

Chautauqua County Legislature  
**Live Streamed on YouTube**  
Wednesday, June 26, 2024 6:30 p.m.  
Mayville, N.Y. 14757

Chairman Chagnon called the meeting to order at 6:34 p.m.

Chairman Chagnon: I will call to order the meeting of the Chautauqua County Legislature on June 26, 2024. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. (Absent: Harmon, Johnson, Proctor, Wilfong)

Legislator Anthony delivered the prayer and pledge of allegiance.

Legislator Bankoski: As you noticed, our good friend Legislator Wilfong, isn't with us this evening and I would just like everyone to keep him in your thoughts and prayers as he's going through a difficult time in his life.

Chairman Chagnon: Thank you for that.

MOVED by Legislator Bankoski, SECONDED by Legislator Scudder and duly carried the minutes were approved. (05/22/2024)

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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.

No one chose to speak.

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**COMMENDATIONS:**

CERTIFICATE AWARDS  
To High School  
VALEDICTORIANS and SALUTATORIANS  
By  
Chairman Pierre E. Chagnon  
and  
County Executive Paul M. Wendel, Jr.

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Southwestern Swim Team State Champions

By

County Executive Paul M. Wendel, Jr.

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Chautauqua County Mobile Crisis Unit

By

County Executive Paul M. Wendel, Jr.

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**PRESENTATION:**

Planning Board's Review of

2025 Capital Projects

By Doug Bowen

Doug Bowen: Good Evening. County Executive Wendel, Mr. Chairman, County Legislators, ladies and gentlemen: My name is Douglas Bowen, and I am Chairman of the Chautauqua County Planning Board. The County Administrative Code charges the County Planning Board with the responsibility of annually reviewing capital requests from county departments and making recommendations to County Government with respect to estimated costs, project justification, and priority. This evening, I am here on behalf of the Chautauqua County Planning Board to present the Board's report, with recommendations for the 2025 Capital Budget, and the 2026-2030 Capital Plan. Capital budgeting is the process of evaluating and selecting Capital Projects that align with the goals and strategies of the County. It involves estimating the costs, benefits, and risks of different projects and choosing the ones that maximize the County's values with conflicting objectives and constraints. However, capital budgeting is not a simple or straightforward task. We are choosing between projects, across departmental lines, that result in different types of benefits for different segments of the County's population. This is compounded by the fact that we are faced with a rising public demand for new and better services while feeling the pressure to lower the tax burden. Departments look for alternative funding sources for capital projects, but the options are limited. Inevitably, the end cost of doing business falls to the taxpayers. After all proposed projects are prioritized the Planning Board Reviews the ranking from two more viewpoints: (1) the board provides what it calls a "common sense test"? The Board asks themselves, has a project been ranked unexpectedly high or low, and (2) are there any linkages between projects? Such as are any projects related to each other geographically, or otherwise, such that having them accomplished concurrently would be advantageous? What about sequencing or timing? Are any projects dependent on the completion of other projects? After this review, the Planning Board may make adjustments to the project ranking. As I have said in the past, the Capital Project review process is a process of obtaining good information, and making the best use of the information requires a partnership with all parties involved. The Planning Board does not underestimate the human effort required to execute the capital planning and budgeting process. However, in the end the investment of time is well spent and if done correctly will benefit county operations and the taxpayers.

