

Chautauqua County Legislature
Live Streamed on YouTube
Wednesday, August 26, 2026 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 August meeting of the Chautauqua County Legislature on August 26, 2026. Would the Clerk please call the roll?

Clerk Lee called the roll and announced a quorum present. *(1 Absent: Merritt)*

Legislator Proctor delivered the prayer and Pledge of Allegiance.

MOVED by Legislator Gustafson, SECONDED by Legislator Bankoski and duly carried the minutes were approved. (07/22/26)

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 tonight's agenda. Individual comments are limited to three minutes and comments representing a group shall be limited to five minutes. Is there anyone wishing to address the first privilege of the floor? Anyone? Ah, Anthony.

Anthony Toda: Hello, how are ya?

Chairman Chagnon: Good.

Anthony Toda: I'd like to address-

Chairman Chagnon: Please introduce yourself for those that don't know you.

Anthony Toda: I thought everybody knew me. *(laughter)* Anthony Toda, 144 Clifton Avenue, Jamestown, New York.

Chairman Chagnon: Thank you.

Anthony Toda: I'm addressing Local Law 12-26, which states local law requiring operators of motor vehicles to maintain a safe distance of three feet when overtaking non-motorists and without alluding to my own personal experiences from Jamestown and my observations, there needs to be some laws put in place with bicyclists and skateboarders. They do not know any, they're not aware of any of the laws, whether to be on the streets, what hours they have to be on the streets, where they should be on the street if they need to be on the streets,

sidewalks, where they can skateboard, where they can bicycle. There are obligations under the vehicle and traffic law to respond to vehicle laws when they're on the highway, especially a bicycle if they're not on a designated road for bicycles. And I believe people need to start or to restart testing for license exams for especially bicyclists because they do not, most of them, and my observations in Jamestown are not complying with the law. They are creating a terrible hazard for motorists and themselves by just crossing the streets right in front of people where people are driving, not on the right side of the road, running red lights, and most importantly at night wearing non-reflective gear and non-reflective equipment, including the bicycles. I am a firm believer that New York State or even Chautauqua County should require licensing for bicyclists. That would be a good start. Thank you.

Chairman Chagnon: Thank you. Next?

Sheriff Quattrone: Jim Quattrone, Chautauqua County Sheriff. So, much of what Anthony just mentioned, I have to agree with you, Tony. I know that comes as a shock, but I do wish we could enforce the laws better. I can't disagree; I listened to the Public Safety meeting from last week and a couple of questions was, you know, do we understand what the laws are? I can give you a little bit of confidence in saying, law enforcement has been instructed on what the laws are for the bikes. They have to follow all the New York State vehicle and traffic laws, as Tony mentioned. Our e-bikes, just so you know, you have to be 16 or older to operate the e-bikes. You have to follow the rules. 18 and under, 18 to 16, they have to wear helmets and that goes for the scooters, as well. So, anybody under 16 operating them, their parents should be getting in trouble. I wish we could legislate morality but that's never going to work. Or, legislate common sense and that's not going to work either. So, with the Local Law 12-26, I do have some concerns on the enforceability of that. I support trying to keep our bicyclists safe. It's been a few years since I've been out on my bicycle and I am looking at Mr. Nelson because I used to kind of make fun of the bicyclists as they wore their bright colored clothing and that's critical for us, when you're out riding the bike to have them on. It's difficult to measure that three-feet and I want to make sure we're going to be able to enforce it and if this law passes tonight, that we do as a county, do a good job of advertising and making sure the public understands what the law is. Now, I can tell you in the last couple of months we've put out several notices on the e-bikes and it didn't sound like the Public Safety Committee had seen any of those notices in the- as I watched the video from that. So, we have been putting that out there. It's difficult to enforce. There was one case in Jamestown where they had a pursuit with a juvenile. The parents were arrested, but that's very dangerous, chasing and pursuing any type of motorized vehicle and that's technically what those e-bikes are. So, I just want us to really take into consideration and continue to examine the law and make sure that it's going to be an effective law out there for everybody. Thank you.

Chairman Chagnon: Thank you. Anyone else for the first privilege of the floor? Anyone else? Seeing no one, I will close the first privilege of the floor.

PROCLAMATION:

Declaring the Month of September as
“Childhood Cancer Awareness Month”

By

Legislator Marty Proctor &
County Executive Paul M. Wendel, Jr.

Clerk Lee: There are no veto messages from County Executive Wendel from the July 22, 2026 Legislature meeting.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 07/22/26**

Clerk Lee: There are 7 communications on the agenda, if you would like a copy of any of these items, please let our office know.

COMMUNICATIONS:

1. Letter – NYS Department of State – Acknowledgement of Local Law 5-26
 2. Affidavit of Publication (2) – Legal Notice – 30 Day Public Review Period Ag. District 10 (Post Journal and Observer)
 3. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Local Law Introductory 9-26 (Post Journal and Observer)
 4. Affidavit of Publication (2) – Legal Notice – Public Hearing re: Local Law Introductory 11-26 (Post Journal and Observer)
 5. Minutes – Conewango Watershed Commission – July 8, 2026 Meeting
 6. Report – NYS Department of Taxation and Finance Office of Real Property Tax Services – Statement of County Equalization 2026
 7. Report – Kitty Lyons, Director of Finance – June 2026 Investment Report
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**LOCAL LAW INTRO. 12-26 – A LOCAL LAW REQUIRING OPERATORS OF
MOTOR VEHICLES TO MAINTAIN A SAFE
DISTANCE OF THREE FEET WHEN OVERTAKING
NON-MOTORISTS**

Legislator Nelson: Thank you, Mr. Chairman. We often talk about making Chautauqua County a healthier, more attractive place to live. Well, that includes encouraging outdoor recreation and making our communities more accessible to people who choose to walk or ride a bicycle. But we cannot encourage people to use our roads for recreation and transportation while

ignoring the safety risks they face. As a county legislator I believe one of our most basic responsibility is protecting the health, safety, and welfare of the people that we represent. I believe that this law is a modest, common-sense measure that can help accomplish that goal. Thank you.

