

Regular Meeting
Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, December 20, 2023 6:30 p.m.
Mayville, N.Y. 14757

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

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on December 20, 2023. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present (Absent: Torres)

Legislator Niebel delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon and duly carried the minutes were approved. (11/15/2023)

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.

Hi my name is Wallace Rankin of Jamestown, my mother is Elisabeth Rankin and I just wanted to say that she did a good job and we're looking forward to what's happening next.

Chairman Chagnon: I would invite the County Executive to come down front. He has a request to be made of the body.

County Executive, Paul M. Wendel Jr.: Thank you, Mr. Chairman. At this time unfortunately as close to the Christmas holiday season as this is, if we could take a moment of silence for two outstanding members of our County. The first is Dr. Joe DiCarlo. Dr. DiCarlo was a longtime member of the Chautauqua County Community Service Board serving on the board for 24 years since February of 1999. Knowing Dr. DiCarlo personally having graduated with his children, our thoughts and prayers go out to the entire DiCarlo family at this time. I would also like us to take a moment of silence to remember George Theofilactidis. Mr. Theofilactidis came to Jamestown and found a welcome home. He was the founder and owner of El Greco, a premier furniture builder that is known nationwide in prominence. They came back a devastating fire that hit their business in the early 2000s, rebuilt and has maintained Jamestown as a home. Talking to his family, he has been an ambassador for the Greek community not only

here in Jamestown, in Chautauqua County but in Western New York. So if you could please take a moment of silence to remember these two individuals from Chautauqua County.

COMMENDATIONS:

For Outgoing Legislators

**KEVIN MULDOWNEY – DISTRICT 1
 BILLY TORRES – DISTRICT 9
 ELISABETH RANKIN – DISTRICT 12
 JOHN DAVIS – DISTRICT 16
 JOHN HEMMER – DISTRICT 19**

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
 NO VETOES FROM 11/15/2023**

Clerk Lee: There are 8 communications listed on the agenda. Are there any items you wish you have read aloud?

COMMUNICATIONS:

1. **Memorandum – Department of Law re: Chautauqua County Purchasing Policy**
 2. **Minutes – Conewango Watershed Commission – November 8, 2023 Meeting**
 3. **Chautauqua County 2024 Adopted Budget**
 4. **Letter – League of Woman Voters Chautauqua County Board of Directors**
 5. **Affidavit of Publication (2) – Legal Notice- Publication of Local Law Introductory 11-23 (Post Journal and Observer)**
 6. **Letter – Ann Battaglia, Chief Executive Officer Healthy Community Alliance**
 7. **Affidavit of Publication (2) – Legal Notice- Publication of Local Law 11-22 (Post Journal and Observer)**
 8. **Letter – NYS Department of State – Acknowledgement of Local Law 11-23**
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RESOLUTIONS:

**297-23 Confirm Appointment – Parks Commission, by Public Facilities Committee –
 UNANIMOUSLY ADOPTED**

298-23 Confirm Reappointment- Community Service Board – UNANIMOUSLY ADOPTED

**299-23 Confirm Appointment and Reappointments – Chautauqua County Youth
 Board – UNANIMOUSLY ADOPTED**

- 300-23 Confirm Appointments and Reappointments – Chautauqua County Office for the Aging Advisory Council – UNANIMOUSLY ADOPTED**
- 301-23 Confirm Reappointments – Chautauqua County Board of Health – UNANIMOUSLY ADOPTED**
- 302-23 Confirm Reappointment to the Chautauqua County Agricultural & Farmland Protection Board, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**
- 303-23 Confirm Reappointments and Appointments to Chautauqua County Planning Board, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**
- 304-23 Confirm Reappointments – Chautauqua County Soil and Water Conservation District Board of Directors, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**
- 305-23 Confirm Reappointments – Southern Tier West Regional Planning & Development Board, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**
- 306-23 Confirm Reappointment – Southern Tier Extension Railroad Authority (STERA) Board of Directors, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**
- 307-23 Confirm Reappointments – County of Chautauqua Industrial Development Agency Board of Directors, by Planning and Economic Development Committee – UNANIMOUSLY ADOPTED**
- 308-23 Authorize Extension of the Agreement between the North County Industrial Sewer District No. 1 and the City of Dunkirk for Sewage Treatment and Disposal Services, by Public Facilities Committee – UNANIMOUSLY ADOPTED**
- 309-23 Acceptance of CARTS Public Transportation 2023 Accelerated Transit Capital Grant, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 310-23 Amend Capital Project Accounts—Jamestown Community College, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 311-23 Amend 2023 Budget for Equipment Purchases, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**

