments based on *(inaudible)* reports. Regarding illegal entry by huge number of people at our borders. The media is *(inaudible)* this issue by describing illegal immigrants as asylum seekers *(inaudible)* immigrants. *(Inaudible)* exist asylum seekers and refugees, they are making illegal entry by *(inaudible)* legal immigration checkpoints *(inaudible)* the documentation to confirm their status. We are *(inaudible)* stating *(inaudible)* reason for not having the means to be able to house and clothe and feed these illegal immigrants. *(Inaudible)* Kathy Hochul who gave an inaccurate illegal and irrational attempt at a historical justification for present illegal immigration. *(Inaudible)* actions of the Biden Administration and the Hochul administration is allowing illegal trafficking, *(inaudible)* immigrants with the full awareness that there's no means to care for them. Constitution of *(inaudible)* manifested through federal immigration statues exists not only to protect U.S. citizens from crime as we have seen now in Buffalo, drug trafficking that is *(inaudible)* our citizens *(inaudible)* white slavery and disease but also to prevent the best of 50 illegals on a bus just for 1 example. The Biden Administration and the Hochul Administration expect the states to solve a federal and *(inaudible)* issue. Now New York City wants to give public funds to public and private entities to support illegal trafficking of illegals throughout our state. Senators Schumer, Gillibrand and President Biden are remaining strangely silent on these critical issues waiting for what now is beginning to occur. That is local governments *(inaudible)* from financial help to care for illegals and that is Senator Schumer's, Gillibrand and President Biden's *(inaudible)* to force the *(inaudible)* of illegals throughout our state by the *(inaudible)* of local governments that *(inaudible)*. How do we remedy this problem in everyone's best interest? By use of the courts for injunction orders confining illegals to New York City and preventing illegal trafficking and crime throughout our state. Also to order *(inaudible)* officials based in New York City to enforce *(inaudible)* immigration laws to elect and deport illegals. And finally for the courts to enforce the legal and *(inaudible)* decisions of our County Executive with other County Executive's regarding the care for illegals, thank you very much.

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MOVED by Legislator Bankoski, SECONDED by Legislator Davis to adjourn.

*Unanimously Carried (7:23 p.m.)*

Respectfully submitted and transcribed,  
Olivia Lee, Clerk of the Legislature & Kristi Zink, Deputy Clerk