Chairman Chagnon: Thank you. Other comments? Legislator Johnson.

Legislator Johnson: Yes, sir. Thank you. I was not in the committee so I just now am spooling up on it. And I think I'm going to vote, no. And much as I agree with Legislator Nelson in terms of the desire for safety, there's a bigger issue out here, which the Sheriff brought up. Which is, police discretion. And behind that issue, there's another thing called prosecutorial discretion and when we throw more and more of the decision as to whether to prosecute somebody out of the court room and into the police force or into the prosecutors, the less respected law gets. So, you know, the road to perdition is paved with the bricks of good intentions and I admire the good intentions here but I think the overall consequences, negative consequences, outweigh the positive intention.

Chairman Chagnon: Thank you. Other comments, other questions? Any other discussion? Legislator Bankoski.

Legislator Bankoski: Yes, I think, just my feelings, I think whatever we can do to make the roads safer, we can never have enough safety mechanisms in place, whatever they are. A three-foot lane or another flashing light or something we put on a bike or whatever. Just to make awareness of people riding a bike or walking alongside the road or another light. If we have the power here, in this room, to try to make whatever possibility we can do to pass a law, to save a life, or maybe not save a life, we have the power to do that? It doesn't cost us nothing, so let's do it, period. Thank you

Chairman Chagnon: Thank you. Any other questions, comments, discussion. Hearing none, will the clerk please call the roll?

*Local Law Intro 12-26 R/C Vote: 17 YES; 1 NO (Johnson); 1 Absent (Merritt)–
ADOPTED*

RESOLUTIONS:

203-26 Authorizing New York State Department of Transportation Undertakings, by Public Facilities Committee – UNANIMOUSLY ADOPTED

204-26 Amend Chautauqua County Department of Mental Hygiene 2026 Adopted Budget for Court Ordered Forensic Evaluations for Competency and Court Ordered Forensic Hospitalizations, by Public Safety, Human Services, and Audit & Control Committees – ADOPTED, with Legislator Johnson voting, “NO.”

- 205-26 Authorize Agreement with Sheridan Fire District to Utilize Space for Fly Car M71 and Paramedic**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 206-26 Authorize Fire Service Loan to Bemus Point Fire Department**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 207-26 Amend 2026 Budget for Office of the Sheriff**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 208-26 Amend the 2026 Budget of the Public Defender’s Office**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 209-26 Authorize Acceptance of the Gun Involved Violence Elimination (“GIVE”) Grant Funds for 2026-2027**, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 210-26 Authorizing Public Hearing Regarding a Potential Application for 2026 Community Development Block Grant Funding through the New York State Office of Community Renewal**, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED
- 211-26 Accept Grant Funding from the Housing Trust Fund Corporation for a Technical Assistance to Grow Pro-Housing Communities Grant**, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 212-26 Approves SEQRA Review of 2% In-Lake Occupancy Tax Grant Program Projects for 2027**, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 213-26 Approves SEQRA Review of 2% Watershed Occupancy Tax Grant Program Projects for 2027**, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED
- 214-26 Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by the New York State Division of Tourism**, by Planning & Economic Development and Audit & Control Committees – UNANIMOUSLY ADOPTED

215-26 Authorize Execution of Lease Agreement with the Town of Chautauqua for Office Space, by Public Facilities, Public Safety and Audit & Control Committees –

Legislator Whitney: Yeah, I'd like to commend Ned Barone and his team for going out and finding the office space for ten dollars a square foot when the going rate's twenty-three fifty. We are renting from the town. It's a win-win for the town, it's a 10-year lease without increase and the only downfall renting from the town, is there's no campaign finance benefit, but other than that, I think it's a great thing.

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

RES. NO. 215-26: ADOPTED, with Legislator Johnson voting, "NO."

216-26 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation, by Administrative Services and Audit & Control Committees

Chairman Chagnon: Any comments, questions on the resolution? Legislator Larson.

Legislator Larson: Thank you, Mr. Chairman. It's just a technical matter on the next three resolutions. It's occurred to me this year on these kinds of resolutions that sometimes they give us the section block and lot tax identification of the property but never an address and I believe this resolution doesn't even give us that. So, I'm going to vote for these but I don't think any of us in here tonight know where these properties actually are, so I know that legally, our Office of Real Property would always go on the section block and lot identifier of these properties. But our own records indicate that it's on Brigham Road or Cole Avenue in Jamestown, or whatever, it would be very helpful to legislators to have an idea of where all of these properties are. So, I would make a request that if you, as Chairman, would pass on that, could they please in the future on all these tax sale properties at least let us know what street or road they're on? Thank you, Mr. Chairman.

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

RES. NO. 216-26 R/C Vote: 18 YES; 0 NO; 1 Absent (Merritt)– UNANIMOUSLY ADOPTED

217-26 Authorize Transfer of Tax Foreclosure Property to the Village of Mayville, by Administrative Services and Audit & Control Committees

RES. NO. 217-26 R/C Vote: 18 YES; 0 NO; 1 Absent (Merritt)– UNANIMOUSLY ADOPTED

218-26 Authorize Transfer of Tax Foreclosure Property to CHQ Transit, by Administrative Services and Audit & Control Committees

RES. NO. 218-26 R/C Vote: 18 YES; 0 NO; 1 Absent (Merritt)– UNANIMOUSLY ADOPTED

219-26 2027 \$2,000,000 Property Tax Levy Cut, by Legislator Larson

Chairman Chagnon: Any comments, questions on the resolution? Legislator Larson.