- 312-23 Authorize Acceptance of Indigent Legal Services Grant Distribution #14 for the period of January 1, 2024 to December 31, 2026, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 313-23 Amend 2023 Budget for Office of the Sheriff Navigation/Snowmobile Department, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 314-23 Authorize Execution of NYS Office of Homeland Security State Law Enforcement Terrorism Prevention Program Grant FY23, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 315-23 Authorize Agreement with Town of Hanover for Enhanced Police Protection Services FY24 & FY25, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 316-23 Amend 2023 OES Budget for FY2020 SHSP Grant, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 317-23 Amend 2023 OES Budget for FY2022 SHSP Grant, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 318-23 Authorize Agreement with Village of Fredonia and Amend OES 2023 Budget, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 319-23 FY2023 Emergency Management Performance Grant (EMPG), by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 320-23 FY2023 State Homeland Security Program (SHSP), by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 321-23 Amend Chautauqua County Department of Public Health 2023 Budget for Increased Education: Handicapped Children Administrative costs, by Audit & Control Committee – UNANIMOUSLY ADOPTED**
- 322-23 Authorize Revised Lease Agreement with Warwick Plaza, LLC, by Audit & Control Committee – UNANIMOUSLY ADOPTED**
- 323-23 Authorize Renewal of Lease Agreement for 2024 with City of Jamestown for Office Space for the Department of Mental Hygiene, by Audit & Control Committee**

Legislator Pavlock: Thank you, Mr. Chairman. I would just like to make a couple comments. Last year we had some similar concerns that weren't remedied in this year's lease agreement and yet we're moving forward with some of the same issues that I still have concerns

about. One is that we have leaky roofs and the department has been issued citations for this. We're also leasing space that we are not able to utilize because of the conditions. I had a hard time agreeing to another lease agreement that really wasn't that beneficial and we still have some underlying issues. Now I understand that it's very hard for Mental Hygiene to just up and leave and thus that is why this is a one-year extension and it takes a while to find another place so they need to stay here unfortunately. I will not be supporting it just because I don't agree with the conditions and the way that their department has had an uphill battle with trying to get some of these things remedied by the city. So I'll be voting against this.

RES. NO. 323-23 - *CARRIED with Legislators Bankoski and Pavlock voting "No"*

324-23 Amend 2023 Budget to Implement the Critical Incident Stress Management (CISM) Team Project, Using Funding from the American Rescue Plan Act (ARPA), by Audit & Control Committee – UNANIMOUSLY ADOPTED

325-23 Authorizing the Submittal of a New York State Community Development Block Grant Application for Microenterprise Assistance, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

326-23 Authorize Use of 3% Occupancy Tax Reserve and Amend 2024 Budget to Enhance Programing for the Chautauqua County Visitors Bureau, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

327-23 Authorize Use of 3% Reserve Funding and Authorize Agreement with Chautauqua Region Economic Development Corporation to initiate a Public Art Program, by Planning and Economic Development and Audit & Control Committees

MOVED by Legislator Wilfong, SECONDED by Legislator Scudder to table

RES. NO. 327-23 -*Tabled with Legislator Niebel voting "No"*

328-23 Authorize Use of 3% Occupancy Tax Reserve and Establish Capital Account for Waterway Trail Hazard Removal, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

329-23 Authorize Agreement with Chautauqua Region Economic Development Corporation for Tourism Development and Placemaking, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

330-23 Authorize Agreement with Small Business Development Center at Jamestown Community College, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

331-23 Authorize Agreement with Chautauqua County Region Economic Development Corporation for Greenway Development, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

332-23 Authorize Agreement with County of Chautauqua Industrial Development Agency for Business Development, Assistance, and Promotion, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

333-23 Authorize Agreement with the County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

334-23 Amend 2024 Budget to Implement the Chautauqua County Strategic Infrastructure Project Identification and Development Project, Using Funding from the American Rescue Plan Act (ARPA), by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to block Resolutions 335-23 through 342-23

Unanimously Carried to block

335-23 Making Appropriations for the Conduct of County Government For Fiscal Year 2024 – UNANIMOUSLY ADOPTED

