

Regular Meeting
Chautauqua County Legislature
Wednesday, March 22, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Bankoski)

Legislator Starks delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Nazzaro, SECONDED by Legislator Lemon, the minutes were approved. (2/22/17)

1st Privilege of the Floor

My name is Dr. Sherri Mason, thank you very much for the opportunity to speak to the Legislature today. As many of you may remember, I'm Dr. Sherri Mason, and I'm a faculty member at the State University of New York at Fredonia and I'm here on behalf of a coalition concerned residents with regard to the recent budget proposal by President Trump. This proposal cuts the EPA budget by 31% including the Great Lakes Restoration Initiative. That would be reduced by 97%. In addition, it cuts the Commerce Department by 15% and most of that is targeted at NOAA, National Oceanic and Atmospheric Administration including the elimination of all 33 sea grant agencies, one of which is here in New York State. We had gotten together and we're respectfully asking the Legislature to pass a motion opposing these budget cuts because of the impact that they will most definitely have upon the Great Lakes. Many of you may remember, not to long ago, back in the 60's and 70's when the rivers of the Great Lakes would readily catch on fire. When the (*inaudible*) were so bad and the Great Lakes were basically considered dead. And it's because of things like the EPA, the SEQRA agencies, the Clean Water Act and various environmental initiatives that have taken place over the last 30 years, the Great Lakes have come back to the current state. They still have a lot of issues and that's how many of you guys know me because I studied plastic pollution in the Great Lakes. On a personal note, all of my funding for my research program comes from these two agencies, the Great Lakes Restoration Initiative and a New York State grant so my research would not be possible if these changes or cuts proposed under the current legislation. So, with that in mind, I'm hoping that you guys will support our motion. We are intending to take this motion and put it forward to Great Lakes audiences in order to create a united front in opposing this type of budgetary cuts. Thank you.

My name is Robert Dando, Fredonia-Stockton Road in Fredonia, Town of Pomfret. I also wish to encourage the Legislature to pass the resolution you have on the Great Lakes. The Great Lakes has about a fifth of world's water supply and it's going to become more and more important. Right now, many people believe that the future great wars of this world are going to be fought over water resources. The next war between Pakistan and India is not going to be because of the difference between Hindus and Muslims, or over cashmere it's going to be over the Hindu river and who controls it. India has already threatened to cut off the water supply to

Pakistan. The same thing is happening with China with all the dams that they are building. Mekong supplies and pumps the water for Indochina, China is being controlled by the (*inaudible*) that China has built. So all and all, we have to look at this. The next great pipeline being built may not be for oil, it may be water pipelines from the Great Lakes to feed the west. This is one of the things that I think will be coming up in the future is that there is going to be a divide between the water rich eastern United States and the lack of water that the western states have. Relief with the drought in California is just going to be a blimp, I think. I think that they are going to continue with the drought that they have had out there and they've already seen how much Lake Mead has dropped water and the (*inaudible*) River almost has no water at the mouth into the Gulf of California. So, think this is definitely something that we have to encourage that we keep funding projects to continue keeping the Great Lakes important and steady. Remember back in 1776, Adams Smith of the Wealth of Nations stated, water is the one resource of which there is no exchange. Thank you.

I'm Phyllis Gloran(?) and I live in Bemus Point, N.Y. and I want to talk to you about the Chris Collins amendment to the ACA Replacement act which I feel (*inaudible*), it's short-sided. Those are voters who really don't understand that our property taxes are already capped at 3%. To those voters who don't (*inaudible*) pay on 13% of Medicaid costs, or even what that means. Just as many voters as you know, didn't know that there was a difference between ACA and Obama Care. I think that Collins vote will facilitate closure of hospitals which as you all know are struggling, will facilitate closures of many of our nursing homes which are struggling and short staffed and at a time where they are most needed, will harm lower income citizens which is a large voting bloc, as you know in this County. Collins ran from his constituents in Erie County saying that town hall meetings were a waste of his time. I'm sure and I'm sure others are here to tell you that consideration of both the replacement of the ACA and Mr. Collin's bill are a waste of time for anyone who cares about the poor, the sick, and the young. Your re-elections are at stake, the well-being of the citizens of this County are at stake. If this bill us put on the backs of people who need the aforementioned services, (*inaudible*) support it, will never garner my respect nor my vote and I must add that I was not paid to come here and say this and I hope that it was not a waste of my time to come here to speak before you. Thank you.