This year, the Planning Board reviewed 50 county funded capital projects, 6 enterprise funded capital projects, and 7 FAA/State funded capital projects for the 2025 capital budget. An additional 50 projects were reviewed for the 2026 – 2030 capital plan. These projects were submitted by 11 various Chautauqua County departments. If you separate out the sub-departments that are under the umbrella of “Public Facilities,” there were submissions from 16 different departments and divisions. The total cost requested for the 50 capital projects for fiscal year 2025 reviewed, without the Enterprise funded projects and the FAA/State funded airport projects, was \$26,694,076. The county share of these projects was \$15,811,306. The Capital Project Report is broken into multiple tables for your use. Table A, on page 8, lists a total cost, and total County share, of the 2025 Capital Project Requests by department. Table B, on page 10, lists the Board's prioritization of county funded capital projects. The table contains corresponding page numbers to allow easy reference to project information. Table C, on page 12, lists the Prioritization of the requested Enterprise Funded Capital Projects for 2025. Again, the table contains corresponding page numbers to allow easy reference to project information. Table D, on page 14, lists the Prioritization of the requested Airport Capital Projects, and the County Vehicle Requests are listed on page 16. This follows the same format that many of you have seen in past years and I hope you find the Board's comments enlightening. As you can see from the number of tables listed, the capital review process is long and complicated. It is important to not just view this as another annual process that we as a government entity must go through. Capital projects are reviewed, ranked and prioritized because capital requests and needs almost always exceed available financing. Before I leave, I would like to thank the County Executive and the County Legislature for the appointments made to the County Planning Board. You have provided the Planning Board with a group of dedicated and knowledgeable individuals with diverse backgrounds who provide valuable insight into future planning for Chautauqua County. That said, I would like to thank all the members of the Chautauqua County Planning Board who volunteered many hours reviewing the Capital Projects. I commend them for their efforts. Thank you, are there any questions?

Chairman Chagnon: Doug, thank you and good job as always and thanks to your Planning Board as well.

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Clerk Lee: There are no veto messages from County Executive Wendel from the May 22, 2024 meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 05/22/2024**

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Clerk Lee: Our office has received the 4 communication as listed on the agenda, if you would like a copy of any of these items, please let our office know.

COMMUNICATIONS:

1. LETTER – NEW YORK STATE ASSOCIATION OF COUNTIES – ACKNOWLEDGEMENT OF RESOLUTION NO. 6-24
2. Letters (2) – NYS Department of Taxation and Finance – 2024 State Equalization Rates
3. Letter – Assemblyman Andy Goodell – Acknowledgement of Motion 5-24 (Urging Action by New York State Legislators to Advance on Behalf of SUNY Community Colleges to Increase Funding to Community Colleges in the State Budget)
4. Minutes (2) – Conewango Watershed Commission – May 8<sup>th</sup>, 2024 & June 12<sup>th</sup>, 2024 Meetings

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LOCAL LAW INTRO. 14-24 – A Local Law Amending Local Law 13-22 Providing for a Management Salary Plan for County Officers and Employees (re: Administrative Director, North Chautauqua County Water and Sewer Districts for the Legislative Department) – R/C Vote: 15 YES; 0 NO; 4 Absent (Harmon, Johnson, Proctor, Wilfong) – UNANIMOUSLY ADOPTED

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RENEW & AMEND RES. NO. 61-24 – Amend 2024 Budget to Implement the Women’s Shelter Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

Chairman Chagnon: Okay, so this is a 3 step process. So first, we need a motion to renew resolution 61-24.

*MOVED by Legislator Bankoski, SECONDED by Legislator Scudder to Renew Resolution 61-24. – Unanimously Carried to Renew*

Chairman Chagnon: Any discussion on the motion to renew resolution 61-24? Seeing none, all those in favor, please say “aye”, opposed? And now we need a motion to amend the resolution, 61-24 in accordance with the amended version that is on the desks. So, do I have a motion to amend resolution 61-24?

*MOVED by Legislator Vanstrom, SECONDED by Legislator Parker to Amend Resolution 61-24 – Unanimously Carried to Amend Resolution 61-24*

Chairman Chagnon: Any discussion on the motion to amend resolution 61-24? Hearing none, all those in favor please say “aye”, opposed? It is amended. Now, for discussion on amended resolution 61-24, are there any questions or comments on the amended resolution? Hearing none, all those in favor please say “aye”, opposed? It is carried.