Legislator Larson: Thank you, Mr. Chairman. Although the Legislature has slightly amended our charter this year, the charter still suggests that the Legislature provide my resolution goals and objectives for the upcoming budget and provide them to the County Executive prior to his submitting a tentative budget for 2027 next month. I believe this is the only budget policy resolution that the Legislature will have an opportunity to express its view since this is our August meeting and next month, the Executive, under the charter is to present us with his tentative budget for 2027. Sadly, 2026 is turning out to be an unhappy year for our residents. Gasoline at 4.35 a gallon compared to 3.19 back in early February, in my community anyway. For the average motorist in Chautauqua County, this is at least an added \$600 in gasoline this year. That's a lot of money for most of our residents. We all are facing inflation near 4%. Way above the Federal Reserve Board's long-standing target of 2% and I like shopping at the grocery store. But I was very disappointed this last month to see that basic ground beef for your hamburgers on your own grill can be \$8 a pound. *(laughter)* I- it makes you appreciate some of the chain restaurants that provide you with a burger for less than doing it yourself at home, I think. So, it is an unhappy financial situation for our residents. I was pleased to see Legislator Johnson make front page news, I think in both newspapers, this last week, acknowledging that our unappropriated or unobligated fund balance, sometimes described as a slush fund, sometimes described as a rainy-day fund, that he acknowledged that this fund, greater than \$30 million, is excessive. It doesn't need to be that big. I was pleased to read that. So, to give this Legislature its one and only chance this year to express its desire for something to be included in the County Executive's tentative budget to be presented to us at next month's meeting, I have offered this resolution. And some will say, "oh, we've argued about this for three, four years." That is correct. However, the outcome so far of the prior three years was not in favor of the tax-payers. I'm hoping tonight it will be different. For those that still want to argue about how big a fund balance is necessary, prudent, whatever, I point to two prior Republican County Executives. County Executive Greg Edwards, as of the end of December 2008, his time had a fund balance of \$13.5 million. County Executive Horrigan, before the sale of the County Home in 2014, County Executive Horrigan's fund balance at the end of December 2013 was \$12.6 million. I ran the Consumer Price Index calculator on that today. That twelve million-six would be only eighteen million today. Nothing close to thirty-one and a half million, which we happen to be at this week. So, historically, there's been no catastrophe including 9/11 which cost the State of New York billions and billions of revenues. The destruction of Wall Street, and the financial crisis in America, the worst since the Great Depression in '08, '09, none of those recent catastrophes exhausted the fund balance of that era. So, anyone that seriously wants to argue that we need thirty-one, thirty-two, thirty-three, thirty-four, thirty-five million dollars lying around just in case somebody in Washington decides to eliminate all the federal aid to our county operations, they have a tough, tough argument to make. Two million is a very small percentage obviously of the thirty-one and a half million we have this very week. So, this time, this doesn't mean that the Executive's going to follow this if we get ten votes or more tonight. But, if you want to encourage him to try to reduce the tax levy instead of increasing it, the last number of years the tax levy went up one point eight million one year, one point seven

million the next, it's very close to two-million-dollar annual increases. This is a time when the hard-pressed residents of Chautauqua County, it's better they have the two million and earn some interest at M&T Bank instead of the County, as Legislator Johnson observed, has an excessive amount of money earning interest. Let's have the residents in Chautauqua County earn a little interest on a two-million-dollar tax break. Thank you, Mr. Chairman.

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

Legislator Scudder: Yes, thank you, Mr. Chairman. I just want to go on record to say I'll be voting against this resolution tonight. I do look at this not truly as a resolution, but more of a motion and I think everyone knows how I feel about the motion part of it. But that being said aside, I will be voting against it. Actually, I'm reluctant to limit the cut to \$2 million. I think there's more out there. I feel we can reduce the tax levy by more than \$2 million for 2027. How we do that needs to be discussed, needs to go through committees, and we should adopt that through our budget process that we go through every year. So, I'd like to see us work together as a Legislature and hopefully we can accomplish this. Thank you.

Chairman Chagnon: Thank you. Other comments? Legislator Johnson.

Legislator Johnson: Yes, sir. Thank you. I'm with Mr. Scudder, but perhaps more aggressive. As you may have noticed, I voted no on a couple of the resolutions and I even voted no on the three, regrettably, on the three-foot rule. What I've come to really look at as long-term consequences of things and systemic consequences. So, the reason I voted no on those two resolutions was not because the departments were remiss, it was not because the departments didn't need some money, but because we, as we sat in the committee and listened to this, there was no visible effort to see how we could offset that level of all of county government before going to the tax-payers' fund. As a fundamental principle, I believe the fund belongs to the tax payers. They put it in there, it's a pre-pay. So that's system number, thing number one. Number two, I believe it should be a rainy-day fund, not a flex fund, a cushion, a slush fund, it's a rainy-day fund. And I cannot imagine, but I really agree with Mr. Scudder. It needs to be analyzed and it needs to be dug into. I can personally not imagine an in-budget problem that gets to ten or fifteen million dollars, or fifteen million dollars. I'm subject to correction, but it needs analysis. And remember if we return and my number is ten or fifteen million, not two, if we return that amount of money, we're earning four percent on that money that belongs to the stock-payers, to the taxpayers. The taxpayers, most of them have credit card balances. That interest rate is 20% and up. Much better, just in cold-blooded financials, much better return. So again, I'm not throwing any stones at county government. Everybody I've met in the last three years works hard, is smart, and is dedicated to their job. But I disagree fundamentally with the process. So, I will vote against use as long as we don't look at the entirety of county government, I will vote against use of the fund and if the budget comes up, to use the fund as a cushion, I will vote against that, too.