I thought that I might be speaking out of turn as I'm confused as to whether or not to speak now but the lady here had mentioned my subject so here we go. My name is John Brysacz and I live 14 Forest at Chautauqua Institution. I am here as a private citizen and a Chautauqua resident. I'm urging the opposition for the repeal of the Affordable Care Act without an acceptable and a better one which is now being called the American Health Care Act. The congressional budget office found that in the try at repeal that Washington (*inaudible*) Legislators, 25 million people will lose their medical insurance coverage under it. Of those 25 million people, 15,000 are here in Chautauqua County as Medicaid recipients and 75,000 are in the other counties that make up Tom Reeds congressional district and he is one of those legislators. We have a better chance of being heard here and understood by you folks, our County Legislators than we do by the Washington rank of Legislators. Certainly you've seen or heard about the ruckus town meetings. Why do you think that is? You live with us, you know us, you're here with us and you work with us. On the other hand the Washington Legislators work for corporation and special interest and lobbyist and the 1% but, we have to come home. They're renewed 6 years and they try and have us believe that they are working for us. We the

people, while I can appreciate certain aspects of the ACA, the Washington Legislators need to make it better before they try to repeal it and replace it with another version of a same (*inaudible*) one that they have tried already. The details of our request are on copies that you have been given, I'm told you've been given, are spelled out in legal legislative terms. I brought an expert, Dr. Ralph Walton who was the former Chautauqua County Medical Health Commissioner and he's going to speak about addiction such as opioids and other topics you are aware of.

My name is Ralph Walton. I had the privilege of serving as Chautauqua County's Commission of Mental Health back in 1980 when Jack Glenzer was the County Executive. As John has stated and I am sure you are all aware of the fact that Chautauqua County currently faces an opioid addiction epidemic crisis. If the American Health Care Act is to replace the Affordable Care Act, the mandate that Medicaid plans provide care for mental health services and addiction will be removed. This is unconscionable at a time of the addiction crisis. I think that Chautauqua County will also be adversely affected disproportionately because of the demographics of our area. We have many poor individuals in this County, it's a rural County, we have a higher incidence of addiction, mental health problems, suicides, more obesity, more smoking, so curtail services when they really need to be expanded, is absolutely unconscionable. So, I would urge all of you to look at and accept the resolution that John has passed to all of you.

My name is Gil Randall, I live in the Town of Chautauqua. I'd like to speak in support of the Motion to assure it's continuation of Federal funding for the Great Lakes initiative. Thirty million people live in the watershed of the Great Lakes. Thirty million Americans. That is 10% of the population of this country. You can't have a body of water in the middle of that kind of a watershed with that kind of a population without having unusual effects that need to be continually monitored and addressed. We have done a lot as has been mentioned already since the 50's and 60's to assure the health of Lake Erie. We can't just brush our hands off and walk away from that. It's a continuing responsibility. It has to be a continuing responsibility simply because of the kind of population pressures that are exerted on that body of water and it is an incredibly important body of water. Someone just mentioned I think that it was the 5th largest body of water in the world. It is the largest body of unfrozen fresh water in the world. Very important resource and you can't walk away from it and we can't take Federal funding away from it. Thank you .

Chairman Himelein: Is there anyone else to speak to the first privilege of the floor? Seeing none, we'll close the first privilege of the floor.

**VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 2/22/17**

PRESENTATION

**Michelle Henry
County Historian**

COMMUNICATIONS:

1. Letter – County Executive – Apptmt. to Conewango Watershed Commission
2. Email to Clerk Tampio–Re: Resignation - A. Smith from the S&CCLSD Bd.
3. Letter – Co. Atty. Abdella – Re: Atty’s. Succession of Powers & Duties in Law Dept.
4. Report – Fn. Dir. Crow – January 2017 Investment Report
5. Minutes – S&CCLSD Board – January 2017
6. Proof of Publication – Notice of Estoppel – Re: Bonding/NCLSD
7. Request of Resolution from Preservation of Agriculture Land Serenity
8. Letter – Manufacturers Assoc. – In Support of LL Intro. 2-17

**TABLED RES. NO. 48-17 Authorize Public Hearing for NYS Office of
Community Renewal Community Development Block
Grant Application**

Legislator Wendel: I would make a motion to bring it off the table.