336-23 Authorize Tax Levy – UNANIMOUSLY ADOPTED

337-23 Authorize Levy of Town Taxes – UNANIMOUSLY ADOPTED

338-23 Authorize Levy of Unpaid Town Charges – UNANIMOUSLY ADOPTED

339-23 Authorize Levy of Omitted Taxes – UNANIMOUSLY ADOPTED

340-23 Authorize Levy of Unpaid Sewer User Charges & Civil Penalties- North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts – UNANIMOUSLY ADOPTED

341-23 Fixing Equalization Rates for 2024 – UNANIMOUSLY ADOPTED

342-23 Quit Claim Deeds – UNANIMOUSLY ADOPTED

343-23 Distribution of Mortgage Taxes, by Administrative Services and Audit & Control Committees

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to amend by substitution (the version that was laid on the desks)

Unanimously Carried to Amend

Chairman Chagnon: Now, questions, comments on the amended resolution?

Legislator Scudder: I believe we amended the City of Jamestown, is that correct? The amount?

Chairman Chagnon: There were many changes.

Legislator Scudder: There were many? Oh okay, then I won't ask for them all. I thought it was just one.

Chairman Chagnon: Any other questions or comments? Hearing none, all those in favor of the amended resolution please say "aye". Opposed?

RES. NO. 343-23 -Unanimously Carried as Amended

TABLED MOTION:

A. Affirm Support for Israel and Condemn Anti-Semitism

Chairman Chagnon: Are there any questions or comments about the tabled motion? If there are none, it will remain tabled. It will remain tabled, thank you.

Tabled Motion A. Left on the Table to Die

ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements. Are there any announcements for the good of the order from any legislators?

Legislator Gustafson: I'd just like to take this opportunity to thank Dr. MaryAnn Spanos and her team at the Office for the Aging for providing me the opportunity to be part of the delivery team for the Santa for seniors this past week. I had the pleasure of making seven deliveries to seniors in our area. The seniors were both surprised and grateful not only for the items that were received, but for the fact that they were remembered during this holiday season.

I'd also like to thank Hurlbut Church and First Baptist Church of Mayville for their donations and I look forward to participating in the deliveries next year.

Chairman Chagnon: Thank you. Other announcements? Any other announcements? Seeing none, we will move on to the second privilege of the floor.

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.

My name is Rich Davidson. I have my wife and my daughter here, Pat and Michelle. We're the owners of Camp Prendergast and we're coming into phase two of the Sewer District. *(Inaudible)* About 2 months ago, four gentlemen come to my house wanted to walk through the campground to see about putting lift stations in which is fine. They told me that it's going to cost me \$50,000 over a 30-year period interest free which was fine. Then I'm hearing that it's going to cost me \$48,000 a year and I can't get a straight answer from nobody. We called a few people and they never call us back. All I'm asking for is a fair shake. I want to know how I can set my budget if I can't get no answers of what I'm going to owe.

Chairman Chagnon: Thank you for speaking to us this evening. I did receive your voicemail message earlier today when I was in between meetings and I will be calling you tomorrow. I have talked to Tom Walsh who's the Executive Director of the Sewer District. I talked to him earlier today and so I will be talking to you tomorrow if that's okay.

Mr. Davidson: That's okay but Tom Walsh and Mr. Wilson, I think it is.

Chairman Chagnon: Brian Wilson is the engineer, yes.

Mr. Davidson: I asked him a question and he chuckles and says "that's the way it is". I ask him about – okay we're going to have to raise the rent, campers are going to leave and what about the sites that are empty? Are we going to have to pay \$500 a site when they're empty?

Chairman Chagnon: I'll speak with you tomorrow and we can address your questions at that time.

Mr. Davidson: I appreciate it very much, thank you.

Chairman Chagnon: That was in reference to the extension of the South Chautauqua Lake Sewer District and I serve on that Board of Directors. I imagine that's the reason that I got the phone call so I will be addressing the concerns with the residents tomorrow.

Good evening, my name is Amanda Christie and I reside in Gerry, New York. I've been employed by Chautauqua County since July of 2019. I'm currently a child protection case worker based out of the Jamestown office. To date, CPS workers in Chautauqua County have been assigned 2,199 reports of suspected abuse or mal treatment this year alone from the State Central register. This number is not reflective of the subsequent reports that are received. Subsequent reports are additional reports that are received by the department while an open investigation is occurring. Over the past few years, CPS has dealt with multiple vacancies at all times. Currently, there are 25 CPS case workers with only 16 or 64% of current staff having over two years of experience. At this time, there are 6 vacancies in child protection which equates to a full team. This number is 20% of our allocated workforce. Since my hire date in 2019, 33 staff members have left child protection. Of those, 52% of those discontinued their employment with the County. Additionally, the department as a whole has struggled to recruit qualified individuals to sign up and take the caseworker Civil Service examination. Currently, there's no active list to utilize in hiring CPS case workers. The next test is not being offered until the spring of 2024. Even when the department is able to hire provisionally prior to the test being offered, the New York State Office of Children and Family Services, our governing body, requires that case workers complete mandatory State training before being assigned cases, working independently and being placed on our on call rotation schedule. On average, it takes 6 to 7 months after a person is hired to complete the training process. During this time, the County is investing thousands of dollars in salaries and benefits for new employees. Additionally, monies are being utilized for experienced workers to train new employees as there is not currently a departmental employee specific to training new hires. This year, several of these new hires have completed training and subsequently quit, leaving the County for jobs with better pay, better benefits, less stress and more consistent work schedules. The County has been unable to maintain wages corresponding with rising minimal wages, current inflation and the experience levels and skill set necessary to work with our most vulnerable population in the county. This is directly related to the difficulty of fieldwork trauma and finding clients deceased, child fatalities, children who are severely injured disfigured and traumatized. Case workers interact in the homes of families with caretakers and parents who are struggling with substance abuse, mental health disorders often undiagnosed, violent behaviors, gang affiliation, domestic violence and criminal behavior. Being a CPS caseworker requires a special skill set to be able to maintain and engage families to work toward risk reduction and ultimately keeping the children safe. Due to the inability to control intake as anyone can call in a report of suspected abuse or maltreatment on any day or time, coupled with the lack of CPS experienced CPS workers creates higher caseloads for workers, less time working with families to address these necessary safety factors and an environment where there's seemingly no light at the end of the tunnel. This contributes to the ongoing recruitment and retention struggles. We are asking you to be open to genuinely hear from CPS staff and be responsive in addressing our concerns with creative solutions for improvements related to recruitment and retention, thank you.

Chairman Chagnon: Thank you, and thank you for what you do.

Hi, I'm John Sedota and I'm actually a CP supervisor. I've been with the County for 28 years and I just want to say while I certainly appreciate the sentiments just expressed, I'd also

like to say that as a supervisor, I've worked under 6 different County Executives, 6 different Commissioners and I have seen a lot of positive change over the last year and I just want to make that clear that the staff do appreciate a lot of the changes that have occurred recently and we have had a lot of challenges over the years and I think we're going to continue to have a lot of those challenges, but I just want to say that I commend our current commissioner I think he's doing an excellent job and I think he's been very receptive to try to address a lot of these problems that were just brought up.

Chairman Chagnon: Thank you, and thank you for what you do as well. Anyone else wishing to address the second privilege of the floor? Seeing no one, now I will close the second privilege of the floor.

Legislator Bankoski: I'd like to make a motion that we enter into executive session pursuant to Public Officers Law Sections 105(d) and (f) for the purpose of discussions regarding proposed, pending or current litigation and for discussions regarding matters leading to the employment, discipline, dismissal, or removal of a particular person.

7:23 p.m.

MOVED by Legislator Bankoski, SECONDED by Legislator Harmon to enter into executive session pursuant to Public Officers Law Sections 105(d) and (f) for the purpose of discussions regarding proposed, pending or current litigation and for discussions regarding matters leading to the employment, discipline, dismissal, or removal of a particular person – Unanimously Carried to enter executive session

Chairman Chagnon: So for housekeeping, we will be engaging in an executive session in this conference room and at the conclusion of the executive session, there will be no further business to be conducted by the Legislature so as soon as the executive session is adjourned, we will adjourn the Legislature meeting so there's no need for anyone to stick around to see what develops because there will be no comments and no discussion and no action after the executive session and conclusion of the meeting. So we would welcome our guest to leave us at this point and the Legislators are welcome to take a break for a few minutes before we convene the executive session.

9:35 p.m.

MOVED by Legislator Harmon, SECONDED by Legislator Scudder to exit executive session – Unanimously Carried to exit executive session

MOVED by Legislator Vanstrom, SECONDED by Legislator Gustafson to adjourn.

Unanimously Carried (9:36 p.m.)

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