Chairman Chagnon: Thank you. Any other comments, questions, discussion? Legislator Larson.

Legislator Larson: Legislator Scudder has critiqued one or two of my other pieces of legislation over the years as, oh, they're really motions. With all due respect, being a County Legislator the first time forty years ago and being the county attorney eight years, I know the difference between a resolution and a motion. A motion is something we have absolutely no power over. Legislator Scudder's challenge here is our own charter says, this legislature on at least on an annual basis shall adopt by resolution goals and objectives which shall be utilized in the formation of the budget. So, the charter calls for resolution. I've given you the one and only budget policy resolution this body has even considered heading into the next year. And I think the charter is correct here in using resolution because believe it or not, even if the Executive is of your own party, there's a reason that next month, we will get a big thick book titled, "tentative budget." This legislature has the final authority on how much the budget is going to be for next year, how much the property tax is going to be, whether we play games with the budget, saying we're going to have a million-dollar program but don't put any money in the budget to fund it. That all rests with this body. The County Executive does not deliver to us a budget. He delivers to us a tentative budget. So, when the charter says we're, we now may, pass a resolution prior to the budget with our policies, goals, that's what we're supposed to do. So, this is not a motion. This is not an expression of opinion that has no force of law because ultimately, we can pass a budget in October with a two-million-dollar property tax cut. The Executive could veto it, but that probably would be a bad news item. So, the power is ours as to what the county property tax levy ultimately is. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you. Other comments, other questions on the resolution?
Legislator Gustafson.

Legislator Gustafson: Yes, I just want to say I also will be voting no for this and for the pure fact, same as Mr. Scudder, I do think that this Legislature can do better than two-million-dollars. I think it's something that we can collaboratively discuss and maybe come up with something better than two-million. But I also think we can do better.

Chairman Chagnon: Thank you. Legislator Vanstrom.

Legislator Vanstrom: Good evening, thank you Chairman. I just want to say I know and I am enthused to know that our County Executive is working very, very hard on our upcoming budget and I can't wait for it to be unveiled and I look forward to budget week. Thank you.

Chairman Chagnon: Thank you.

Legislator Larson: Mr. Chairman.

Chairman Chagnon: Legislator Whitney.

Legislator Whitney: I'd like to amend it to three-million and maybe we can get more people on board.

Chairman Chagnon: So, are you proposing a motion to amend the resolution?

Legislator Whitney: To three-million.

Chairman Chagnon: To change the dollar amount from two-million-dollars to three-million-dollars.

Legislator Whitney: And maybe we can get more people on board then.

Chairman Chagnon: Okay, is there, do you have a second to your motion?

Legislator Whitney: Probably not.

Chairman Chagnon: Is there a second? Is there a second to the motion? Legislator Larson.

Legislator Larson: I accept it as a friendly amendment, Mr. Chairman.

Chairman Chagnon: Okay, so you are seconding the motion?

Legislator Larson: Sure.

MOVED by Legislator Whitney, SECONDED by Legislator Larson to amend the dollar amount in RES. NO. 219-26 from \$2 million to \$3 million

Chairman Chagnon: Okay, so we have a motion and a second to amend the resolution. Discussion on the motion to amend Resolution 219-26? Legislator Scudder.

Legislator Scudder: Yeah, I will be voting no on the three-million also. I believe this has to go through the process that we've done every year. At least the seventeen years that I've almost been here. I think this is my seventeenth budget. Just throwing a number out there, I understand it and it's a good start, but maybe it's just a start. I still think we can do better than that. So, I will be voting no against that.

Chairman Chagnon: Other comments on the motion to amend? Legislator Johnson.

Legislator Johnson: I appreciate the effort but I, too, will vote against. I'm looking for systemic change and a serious change, not a one-off advice and that's where I stand.

Chairman Chagnon: Thank you. Other comments? Legislator Larson.

Legislator Larson: With all due respect to my fellow Fred, there's not going to be any systematic change between now and September or October when we have to vote on a budget for 2027. This is our one and only opportunity to put a stake in the ground and say, "this is what we

stand for” on behalf of the tax-payers. Systematic review of all of county government might not happen in either Fred’s lifetime. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you. Other comments, questions on the motion to amend? Hearing none, would the Clerk please call the roll on the motion to amend Resolution 219-26.

RES. NO. 219-26 R/C Vote to Amend: 6 YES; 12 NO (Anthony, Bankoski, Buchanan, Gustafson, Harmon, Heiser, Johnson, Pavlock, Proctor, Scudder, Vanstrom, Chagnon); 1 Absent (Merritt) – Amendment Fails

Chairman Chagnon: Okay, so we’re back on Resolution 219-26 as presented. Any further discussion on the Resolution? Legislator DeJoy.

Legislator DeJoy: Thank you, Mr. Chairman. I think Legislator Larson has established that this is not, indeed, a motion, but a resolution. We’ve heard from Legislator Gustafson that she thinks it should be more. We’ve heard from Mr. Johnson that he thinks it should be more. Well, here’s the challenge. How much more? And, are you willing to put it in a resolution? Because this is a goal and if it’s established in the charter as a resolution, as a goal for the budget, what is that number, then? Are you willing to provide some type of assurance to our tax-payers that there will be some tax levy relief? Thank you.

Chairman Chagnon: Thank you. Other comments? Legislator Bankoski.