Legislator Tarbrake: Second.

Chairman Himelein: All those in favor?

Unanimously Carried

Legislator Wendel: I would like to amend the resolution by changing the date from March 22 to the Legislature meeting of April 26th.

Legislator Nazzaro: Second.

Chairman Himelein: Any discussion on the amendment?

Unanimously Carried

Chairman Himelein: Now on the resolution as amended. Any discussion?

TABLED RES. NO. 48-17 – UNANIMOUSLY ADOPTED

**LOCAL LAW INTRO: 2-17 A Local Law Authorizing County Assistance and
Incentives to Municipalities for Consolidation and
Dissolution (Sponsors: Niebel, Scudder, Vanstrom, Starks,
Muldowney, Whitford, Borrello)**

Legislator Wendel: I would like to make an amendment to the local law. Striking the words “and incentives” from the title to make it, A Local Law Authorizing County Assistance program, also striking “and incentives” from the 3rd paragraph, the purpose and within Section 3, “and incentives”.

Legislator Nazzaro: Second.

Chairman Himelein: Any comments?

Legislator Niebel: Mr. Chairman, I will support this amendment because I think that it is important to have as many Legislators as possible on board for this local law and hopefully that will happen at the next meeting. I will say that I do think that Chautauqua County should be in the forefront of efforts to reduce layers of government and ultimately taxes.

Chairman Himelein: Any other comments or questions? If none, we'll vote on the amendment. All those in favor?

LOCAL LAW INTRO. 2-17 – amendment – Unanimously Carried

Chairman Himelein: Because it was amended as such, it will now sit for another month and we can take it up again in April.

LOCAL LAW INTRO 3-17 A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (Re: Physician) (Sponsor: Tarbrake)

Chairman Himelein: So I hear a motion?

Legislator Tarbrake: So moved.

Legislator Wendel: Second.

Chairman Himelein: Any questions or discussion?

RES. NO. INTRO. 3-17 – R/C Vote: 18 Yes; 1 Absent – UNANIMOUSLY ADOPTED

RES. NO. 79-17, Confirm Appointment – South & Center Chautauqua Lake Sewer District Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 80-17, Confirm Appointment – Conewango Watershed Commission, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 81-17, Accept NYS Voting Access for Individuals w/ Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities to Persons with Disabilities, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 82-17, Application for Credit of Real Property Taxes for 2017, by Administrative Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 83-17, Authorize Acceptance of Indigent Legal Services Grant for the Period 1/1/16- 12/31/18, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 84-17, Authorize Execution of NYS Office of Homeland Security Funding Grant – Operation Stone Garden FY16, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 85-17, Authorize Execution of Police Protective Equipment Program (PPEP) Grant Award through the NYS Division of Criminal Justice Services, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 86-17, Increase Funds for Property & Evidence Room Capital Project, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 87-17, Increase Funds for Next Generation 911 Capital Project, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 88-17, Close Capital Project Emergency Communication and Dispatch, by Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 89-17, Adjust Accounts for Jail Health Services, by Public Safety, Human Services, and Audit & Control Committees

Legislator Wendel: As we begin deliberation on this, the cost endeavored but, but I applaud Christine Schuyler and her Department of Health & Human Services undertaking this endeavor. It's no small feat but I believe it's worth-while, will be cost effective savings down the road and I applaud her and her staff for undertaking such an endeavor and look forward to moving forward in the future.

Chairman Himelein: Any other comments or questions?