*Unanimously Carried as Amended*

**RENEW & AMEND RES. NO. 61-24 (With Amendments Shown Below)**

**\*RENEW AND AMEND\*  
CHAUTAUQUA COUNTY  
RESOLUTION NO. 61-24**

**TITLE:** Amend 2024 Budget to implement the Women’s Shelter Project within the Chautauqua County American Rescue Plan Act (ARPA) Spending Plan

**BY:** Human Services and Audit & Control Committees:

**AT THE REQUEST OF:** County Executive Paul M. Wendel, Jr.:

WHEREAS, President Biden signed into law the American Rescue Plan Act (ARPA) on March 11, 2021, and this legislation contains a wide array of stimulus and recovery funding designed to ensure the nation's swift economic and public health recovery from COVID-19; and

WHEREAS, Chautauqua County received an ARPA award of \$24,649,420, and based on the Treasury Department's revenue loss formula and other guidance, all of the award is available for general county spending; and

WHEREAS, an ARPA working group consisting of the County Executive, several Legislators, and several department heads worked for many months to create an ARPA Spending Plan (Plan) consisting of priority projects to address the key strategic categories as defined by the Department of Treasury, to be sustainable, and to have a County-wide impact; and

WHEREAS, the Plan, consisting of the priority projects, was thoroughly reviewed by the ARPA working group, the County Executive, and the County Legislature and was adopted pursuant to Resolution No. 202-21; and

WHEREAS, the Women’s Shelter Project, identified as one of the priority projects recommended in Resolution 202-21, is ready to proceed and budget amendments are necessary to authorize spending for the project; ~~now therefore be it and~~

*WHEREAS, the budget for this project will be rolled from the 2023 Budget to the 2024 Budget with a different resolution so a budget amendment is not needed at this time; now therefore be it*

**RESOLVED, That the County Executive is hereby authorized and empowered to execute any necessary agreements forthwith in reference to the project above.**

~~RESOLVED, that the Director of Finance is hereby authorized and directed to make the following changes to the 2024 Adopted Budget in order to implement the Women’s Shelter Project:~~

INCREASE APPROPRIATION ACCOUNTS:

A.6010. .4 Contractual Social Service Admin \$99,962

INCREASE REVENUE ACCOUNT:

A.6010. .R408.9ARP Federal Aid Oth Fed Aid ARPA Funds \$99,962

**RESOLUTIONS:**

159-24 Confirm Appointment – Parks Commission, by Public Facilities Committee –

UNANIMOUSLY ADOPTED

160-24 Amend 2024 Budget–North Chautauqua Lake Sewer District, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

161-24 Authorize Purchase of Real Property in the Town of Chautauqua, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

162-24 Accept NYSDOT funds for Aviation Capital Project DKK Hangar 1 & 2 Door Rehabilitation, by Public Facilities and Audit & Control Committees

Legislator Scudder: Yeah, thank you Mr. Chairman. Just so nobody falls down if they're standing up, I will be voting for the next 2 resolutions. Its state funding, it's not federal funding so as I like to say "there's no strings attached" so I will be voting in favor of these as they improve our airports, thank you.

Res. No. 162-24 – UNANIMOUSLY ADOPTED

**163-24 Accept NYSDOT funds for JHW Terminal & Hangar Facility Improvements (renovations to Leasable space & hangar heating system),** by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED

**164-24 Authorize Lease of Dunkirk Office Space for the Chautauqua County Office For Aging Services,** by Public Facilities, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

**165-24 Authorize Lease Agreement with Erie 2-Chautauqua Cattaraugus BOCES at Phillip J. LoGuidice Educational Center,** by Public Facilities and Public Safety Committees – UNANIMOUSLY ADOPTED

**166-24 Authorize Lease Agreement with Erie 2-Chautauqua Cattaraugus BOCES at Hewes Educational Center,** by Public Facilities and Public Safety Committees – UNANIMOUSLY ADOPTED

**167-24 Authorize Lease Agreement with Sygnet Communications, Inc. at Cherry Creek Cell Tower,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**168-24 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction 2024-2025,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**169-24 Authorize Acceptance of New York State's Law Enforcement Technology (LETECH) Program for FY 2024-2025,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

**170-24 Authorize Acceptance of 2024 Crimes Against Revenue Program ("CARP") Funds,** by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

- 171-24 Emergency Services 2024 Budget Amendment: FY2020 Technical Rescue and Urban Search and Rescue Grant**, by Public Safety and Audit & Control Committees - UNANIMOUSLY ADOPTED
- 172-24 Accept FY2021 HazMat Grant (FY21HM) and Amend OES 2024 Budget**, by Public Safety And Audit & Control Committees – UNANIMOUSLY ADOPTED
- 173-24 Accept FY2022 HazMat Grant (FY22HM) and Amend OES 2024 Budget**, by Public Safety And Audit & Control Committees – UNANIMOUSLY ADOPTED
- 174-24 Adoption of Chautauqua County Multi-Jurisdictional Hazard Mitigation Plan**, by Public Safety Committee – UNANIMOUSLY ADOPTED
- 175-24 Adjust Budget for Sheridan Salt Shed Replacement Costs**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 176-24 Adjust D.5112-Capital Improvement Accounts**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 177-24 Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.85**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 178-24 Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5764.86**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 179-24 Authorize Agreement with NY State DOT for Performance of Project PIN 5764.99**, by Public Facilities and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 180-24 Acceptance of Tobacco Enforcement Program Grant Funding (ATUPA – Adolescent Tobacco Use Prevention Act)**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 181-24 To Accept New York State Department of Health Lead Rental Registry Program Award And Amend 2024 Budget**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 182-24 Authorize Acceptance of NYS Homes and Community Renewal and Housing Trust Fund Corporation “Leading in Lead Prevention Pilot Program” and Amend 2024 Budget**, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 183-24 Amend 2024 Capital Budget for Mason Industrial Park Shovel-Ready Improvements and Authorize Entry in Agreement with County of Chautauqua Industrial Development Agency**, by Planning and Economic Development and Audit & Control Committees

Legislator Larson: Thank you Mr. Chairman. One of the very specific reasons I ran for the County Legislature last year was to move this land in the South County Industrial Park called the Joseph Mason in South County Industrial Park, to move the land that we've owned since 2016 under former

County Executive, Vince Horrigan, to make it truly legally, shovel ready. This is land for those of you who are not familiar with that part of our county, this whole park was developed in the early 1980's. Bush Industries moved from Cattaraugus County in to the park in the 1980's as their headquarters. This land is land that Bush Industries owned. It's always been in the Industrial Park. County Executive Horrigan wisely, getting this land back in the counties hands, this land was always in the park, and this was not an addition to the park. But, the first thing I did in inauguration day, January 2, was send a letter to our Economic Development Director asking for copies of studies, estimates of what it would take to make this land shovel ready and to his credit, he proceeded to commission in an engineering report that laid out, I think it was dated March 24, I believe Chairman Chagnon and others of us received it the night of our Legislature meeting in March and it's a very positive report. It lays out the engineering firms view on what is needed under New York State Law Rules and Regulations to make this land shovel ready. The cost of doing so is remarkable modest. Chairman Chagnon encouraged me to meet with the Industrial Development Agency to see if we could work out funding on this, getting this rolling and the IDA Board voted to pay half and tonight, I'm confident you all will vote to pay half and the engineer happily again, indicated if we all pass this tonight, that we could have the results of all this probably by October, of this year. So at that point, we really would have something valuable to market. The engineers current estimate is about 33 acres, would be developable and hopefully in my lifetime, they will be manufacturing an industry there and hopefully at least 100 jobs added to our community. So this is a tremendous bargain. Part of the reason it's a bargain is we already own the land. We're not buying it for \$25,000 or \$33,000 an acre like up in Ripley. We own the land. Again, unlike in Ripley, although the land is in Ellicott, the Legislator from Ellicott would be delighted to have new development. Ellicott gets the taxes but the new industry or manufacturer gets its electricity there from Jamestown, its water from Jamestown and its sewer from Jamestown. Those services are very near this property because they're already at Bush Industries and they're already at the Serta Mattress Plant that came into the Industrial Park as a result of the work of the county in 1998, 1999 at getting that site shovel ready at that time and Serta Mattress came along and employs upwards of 200 people. So, this is a wonderful step forward, it's better late than never but it's a wonderful step forward. It's a very economical edition to what will be our shovel ready site to market in the coming months. Thank you, Mr. Chairman. Thank you for your support throughout this.