Legislator Bankoski: Yes, I am just very excited right now because I have been the guy who’s sat in this chair for the last three years, have been proposing this two-million dollars, and I’ve been voted down five times. Not only each year for the budget, I’ve had my affordability act that I’ve proposed for two-million-dollars that got voted down and I’m just gonna guess today that my friend Mr. Larson’s thing is going to get voted down but I’m going to vote in favor of that. But, I’m just excited because we’re looking at more than two-million-dollars. I just love that I have people across the aisle that says, Bob, I like what you’ve been saying and I’m getting on board with you and we’re going to take more than two-million-dollars, so I’m excited. Let’s rock it. I’m loving it. *(laughter)*

Chairman Chagnon: Thank you. You are excited!

Legislator Bankoski: Yes, I am excited! *(laughter)*

Chairman Chagnon: Okay, other comments-

Legislator Bankoski: Tom Harmon, he got on board with me today. We talked on the radio. I just love it.

Legislator Harmon: I just agree with you- I agree with you on principle, sir.

Chairman Chagnon: Other comments, questions, discussion on the Resolution, as presented? Hearing none, would the Clerk please call the roll?

RES. NO. 219-26 R/C Vote: 8 YES; 10 NO (Anthony, Gustafson, Harmon, Heiser, Johnson, Pavlock, Proctor, Scudder, Vanstrom, Chagnon); 1 Absent (Merritt)– FAILS

ANNOUNCEMENTS

Chairman Chagnon: Okay, that brings us on our agenda to announcements. Are there any announcements for the good of the order that aren't so exciting? Legislator Penhollow.

Legislator Penhollow: Perhaps I have one here. Stockton Volunteer Fire Department, because of COVID-19 and how it exasperated and destroyed many things in our own personal lives, Stockton Volunteer Fire Department was celebrating a hundred-year anniversary at that time. They will be celebrating one hundred years, the one hundred-fifth, this weekend. And it is my understanding there's plenty of fun, happy, and appreciative activities that are taking care-taking place Friday and Saturday. And it is my understanding there will be a blessing, christening of a new fire truck for the volunteer fire department and it is also my understanding there will be a federal accommodation for the volunteer fire department. As well, Cassadaga Labor Day festival, Labor Day weekend. Many activities, get on the Facebook page, enjoyable time. Hope to see a few of you there. Thank you.

Chairman Chagnon: That is exciting! You were right! *(laughter)*

Legislator Penhollow: It is!

Chairman Chagnon: Other announcements? Legislator Gustafson.

Legislator Gustafson: Yes, just as exciting, if not more, is the great mid-summer, it's been delayed from mid-summer to now late-summer, Fly-In, Drive-In at the Chautauqua County Airport, Jamestown, this Saturday from ten to two. There will be rides on Whisky 7 and chicken barbeque, burgers, hot dogs, and all proceeds benefit the Allen D. Fuller Memorial Flying Scholarship. So, we hope to see you all out at the Jamestown Airport this Saturday from ten to two.

Chairman Chagnon: Good. Legislator Lewis.

Legislator Lewis: Yes, I would like to announce the bicentennial celebration of SUNY Fredonia, to be held on September 18th at 2 pm. We have an exciting speaker and in addition to the other programs that will be going on in the month of September there. Thank you.

Chairman Chagnon: Thank you. Legislator Bankoski.

Legislator Bankoski: Yes, Chairman, on behalf of myself, Legislator Scudder, and Legislator Lewis, we'd like to recognize Tony Faso who has been a long, long-time volunteer of the Chautauqua County Fire Service. He was the first battalion coordinator from 2006 to 2022 and he's been the Deputy Coordinator of the North District for the first and second battalions from 2022 to 2026 and he actually is retiring, officially, this Saturday from the County and he's going to be spending his winters in Florida but also be coming back home, living in Fredonia with his daughter during the summertime, but there's a little retirement party for him this Saturday and he's going to be receiving some awards and stuff but, well, we just wanted to recognize him here tonight on the floor for his longtime service to the county.

Chairman Chagnon: Thank you. Legislator Nelson.

Legislator Nelson: Yes, thank you, Mr. Chairman. I'd like to point out that the forty-fifth annual Jamestown Labor Day Festival will be Sunday, September 6th at Bergman Park in Jamestown and it starts at twelve noon and it concludes with fireworks at 8:30 pm. So, I hope to see all of you there.

Chairman Chagnon: Thank you. Legislator Harmon.

Legislator Harmon: Yes, I'd like to announce the- on Thursday, September 17th through Sunday, September 20th is the original Grape Festival in Silver Creek, NY. I know we'll have a meeting prior to that, but I just invite everybody to come down because it's a great time in Silver Creek. Thank you.

Chairman Chagnon: Okay, thank you, and Legislator Proctor.

Legislator Proctor: I have a few things. Labor Day weekend, Findley Lake is having its Harvest Festival so everybody come out and enjoy music and food and vendors and such. That will be Friday, Saturday, and Sunday. And, the second thing, I just want to remind everyone that schools will be going back into session shortly and brush up on your school bus etiquette, laws, to make sure and especially in the city where the kids walk to school, make sure you keep those kids safe. Thank you.

Chairman Chagnon: Thank you. Legislator Johnson.

Legislator Johnson: Not to be outdone, Westfield, on the weekend of the 18th and 19th of September celebrates the great Concord Grape Festival as the grape juice capital of the world, which we are. So, farmers' markets, rides, grape stomping contest, I have a conflict of interest. I'm personally providing over a ton of grapes to be stomped. So, I'm looking for stompies and it'll be great fun. Last year was really a memory-maker.

Chairman Chagnon: Great. Any other announcements? It's a busy month! Legislator Anthony.

Legislator Anthony: While we're on the topic of events, the Town of Poland is having their summer social Saturday, August 29th. So, after you get done at the airport, you might as well come over to Poland and celebrate with us.

Chairman Chagnon: Okay, any other announcements? Hard to imagine. Sheriff Quattrone.

Sheriff Quattrone: Just wanted to let everybody know that on Labor Day weekend, that the Chautauqua County Sheriff's Office will offer free rides to any intoxicated drivers who need them. *(laughter)*

Chairman Chagnon: How appropriate. Okay, any other announcements? Busy month. Legislator Larson.

Legislator Larson: Legislator Nelson commenting on how long ago the Labor Day festival in the park in Jamestown, Bergman Park, started. The circumstances then were similar to today. Upheaval in the Middle East had caused gasoline to skyrocket and the real origins of Labor Day in the park was to give people a chance to have a enjoyable Labor Day weekend without travelling anywhere to do it. So, it sounds like it's an appropriate year to be remembering how, what the origins were of that event. And it's been a very successful event ever since and I'm sure it does, it's met its goal of having local people have a good time without having to travel for a good time that weekend.

Chairman Chagnon: Okay, Any other announcements? Hearing none, we will move on to our 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.

Chairman Chagnon: Is there anyone wishing to address the second privilege of the floor?
Legislator DeJoy.

Legislator DeJoy: Thank you, Mr. Chairman. And keeping in line with the subject of grapes, festivals in Silver Creek and Westfield, I was happy to see the front page of the Dunkirk Observer. Officials hail USDA \$20 million purchase of grape juice. I think that the farmers and growers of grapes here in Chautauqua County, along Lake Erie, owe a huge debt of gratitude to the senior Senator of New York and minority leader, Charles Schumer. Senator Schumer came to Chautauqua County and stood with the grape farmers, including Legislator Johnson and Merritt, and I saw a nice picture of them with the Senator and shaking his hand and smiling very large and I think that it was a great thing that the government was able to intervene where some of the markets closed out purchasing of grapes from our local farmers and alleviated, at least for this

year, a devastation, financial devastation to these growers. So, I think that we owe, again, that we owe Senator Schumer a debt of gratitude for coming through for the grape farmers of Chautauqua County. Thank you, Mr. Chairman.

Chairman Chagnon: Thank you. Next for the second privilege of the floor?

Karen Engstrom: Karen Engstrom, Town of Chautauqua, and I represent the Chautauqua Energy Watch. I'm asking tonight, what is the electricity generation mix in the State of New York? According to the New York Independent System operator, electricity production in the State of New York is 4% from wind, industrial wind, and less than 3% from solar. The total cost so far is somewhere between \$55 billion and \$79 billion paid for largely through our taxes and our utility bills. So, that's 4% wind and 3% solar. In spite of that poor cost-benefit outcome, the state is still aggressively pressuring our communities, in conjunction with wind and solar, to allow battery energy storage systems installed, regardless of the evidence that battery storage is dangerous, short-lived, and expensive. This month, the New York State Energy Research and Development Authority, the NYSEDA, held a seminar in our county promoting battery energy storage systems. It was aimed at municipal leaders, zoning officials and volunteer fire departments. Representatives from NYSEDA clean energy siting group offered claims and half-truths during this seminar regarding our energy options. Beginning with claiming that wind, solar, and BESS are clean. Wind, solar, and battery energy storage are not clean or green. The mining, processing, delivering, installing, operation, and disposal as hazardous waste may have grave impacts on our environment and quality of life. NYSEDA introduced itself at the seminar saying, "we are free consultants who work to incentivize wind, solar, and battery energy storage." The proposed Dunkirk battery energy storage system, a very heavily subsidized \$500 million estimate, will produce few jobs. As was pointed out in this body, the Chautauqua County Industrial Development Agency works with these groups, these so-called renewal projects and receive the 1% fee for that. \$500 million equates to a \$5 million fee. If the formula works, then that is something we must be aware of. The proposed Dunkirk BESS price tag is very large and has yet to be determined. There are many towns in New York that have written laws prohibiting battery energy storage due to the history of thermal runaway fires. Those include Sheridan, Duanesburg, Yorktown, Clifton, Mount Pleasant, Rush, Saint Armand, Mount Kisco, Amsterdam, and numerous others. NYSEDA reps said at this seminar, that the demand for electricity will increase by 50% in the near future in the State of New York. But that is not because of residential use. Residential use is flat. They say that we need more power to power data centers and AI. Many residents of Chautauqua County in the region are opposed to data centers. Data center opposition sites the huge use of water, the potential for that water to be contaminated, heat islands, noise, and lack of regulation. Concerns that have been expressed by our attorneys general around the country also include the personal internet privacy violations, including the potential for violation of constitutional rights through the access that this will allow to medical records, employment records, business records, and private communications. Many western towns also recognize that the instillation of industrial wind, utility scale solar, and battery energy storage systems are not beneficial and there is no justification for attaching battery energy storage to them. Clean alternatives have been put forward by local leaders such as State Senator George Borrello, Assemblyman Andrew Molitor, and Chautauqua County Executive Paul Wendel. I'd like to quote Mr. Wendel. "By repowering NRG with safe, advanced nuclear

technology, we can bring this critical asset, that's energy in Dunkirk, back online to serve New York's clean energy transition, create high-paying jobs, and revitalize a community that has long waited for meaningful economic reinvestment."

Chairman Chagnon: Karen, you've exceeded your five minutes.

Karen Engstrom: There is one simple requirement that we could possibly use and that is to protect our communities by prohibiting the inclusion of PFAS or PFOS, forever chemicals, in any wind, solar, battery energy storage or data center components. By doing so-

Chairman Chagnon: Karen, please wrap it up.

Karen Engstrom: -protect our water, our drinking water. Thank you.

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

Legislator Buchanan: Okay, alright. So, I just wanted to touch on the e-bikes. I am a e-biker, okay. Let's get that straight now. So, the thing, just, I want- I'm all about public safety but I do want folks to understand, we only have, like, five good months in our, up north in New York to even have, enjoy any fun. So, kind of take it easy with the e-bikes, okay? I know there's a lot of anti-e-bikers around, so. But, I want to touch on the weed dispensaries. Am I the only one in this room a little concerned about weed dispensaries in Chautauqua County? I feel that we should, all of us, understand the laws with them. I see next to Tim Hortons they have a weed dispensary set up out in the parking lot. I'm not sure if the Sheriff could touch on that? Can they just set up shop anywhere they want to? I looked into the law. They have to be 500 feet away from a school on the same road of a school. It just is concerning that kids can get out of school and walk right past a weed dispensary. I feel uncomfortable with that. I know we can't trump New York State law, but can we do anything? Can we put together a letter to New York State, maybe adjust the footage? That a weed dispensary can be next to a school, I really feel uncomfortable about this. So, I'm not sure if anyone else in this room feel uncomfortable with me about weed dispensaries set up so close to any type of school. Thank you.

Chairman Chagnon: Thank you. Next for the second privilege of the floor?

Mike Lee: Good evening, my name is Mike Lee. I am a resident of the village of Fredonia and a councilman for the Town of Pomfret. I'm also going to refer to my notes because firing from the hip is not my specialty, either. Flock cameras are a nationwide surveillance program with no oversight, accountability, or justification. These cameras are a dragnet mass-surveillance tool that Flock and law enforcement can use to constantly track people in our community without a warrant, without suspicion of criminal activity, and without any accountability. It flies in the face of our values as Americans and it's in direct opposition of the Fourth Amendment, which protects us from unreasonable search and seizure. This is not the same as municipally-controlled CCTV cameras. There are times and places where law enforcement and other need to monitor parts of the community and municipal buildings for

safety, public safety. Cameras controlled and operated by local government lets us know who has access to camera footage and lets us know there are safeguards in place. We, as a community, can make change if that goes too far, if there are abuses or if there's loss of public trust. This is not the case with Flock. There have already been police officers who have been discovered using Flock to stalk ex-girlfriends and others. We know about these abuses because law enforcement officers are public employees with checks, balances, and oversights in place. Flock is a private company that does not have checks, balances, or oversights in place. We do not know who at Flock has access to your video and tracking data. We do not know who they are selling it to. We do not have oversights or protections against abuses by Flock employees or whomever Flock sells video of you to. Many communities across the country have cancelled their contracts with Flock after learning that Flock lied to them about data use, their surveillance system capabilities, and so much more. People have ended up at gunpoint by police over mistakes Flock had made, which puts our community and our law enforcement officers at risk. Flock claims that their camera surveillance systems do not have facial recognition capabilities and cannot track individuals. Journalists have proven this multiple times to be a lie. When municipalities have voted to cancel their contract with Flock after issues had become apparent, Flock has refused to disable their systems, leading municipalities to cover the cameras with garbage bags or other makeshift coverings. Flock surveillance is not a benefit to our community. It is a threat to public safety. The County District Attorney has contracted with Flock to place ten difference Flock surveillance cameras in the Fredonia/Dunkirk community and states that he plans to install as many as he can afford with his department's budget. He did not consult with or inform any municipal leadership in the communities and claims it- in the communities he placed surveillance systems in and claims to be caught off-guard by the apparent controversy his instillation of dragnet surveillance systems has caused, despite massive local and national controversy over these systems for the last couple of years. It drew a lot of public attention and condemnation in Lakewood when these systems were considered in February. At no time in the past two years could you google the word, "flock" without immediately finding pages and pages of abuses, discovered misrepresentations by Flock, and cancellations after community action. To go around local municipalities and claim ignorance of a controversy is a claim that just doesn't hold water. I am calling on this Body to order the cancellation of the County contract with Flock and to guarantee no future contracts with Flock or any other private surveillance companies. I have spoken with numerous constituents and have received overwhelming oppositions to these surveillance systems. I am more than happy to meet with any of you individually with the Public Safety Committee and can provide more information and sources for all of the claims and information that I'm bringing today. Our government is answerable to the people-

Chairman Chagnon: Mike. Mike, excuse me.

Mike Lee: -and Flock is not and they have no business here or anywhere else.

Chairman Chagnon: Okay, thank you.

Mike Lee: Thank you.

Chairman Chagnon: Next for the second privilege of the floor?

Christine Cruz-Keefe: My name is Christine Cruz-Keefe. I'm speaking today as a trustee for the Village of Fredonia to raise-

Chairman Chagnon: You're speaking for the trustees or are you speaking for yourself?

Christine Cruz-Keefe: I'm speaking as a trustee for the Village of Fredonia-

Chairman Chagnon: Thank you. Thank you, I-

Christine Cruz-Keefe: I'm speaking as a trustee for the Village of Fredonia to raise serious concerns on behalf of the constituents I represent regarding the instillation of Flock safety cameras in our village. As local, elected officials, it's our duty to advocate for our community's privacy and transparency. Many of our residents have expressed deep concerns about mass-surveillance and the scope of data being collected. Furthermore, these cameras were installed in Fredonia without the approval or input of our village board. From the limited public information available and discussions at our board meetings, we learned that this instillation was authorized by the county District Attorney. This raises several urgent questions that require clarification from this body. Did the district attorney make the decision to install these cameras unilaterally or did the county legislature vote to approve them? Who ultimately determined the need for Flock cameras in Fredonia? What specific data is being collected by these cameras? Who has access to it? And how long is that data retained? What current and ongoing costs are associated with these cameras and who is paying for them? Our residents deserve clear answers about how public space in our village is being monitored and governed. I ask that the County provide full transparency on this matter. Thank you for your time.

Chairman Chagnon: Thank you. I'm sorry for interrupting you, I was just trying to determine how much time to allocate for your speaking.

Christine Cruz-Keefe: I'm just here, representing myself.

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

Anthony Toda: Yes, Anthony Toda. I live at 144 Clifton Avenue in Jamestown, NY. I'm making my comments and opinions based on media reports and my own experiences. First, I'm stating again that America's need to support Ukraine with military aid against Russia and voice that support to President Trump and our federal representatives. Second, evidence shows that the alleged Tops shooter, Payton Gendron, publicly stated on the internet two days before the Tops Buffalo murders, where he was going and his alleged intent to kill black people. Mr. Gendron had been in communications with a former federal agent, where extremism and radical hatred was discussed. Why didn't anyone who read Gendron's post contact law enforcement? Why was it the New York State red flag law utilized to prevent Gendron from accessing firearms and why weren't Gendron's alleged internet threats not flagged by the FBI to prevent these murders? This is allegedly further evidence that federal and state law enforcement created an open pathway

allegedly to commit murder? Sonya Zoghlin, the federal public defender allegedly continues to fail to examine any corroborating evidence I may offer to show that the FBI, including the Buffalo field office should have prevented this crime. As the FBI should have prevented the Parkland school shooting in Florida. There was a \$127 million pay out by the federal government to the families of the victims of the Parkland school shootings. I can show in my experiences that the FBI is not credible in any court because of their open criminal assault, surveillance, and harassment upon myself. I can show substantial evidence that the FBI is using immediate interception in their attempt to incite racial hatred in myself. Yet, I wanted to produce possible corroborating evidence to mitigate and show FBI responsibility in federal court but both public defenders office and US Attorney's office under Michael DiGiacomo have shut me up completely. Today, when I again called Sonya Zoghlin, I was told that her voicemail wasn't working. Federal and state laws make it a crime to deliberately incite or coerce someone to commit a crime as the FBI and the Jamestown Police are attempting to do in my instance. I have substantial evidence of these government crimes and I can corroborate illegal government behavior used upon myself in the Payton Gendron death penalty trial in US District Court, Buffalo. And I will show a shared responsibility and liability in the Tops murders. Thank you.

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

Legislator Larson: Motion to adjourn, Mr. Chairman?

Chairman Chagnon: We have-

Legislator Larson: Withdrawn

Chairman Chagnon: Thank you. Please.

Patrick Carlsex: Hello, my name is Patrick Carlsex and I live in Fredonia, NY. I'm here to repeat what everyone is saying about the Flock cameras and that we need to get them out of Chautauqua County. They are incredibly unjust, they're mass surveillance on us and we have no control over the data, where it's going, who's using it. A giant corporation is using it. We cannot trust giant corporations. We can trust our fire, our police, our government officials, Flock is not these people. Flock is a completely separate entity that is gathering massive amounts of information on all of us every day. Who we spend time with, who we're talking to, what we're buying, where we're driving, when we're driving, and are also making an immense amount of mistakes along the way. There have been plenty of cases where they're misreading license plates, there have been plenty of cases where they are not able to identify people correctly, and law enforcement has acted upon it. That's terrifying. I do not appreciate living in a state of fear. Please get rid of the Flock cameras. Thank you.

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

Mitchell Cummings: Hi, my name is Mitchell Cummings from Fredonia and I wasn't going to speak but I just would like to talk about two things. Back in 1970, my first run-in with the state troopers was, I was cited on my bicycle for not having a light at night. I was with my friend, we were fishing up in Orchard Park and pedaling back home to West Seneca and he had a light on his leg and the trooper let him go but I wound up having to pay two weeks of my paper boy salary to pay my fine for not having a light. And it was nice to see the Sheriff here. And if I remember correctly, maybe 25, 30 years ago, there was a sheriff's program, maybe it was the Troopers that taught bicycle safety in Chautauqua County. Does anybody remember this? I think it might have been at the BOCES down on the southern side of the lake, in Ashville. And I'm wondering if, I live in Dunkirk and Fredonia, ninja bicyclist? Insane. Black at nighttime, pretty crazy stuff. I think a lot of it needs education. And that may be something that the Sheriff's Department could possibly look in to putting somebody into schools, middle school, and in high school, a later program. E-bikes, I was a truck driver for twelve years over the road and I'm a big fan of complete streets and street safety for everybody. But man, education is really important for the bicycles. And about the Flock cameras, I'm worried about infringement on First Amendment rights. We have a Flock camera now in front of the Opera House, Village Hall, and it overlooks the Barker Commons where a lot of people gather for protests and things like that. They say it's for reading but when is it going to morph into possibly facial recognition if anybody remembers what happened in China with the protesters in Hong Kong and they all wore masks. There was a reason they were masked, was because of facial recognition cameras in there and also the Uyghurs in China were surveilled by facial recognition. So, I worry about infringement on First Amendment rights, Second Amendment rights, and Fourth Amendment rights with the Flock cameras. And it's very disturbing to me that what I'm hearing is that one person in the county, the DA, was responsible for doing this without information to our Legislators or to our local elected officials. That's mindboggling to me that somebody had the power to do that. And I hope that the Legislature, you can all do something about that. Please do something about that. Thank you.

Chairman Chagnon: Thank you. Anyone else for the second privilege of the floor?
Legislator Larson?

Legislator Larson: Motion to adjourn, Mr. Chairman.

Chairman Chagnon: We have a motion to adjourn and second by Legislator Johnson. All in favor, please say, aye.

MOVED by Legislator Larson, SECONDED by Legislator Johnson to adjourn.

Unanimously Carried (7:51 p.m.)

Respectfully submitted and transcribed,
Olivia Lee, Clerk of the Legislature, Amanda Guillory, Senior Stenographer