RES. NO. 89-17 – UNANIMOUSLY ADOPTED

RES. NO. 90-17, Amend Chautauqua County Health & Human Services 2017 Budget for Rollover of Childhood Lead Poisoning Primary Prevention Program 2016-2017 COLA, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 91-17, Amend Chautauqua County Health & Human Services 2017 Budget for Rollover HUD Lead Hazard Reduction Demonstration Grant Funding, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 92-17, Amend Chautauqua County Health & Human Services 2017 Budget for Corrected Federal/State Grant Funding Percentages, by Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 93-17, Approve Corrective Action Plan (CAP) for Submission to Office of the State Comptroller (OSC), by Audit & Control Committee – UNANIMOUSLY ADOPTED

RES. NO. 94-17, Reallocating Salary Grade for Communication Technician, by Public Safety and Audit & Control Committees – R/C/ Vote: 18 Yes; 1 Absent - **UNANIMOUSLY ADOPTED**

Chairman Himelein: Madam Clerk, would you read 95 and 96 also. We'll take one roll call vote.

Clerk Tampio: Yes.

RES. NO. 95-17, Reallocating Salary Grade for Senior Communication Technician, by Public Safety and Audit & Control Committees

Clerk Tampio: Mr. Chairman, I would point out under the RESOLVED portion of resolution, there was a typo that was corrected. Instead of Communication Technician, it should say, Senior Communication Technician as listed in the rest of the body of the resolution.

RES. NO. 95-17 – R/C/ Vote: 18 Yes; 1 Absent - UNANIMOUSLY ADOPTED

RES. NO. 96-17, Reallocating Salary Grade for Communication Systems Coordinator, by Public Safety and Audit & Control Committees – R/C/ Vote: 18 Yes; 1 Absent - **UNANIMOUSLY ADOPTED**

Chairman Himelein: Any comments or questions regarding these three resolutions? Seeing none, we'll take a roll call on the three of them.

RES. NO. 97-17, Quit Claim Deeds, by Administrative Services and Audit & Control Committees – R/C/ Vote: 18 Yes; 1 Absent - **UNANIMOUSLY ADOPTED**

MOTIONS:

A. In Support of the Continuation of Federal Funding for the Great Lakes Restoration Initiative by the U.S. Environmental Protection Agency

Legislator Borrello: As the Chairman of the Lake Erie Management Commission, I was proud to bring this forward. I'd also like to thank Dr. Sherri Mason for coming again tonight. She was also here at the committee meeting last week and also all of those who spoke in favor of this, thank you for coming tonight. As was mentioned before, the Great Lakes system is the largest body of fresh water, largest fresh water system in the world. It's comprised of 20% of all the fresh water. This system is extremely important on a number of levels and this funding has helped make the water better. That is the easiest way to say it. The quality of the water, things like invasive species and everything else, there has been several projects that have been funded through this money. But I would like to speak to the initiative that President Trump and many Congress people have expressed to improve infrastructure in the United States. I can't think of any more important infrastructure than drinking water and having this money be there to support this vital need to keep our water clean and safe is an integral part of the infrastructure. So, in this motion we are speaking to the fact that if they are truly looking to support infrastructure in the

United States as has been pledged by the President and many members of Congress, then keeping the funding in there is integral for that. Not only is this important for drinking water, it's also important for commercial traffic, commerce, the economic development of the millions of people around the Great Lakes and those that rely on it. Many industries, including the food industry and so forth, are reliant on clean safe water out of the Great Lakes. Even the oil and gas industry draws water out of those lakes every day for the purpose of their business so it's vital to the economy on many levels. Then of course, the environmental impact. Obviously critically important. So you can see what happens when dangerous algae blooms have infiltrated the water. We had the entire City of Toledo shut down for three days because they could not draw drinking water out of the lake. Again, I can't think of anything that is more important than something as vital as drinking water. So, I am asking all of you to support this and I appreciate those that have spoken in favor of it. Thank you.

Chairman Himelein: Any other discussion?