Legislator Nelson: Just a quick comment. I'd like to commend Legislator Larson for his work in this project. Being a legislator from the City of Jamestown, I can see the benefits of this and look forward to seeing more in the future so thank you, Legislator Larson.

Res. No. 183-24 – UNANIMOUSLY ADOPTED

**184-24 Authorize Inter-Municipal Agreement with Town of Mina**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**185-24 Amend Budgets and Authorize Use of Chautauqua County 2% and 3% Occupancy Tax Reserve Funds for Lawson Boating Heritage Center Structural Repairs**, by Planning and Economic Development and Audit & Control Committees

Legislator Larson: Mr. Chairman, these comments are relevant to 185, 186 and 187 because they all involve the use of our power as a county legislature to impose the 2% occupancy tax to benefit the waterways of Chautauqua County. Our Planning and Economic Development committee has jurisdiction over these matters and a month or two ago, I asked a simple question when our committee was voting on handing out various amounts of this 2%



money. I asked the question of our Watershed Coordinator, if any of this money was going to go to what I understood vaguely was the plan of the National Comedy Center and others in downtown Jamestown to have access for boaters, use the waterfront in front of the Comedy Center and such and that night, the Watershed Coordinator said that “well, they” whoever “they” might be “did not look at anything below the Warner Dam” at which point I pointed out the National Comedy Center is above the Warner Dam. So that troubled me, that discussion. Then last week, we had these resolutions and especially – well we had these resolutions and so trying to do the oversight function of a legislator in a committee rather than overlooking, try to do oversight, we had as you’ll see in those resolutions, there’s 10 or so requests and the SEQR is recommending the to 4. So I asked a simple question, “Who has ranked these things?” And it turned out it was an anonymous committee and the Watershed Coordinator didn’t know where they lived. So after quite a bit of discussion and it was wonderful to have Fred Johnson back for that meeting. After Fred listened to discussion for a while, he put it very, very succinctly that while it was fine for our legislature to delegate some functions, it was not fine to abrogate our responsibility, especially for tax money that we raise. So, the committee passed a motion that before the end of the year, our Watershed Coordinator was to provide us with a resolution. Nobody opposed certainly an advisory committee on how to use any of these water monies but we have a responsibility to know who the advisory committee members are that they actually live in Chautauqua County and if so, where? And I understand maybe there’s been some discussion going beyond that. All the committee wanted was a simple resolution saying who the advisory committee was, where they live and I’m pretty sure we’d rubber stamp that in November or December and we live happily ever after. I pointed out since our Chairman of the committee is from Silver Creek, he probably wouldn’t be happy if he found out the advisory committee was made up of people from Celoron, Lakewood and Bemus Point. Likewise, a legislator from the south county probably wouldn’t be happy to find out the advisory committee was from Silver Creek, Dunkirk and Barcelona Harbor. So that’s all we were asking for Mr. Chairman, there was no suggestion we didn’t want advisory committees. The committee was not moved by the idea that citizen committee members want to remain anonymous. We have all kinds of boards and commissions as we all know and none of them are anonymous. We know their names, we know where they live and we approve them by resolution so this is not passed through money from the State or the Federal Government. We raise this, we the county legislature raise this money, we tax people and we have a duty to oversee what happens here and that’s all our committee was trying to do and I made it clear that I wasn’t going to oppose the ranking of these things by an anonymous group, this year but I don’t want to do it again next year, thank you Mr. Chairman.

Res. No. 185-24 – UNANIMOUSLY ADOPTED

**186-24 Authorizing SEQRA Review of 2% Watershed Occupancy Tax Grant Program Projects for 2025**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

**187-24 Authorizing SEQRA Review of 2% In-Lake Occupancy Tax Grant Program Projects for 2025**, by Planning and Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

- 188-24 Amend 2023 Budget for Year End Reconciliations – Various Departments, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED**
- 189-24 Authorizing Public Hearing Regarding a Potential Application for 2024 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal and the Uses of Said Funding, by Human Services Committee – UNANIMOUSLY ADOPTED**
- 190-24 Authorize Second Public Hearing regarding the Implementation of the Chautauqua County 2021 Community Development Block Grant Funding program, “Chautauqua Septic and Wells,” funded by the New York State Homes and Community Renewal Housing Trust Fund Corporation’s Office of Community Renewal, by Human Services Committee – UNANIMOUSLY ADOPTED**
- 191-24 Confirming the Formation of a Human Services Sub-Committee to Review the Chautauqua County Child Protective Services Program**

Legislator Parker: For several months, the legislature has been approached by Child Protective Service workers and Supervisors who are concerned about programming and personnel regarding our Child Protective Services. The concerns highlight issues of safety, not only for the employees but also for the children and families we serve. As a member of the Human Services committee, the employees and supervisors concerns have caused several of us to concern ourselves with the Child Protective Services policies and programs. At the last legislative meeting, my colleague, County Legislator, Fred Larson, stated that personnel issues are not within our purview. No one questions that. As we all know, however, the legislature does have an oversight responsibility as indicated in our charter and in our rules. Our oversight responsibility is a serious one with respect to policy and programs as such we have a responsibility to respond to the concerns that have been raised over a period of at least 6 months and internally reportedly by the CPS workers up to 16 months. As such, we have a responsibility to respond to those concerns. I have worked with the Chair of the legislature and the Chair of the Human Services committee and other members to bring attention to the issues raised and to try and address the concerns. This has lead to the filing of this resolution which will establish a sub committee to review and examine our Child Protective Services program. We should ensure that it is operating as the legislature intends and has the resources necessary to do so. This effort is meant to be collaborative and cooperative. The committee is to be comprised of 3 legislators from the Human Services and the Chair of the legislature as ex-officio. The sub committee will have a limited duration. I hope for the legislators support for this sub committee and its important purpose, thank you.

Legislator Larson: I do want to clarify, all I was addressing as a former County Attorney in my previous remarks was the discussion about this particular part of a department changing its work hours whether its 35 hours, 37.5 or 40 hours. My comments as a former County Attorney were limited to the fact of the county charter work hours is the purview of the County Executive. That’s all I was addressing. If a department or part of a department felt that it needed a 40 hour week instead of a shorter week, they have to convince the County Executive to do that, that’s my view of the charter, that’s all I was talking about. In no way, can that be expanded to say “This legislature has to keep its nose out of all matters involving the operation of county departments” That’s nonsensical. This legislature has the power and the duty to preform an oversight function regarding each and every department of county government, each and every expenditure of county funds that is not micromanaging that is providing the oversight, the

review that the county charter puts upon the legislature. So I hope that clarification will help the further discussion. If an entire committee doesn't want to tackle a difficult and maybe lengthy subject for 4 or 5 months or something, it's totally appropriate to create a subcommittee. While the rules of the legislature, and I thank our assigned attorney, it's absolutely correct, there is another rule of the legislature that the committee Chair can or may it says, a committee Chair may establish a sub committee that does not mean that's the exclusive and only way to establish a subcommittee if the entire legislature wants to have a subcommittee, it can certainly pass a resolution to do that but we're learning a lot about our legislature rules this year and this is another one and I commend our County Attorney who has been assigned to help us for pointing out this provision of the rules that I had not paid any attention to before. I'll support this resolution. The Child Protective Service is one of many critical services the county provides, is responsible for. Like any department, there may be ways that it could be improved and this legislature and its policy making role which it doesn't do very often but, in its policy making role has every right to appoint a subcommittee to deal with this topic. It has an ending date so there's no – which in my opinion it should have an ending date and it does, so I'll be supporting it. Thank you, Mr. Chairman.

Legislator Nelson: Thank you, Mr. Chairman. I think the subcommittee that legislator Parker is proposing is an excellent idea. I think it would be very helpful in trying to review the issues that have been brought to our attention and I would encourage all of my colleagues to support it, thank you.

Legislator Niebel: Mr. Chairman, before I vote on this resolution, I'd like to know, have all these legislators, all three of them, I assume Mrs. Parker has consented but, are Mr. Proctor and Mr. Landy, have they consented or are they willing to serve on this committee before we vote on this?

Chairman Chagnon: I don't know the answer to that, Terry.

Legislator Niebel: Well, I think that's something we should know.

Chairman Chagnon: Legislator Landy is present.

Legislator Landy: I have not been asked.

Legislator Parker: What I'd like to say about this resolution is that the proposal was to include legislator Landy as a Jamestown representative, legislator Proctor, as the Chair and myself as a registered nurse and also as a licensed social worker who has some expertise in this particular area. My understanding, I would be happy to amend this. Part of what was to happen was that we were to have a discussion and meet with stakeholders prior to our last Human Services meeting because of the fact that we have had CPS workers and supervisors come to our meetings for 6 months and because they have been very clear that they have gone to their various supervisors and brought certain things to their attention and because the initial idea was to have a time study that would not start until October and would not finish until next June. Because of the various safety issues, very serious safety issues that concern our CPS workers and also our children and families particularly in Jamestown, I felt it was incredibly important to have this resolution. However, and an answer to your questions, legislator Niebel, the in terms of asking these people, there was no provision of discussion but I did not want to – I'm not done, you keep getting ready to open your mouth. No, I'm seriously not done.

Legislator Niebel: Let me know when you're done.

Legislator Parker: Okay, cause this is actually – no, this is the thing, that there were a number – we’ve waited a very long time and I think the safety is such and I would also be willing to make an amendment and just make it three legislators who could be un named but I was encouraged to use three named. So, I would be willing to do an amendment and say three legislators from the Human Services committee. I am done, thank you.

Legislator Niebel: Yes, Mr. Chairman. I guess my concern is if we vote on this resolution the way it’s proposed, we could be voting in favor of putting people on this committee whom next month indicate to us that they’re not willing to serve so I’m very hesitant to vote for this resolution as it’s proposed.

Legislator Parker: I’d like to make an amendment to the resolution and say that this should be comprised of three legislators from the human services committee or others as volunteers but I do really think that these three legislators should come from the human services committee but, I would put in a provision for others. I would like to make that amendment to the resolution and I ask for a second.

*MOVED by Legislator Parker, SECONDED by Legislator Bankoski to Amend the proposed resolution to indicate rather than naming the members of the proposed subcommittee, that it just be three representatives of the Human Services committee*

Chairman Chagnon: Is that correct?

Legislator Parker: Yes, and I think that is correct. Well, three legislators from the Human Services committee or as otherwise assigned.

Chairman Chagnon: Assigned by who?

Legislator Parker: Assigned by the Human Services Chair.

Chairman Chagnon: Okay, so that’s the addition to your amendment is the or as –

Legislator Parker: Well, point of information, I think that in terms of Legislator Landy, Legislator Proctor and myself, I did mention this at our last committee meeting. Legislator Landy is correct, I did not specifically ask him to be on the committee and I’d like to be able to in terms of point of information, I’d like to know, what would make the most sense, I ask our assigned County Attorney what language would make the most sense, please?

Legislator Niebel: Mr. Chairman, if I may? Would it be perhaps better to table this resolution, give it more thought and bring it back next month?

Legislator Parker: I would like my answer to the question first.

Legislator Niebel: Okay.

Legislator Parker: Thank you.

Chairman Chagnon: Do you have any opinion on this, on the language to be used in the resolution, on the amendment to the resolution?

Legislative Attorney, Kristy Martin: Mr. Proctor, as Chair of Human Services committee, is going to appoint the three people, that's his prerogative under the rules anyway.

Legislator Parker: So, what would happen if we passed this and then Mr. Proctor decided not to assign anyone?

Legislative Attorney, Kristy Martin: I gave my opinion, that I didn't think that this is a resolution that should be brought fourth and that Mr. Proctor has the authority as Chair of the Human Services committee, to make sub committees for Human Services. That's my reading of the rules.

Legislator Parker: Okay, thank you for that clarification.

Chairman Chagnon: Okay, so we have a proposed amendment to the resolution that has been seconded.

Legislator Parker: Could we send this back – I would like to send this back to committee.

Chairman Chagnon: Okay, so now you're making a motion to send this proposed resolution back to committee?

Legislator Parker: Well it sounds to me like the – what our assigned County Attorney is saying that whether I ask there be three assigned members by – we don't know because legislator Proctor is not here and so I think the best thing to do is to send it back to committee for reconsideration.

Chairman Chagnon: Okay, so you're making a motion to refer this proposed resolution back to the Human Services committee?

Legislator Parker: If that is the appropriate thing to do in this situation. I mean, I think it should go back to committee but in terms of the protocol, for actually doing that, if there's other steps that need to happen, please let me know.

Chairman Chagnon: That would be a constructive step. That would stop the discussion tonight about this proposed resolution.

Legislator Larson: I second the motion to refer back to the Human Services committee.

Chairman Chagnon: Thank you. Are you okay, Legislator Parker, with that then?

Legislator Parker: Yes.

Chairman Chagnon: Okay so we have a motion to refer this proposed resolution back to the Human Services committee. Any discussion on that motion? Hearing none, all those in favor please say "aye", opposed? We have 1 nay and the proposed resolution is referred back to the Human Services committee.

*MOVED by Legislator Parker, SECONDED by Legislator Larson to refer resolution 191-24 back to the Human Services Committee – Carried to refer back to the Human Services committee with Legislator Vanstrom voting "No"*

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### ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements. Is there anyone wishing from the legislature to share an announcement for the good of the order?

Legislator Bankoski: Yes, Mr. Chairman. On behalf of myself, legislator Buchanan and legislator Parker, we would like to all welcome you to the Dunkirk waterfront for our annual 4<sup>th</sup> of July celebration with the fireworks display at dusk. It's usually a huge draw. The city spends around \$30,000 on the fireworks display and it's usually an outstanding display and there's music in Memorial Park that day and vendors and so on and so forth and we'd like to welcome anybody and everybody to come to Dunkirk.

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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.

Legislator Larson: Mr. Chairman, sorry that our committee Chair is not here this evening because basically asking that the issue of the 2% occupancy tax waterways money be further reviewed at our committee meeting this month for this reason. After last week's committee meeting, front page of the Post Journal this week was our County Executive and a picture with Congressman Langworthy where the story is, our county apparently is officially asking the Federal Government for I think, 5.2 million dollars for work in the outlet of the Chautauqua Lake in the City of Jamestown and our budget finance people are here tonight, maybe they could help by our committee meeting, to document whether any of this 2% occupancy tax last year or this year, maybe I missed something. Maybe whether any of our county money has been allocated to the outlet, to the boat landing in Jamestown, to the area in front of the National Comedy Center or not. It just struck me odd Mr. Chairman, a picture of our County Executive on page 1 asking for 5.2 million of Federal money for that waterway and to my knowledge, none of our county 2% waterway money has been allocated to any of that stretch of water. So, I'm sure one way or another the Chairman of the committee will be notified, I think our Watershed Coordinator left but our finance people are here. I'm sure they'll at least let us know what if anything has been allocated toward that stretch of our waterways the last year or two. Thank you, Mr. Chairman.

Chairman Chagnon: Legislator Larson, I'd like to make a couple of points of what you're referring to. Your committee passed a motion, requesting information from the Watershed Coordinator before the end of the year. So, I believe that is in motion. To your point about next month's meeting, I believe that from discussions with the Watershed Coordinator, he will be addressing your committee on this point next month. The last point I would like to make is that if you're seeking information from a department, you should feel free to reach out to the department. You should feel free to reach out to the Watershed Coordinator, to the Department of Planning Director, to pursue that information, outside of committee meetings. So I would encourage you to take advantage of that for the very good questions that you're raising. Okay, anyone else wishing to address the second privilege of the floor? Hearing none, I will close the second privilege of the floor.

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

Unanimously Carried (7:41 p.m.)

Respectfully submitted and transcribed,

Olivia Lee, Clerk of the Legislature & Kristi Zink, Deputy Clerk