MOTION A. – UNANIMOUSLY ADOPTED

B. In Support of Federal Legislation that Prevents New York State from Sharing its Medicaid Costs with Local Governments

Legislator Borrello: I guess it's me again. I realize that there are many people here tonight that are concerned about the ACA and repeal and so forth but I want to focus on what this amendment is about. It's certainly about the costly Medicaid program that we have here in New York State. We have the largest most costly Medicaid program in the nation. Even though we are only the fourth largest state, we have the largest welfare system. This amendment would essentially take \$3.6 billion dollars that is forced upon local municipalities through property taxes and put that back where it belongs in Albany with those folks that control the size and scope of the program. While I realize that there has been some fearmongering out there talking about that hospitals will close and people will lose their health care, that's possible if the status quo is all that is intended to happen in Albany. But to cut nearly 6% of that Medicaid budget from again, the largest most bloated and most inefficient Medicaid program in the nation, I think that a 6% cut is achievable. Now certainly, I understand the Governor has many ways that can get back that money from local municipalities. They could do it by sales tax, there is another number of things but my hope is, should this amendment pass in Washington, it will start a conversation in Albany for true welfare reform. Right now in New York State, anyone in the nation, nearly anyone in the world can set foot in New York and instantly be eligible for the most lucrative welfare program in the nation. That has to change. If this can start that ball rolling, I'm all in favor of it. Thank you.

Chairman Himelein: Any other comments or concerns? Seeing none – all those in favor of Motion B?

MOTION B. – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS:

Legislator Tarbrake: I would like to talk tonight about a very serious health issue and that is colon cancer awareness month. I would like to ask you to join me tonight with County Executive Horrigan, Assemblyman Goodell, and many of our County and community leaders, (*inaudible*) in pledging to embrace the shared goal of reaching 80% screening rate for colorectal cancer by 2018. Now colorectal cancer is a major public health problem as we know. It is the leading cause of cancer related deaths among men and women in the United States and the cause of considerable suffering. The incidences and mortality of colorectal cancer is higher in Chautauqua County than in New York State. Screening rate (*inaudible*) for those 50 to 75 years of age is 69.8%. Colorectal cancer can be detected early at a curable stage and can be prevented through the detection and removal of precancerous polyps. I applaud the work of our Health & Human Services, the cancer services program, for leading this national incentive locally. I would like to applaud now. (Applause). So before you leave tonight, please sign the pledge at the front of the room to demonstrate our commitment to reaching the 80% screening for colorectal cancer by 2018. Thank you.

Legislator Odell: Quick announcement. There will be on May 9th a land use planning and zoning for solar workshop being put on by NY-Sun and the Department of Planning. Code enforcement officials of our municipalities are encouraged to attend. For information, you can contact myself or Pat Gooch.

Chairman Himelein: Any other announcements?

2nd Privilege of the Floor

My name is Bob Terreberry and I live in Maple Springs. I didn't realize – I came about the Great Lakes and the ACA but I didn't realize that Michelle Henry was going to give a presentation tonight. I am the co-President of the Bemus Point Historical Society and I am proud to say that. I have to say that Michelle is a jewel. She helps all of the organizations in the County, the grants that she has gotten have been incredibly helpful. She goes to organizations and speaks on a variety of topics, she's a terrific emissary for our County and I think that after the History Fair that our organization sent a letter to (*inaudible*) thanking for having that job as part of what you guys do but it's really important to keep that history going and communities have their points of pride. So, I'm very proud of Michelle, proud that she is involved with the historical preservation in the community and I thank you all for supporting that.

County Executive Horrigan: (*Cross talk*) we have a great Emergency Services in this County. Today at 7:30 in the morning, Falconer responded to a 10 department response fire, four buildings destroyed, 10 people evacuated, Red Cross is taking care of them. But, Legislator Wendel said it best, everyone working together. The Mayor was surrounded by really senior people from the Fire Service, giving advice on insurance and all of that but it's a true gift that we have in this County. Ten fire departments, including Jamestown, paid and volunteers, all come together, no injuries, no loss of life, four buildings were destroyed. That road will probably be closed in Falconer, Main Street, for the next 72 hours and they will work through insurance

claims and that right now. Fire investigators are still there but I think anywhere we can, we need to acknowledge and appreciate volunteer fire service and encourage more and more younger people to step forward because I will tell you, without that, we're in serious trouble. So, I just wanted to congratulate the fire service and as Legislators when you get out there, spend a minute, thank them. Ten fire departments today. (Applause)

Chairman Himelein: Anyone else to speak to the privilege of the floor. Seeing no one, we'll entertain a motion to adjourn.

MOVED by Legislator Gould, SECONDED by Legislator Nazzaro and duly carried the meeting was adjourned. (7:30 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature