

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 113-20

Confirm Appointments and Re-Appointments-Chautauqua County Fire Advisory Board

By Public Safety Committee:

At the Request of County Executive Paul M. Wendel Jr.:

WHEREAS, County Executive, George M. Borrello, has submitted the following re-appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointments to the Chautauqua County Fire Advisory Board.

**1<sup>st</sup> Battalion**

Lawrence Barter  
9 Pine Dr.  
Fredonia, NY 14063  
Term Expires: 1/31/21  
Reappointment

Mike Edwards  
143 West 4<sup>th</sup> St.  
Dunkirk, NY 14048  
Term Expires: 1/31/21  
Reappointment

Christopher Wichlacz  
3381 Tarbox Rd.  
Cassadaga, NY 14718  
Term Expires: 1/31/21  
Reappointment

Brandon Mahle  
1990 Route 39  
Forestville, NY 14062  
Term Expires: 1/31/21  
Reappointment

Brian Puro  
3681 New Road  
Dunkirk, NY 14048  
Term Expires: 1/31/21  
Reappointment

Adan Reisenweber  
8470 Chautauqua Rd  
Fredonia, NY 14063  
Term Expires: 1/31/21  
New Appointment  
Alternate

**2<sup>nd</sup> Battalion**

Al Akin  
5984 Manor Dr.  
Chautauqua, NY 14722  
Term Expires: 1/31/21  
Reappointment

Matthew Oehlbeck  
159 Park St.  
Sherman, NY 14781  
Term Expires: 1/31/21  
Reappointment

Ronald H. Trippy  
6755 S. Portage Rd.  
Westfield, NY 14787  
Term Expires: 1/31/21  
Reappointment

Lyle Holland  
47 Clinton St.  
Westfield, NY 14787  
Term Expires: 1/31/21  
Reappointment

Mark Smith  
9437 E. Main Rd.  
Ripley, NY 14775  
Term Expires: 1/31/21  
Reappointment

Burl Swanson  
6168 Wright Road  
Dewittville, NY 14728  
Term Expires: 1/31/21  
Reappointment  
Alternate

**3<sup>rd</sup> Battalion**

Ronald V. Johnson  
1265 Norby Rd.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/21  
Reappointment

Jackson Knowlton  
2141 Shadyside Rd.  
Lakewood, NY 14750  
Term Expires: 1/31/21  
Reappointment

Sam Salemme  
217 Dearing Avenue  
Jamestown, NY 14701  
Term Expires: 1/31/21  
Reappointment

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

Randall Shampoe Jr.  
690 Clymer-Sherman Rd.  
Clymer, NY 14724  
Term Expires: 1/31/21  
Reappointment

Scott Bailey  
29 Melvin Ave  
Celoron, NY 14720  
Term Expires: 1/31/21  
Reappointment

Dan Sisson  
Term Expires: 1/31/21  
Reappointment  
Alternate

**4<sup>th</sup> Battalion**

Lance Hedlund  
14 Dunn Avenue  
Jamestown, NY 14701  
Term Expires: 1/31/21  
Reappointment

Jeff Molnar  
30 Main Street  
Bemus Point, NY 14712  
Term Expires: 1/31/21  
Reappointment

Barry Swanson  
4870 Bayview Road  
Bemus Point, NY 14712  
Term Expires: 1/31/21  
Reappointment

Charles Piazz  
1357 Newland Ave.  
Jamestown, NY 14701  
Term Expires: 1/31/21  
New Appointment

Peter Samuelson  
4696 Maple Grove Road  
Bemus Point, NY 14712  
Term Expires: 1/31/21  
Reappointment

Ryan Delahoy  
205 N. Dow St.  
Falconer, NY 14733  
Term Expires: 1/31/21  
New Appointment  
Alternate

Signed by Niebel (via Telephone Consent)

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RES. NO. 114-20

Amend Resolution 194-19 - Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for the Matching Funds Program Sponsored by New York State Division of Tourism

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, pursuant to Resolution 194-19, the Chautauqua County Legislature authorized the Chautauqua County Visitors Bureau as the local tourist promotion agency for Matching the Funds Program sponsored by New York State Division of Tourism; and

WHEREAS, the New York State Division of Tourism has since requested that the dates listed in the Resolution correspond to the grant program cycle and not the New York State fiscal year from which the funds are provided for 2020; and

WHEREAS, an amendment must be made to the fourth RESOLVED clause of Resolution 194-19; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the fourth RESOLVED clause of Resolution 194-19 as follows:

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the grant program cycle state fiscal year from ~~April 1, 2019 through March 31, 2020~~ January 1, 2020 through December 31, 2020.

Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel (Voted "yes" by video Conference PED & AC Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 115-20  
Amend 2019 Adopted Budget due to Changes in Fund Balances

By Audit & Control Committee:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County Road Fund (D Fund) has been negative since the end of 2018 and needs to be replenished by a transfer from the General Fund (A Fund); and

WHEREAS, insurance recovery revenues from the 2010 fire at the North County Office Building were placed in an insurance reserve in the Liability Insurance Fund (CS Fund); and

WHEREAS, all expenditures associated with the fire have been paid so the remaining recovery revenue can be transferred from the insurance reserve to the general fund; now therefore be it

RESOLVED, That the A and CS Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

CS.-----863.0000	Reserved Fund Balance--Insurance Reserve	\$1,108,619
A.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$825,000

RESOLVED, That the A and D Fund Balances are appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$1,108,619
	Unassigned Fund Balance--Assigned Fund Balance	
D.-----915.0000	Unappropriated	\$825,000

;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT

CS.9901.-----9	Interfund Transfers - Transfers to Other Funds	\$1,108,619
	Interfund Transfers - Transfer to Other Funds-Trans Co Road	
A.9901.9000.9	Suppl (A-D)	\$825,000

INCREASE REVENUE ACCOUNT:

A.1310.9999.R503.1000	Interfund Transfers-Interfund Transfer	\$1,108,619
D.9901.9000.R503.1000	Interfund Transfers-Interfund Transfer	\$825,000

Signed by Nazzaro, Odell, Harmon, Gould, Niebel (Voted "yes" by video Conference AC Committee Meeting)

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 116-20  
Amend 2019 Budget for Year End Reconciliations – Final Adjustments

By Audit & Control Committee:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, some department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, some departments have received revenues in excess of budget; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Reserved Fund Balance--Reserve for Capital	\$161,933
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Adopted Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Unified Court Costs-Conflict Administration	\$40,037
A.1440.----.2	Equipment - Engineers	\$16,995
A.2960.----.4	Contractual - Educ: Handicapped Children-Administration	\$10,743
EL.8160.1000.4	Contractual - Environment-Landfill	\$300,530
EL.8160.1000.8	Employee Benefits - Environment-Landfill	\$441,312
EL.8160.6000.8	Employee Benefits - Environment-Closed Landfills	\$5,050
EL.8160.7000.4	Contractual - Environment-Recycling	\$1,520
EL.8160.7000.8	Employee Benefits - Environment-Recycling	\$41,195
EL.8189.----.8	Employee Benefits - Oth Env-House Haz Waste	\$620
ESN.8110.8112.8	Employee Benefits - Administration-Administration	\$4,493
ESN.8120.8122.4	Contractual - Sanitary Sewers-Sanitary Sewers	\$1,412
ESN.8130.8132.8	Employee Benefits - Sewage Treatment-Sewage Treatment	\$6,199
ESP.8110.8114.1	Personal Services - Administration-Administration	\$81
ESP.8120.8124.8	Employee Benefits - Sanitary Sewers-Sanitary Sewers	\$16,884
ESS.8110.----.8	Employee Benefits - Administration	\$33,890
ESS.8120.----.4	Contractual - Sanitary Sewers	\$19,467
ESS.8120.----.8	Employee Benefits - Sanitary Sewers	\$16,599
ESS.8130.----.8	Employee Benefits - Sewage Treatment	\$25,123
EW.8120.----.8	Employee Benefits - Sanitary Sewers	\$973
EW.8310.----.8	Employee Benefits - Water District	<u>\$2,881</u>
	Total	\$986,004

DECREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfers - Transfer to Capital	\$161,933
EL.8160.6000.4	Contractual - Environment-Closed Landfills	\$5,050

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

EL.8189.----.4	Contractual - Oth Env-House Haz Waste	\$620
ESN.8110.8112.4	Contractual - Administration-Administration	\$4,493
ESN.8120.8122.1	Personal Services - Sanitary Sewers-Sanitary Sewers	\$1,473
ESN.8130.8132.1	Personal Services - Sewage Treatment-Sewage Treatment	\$2,506
ESN.8130.8132.4	Contractual - Sewage Treatment-Sewage Treatment	\$3,632
ESP.8120.8124.4	Contractual - Sanitary Sewers-Sanitary Sewers	\$16,965
ESS.8130.----.4	Contractual - Sewage Treatment	\$95,079
EW.8120.----.4	Contractual - Sanitary Sewers	\$973
EW.8310.----.4	Contractual - Water District	\$2,881
H.3150.06848.4	Contractual - Jail-Closed-Jail Repointing (2014)	\$6,563
H.7110.25002.4	Contractual - Parks-Parks Capital Improvements (2018)	<u>\$40,570</u>
	Total	\$342,738
<u>INCREASE REVENUE ACCOUNTS:</u>		
A.1310.9999.R111.0000	Non Property Tax Items-Sales Tax	\$57,032
A.2960.ADMN.R327.7000	New York State Aid-Ed Handicapped Children	\$10,743
EL.8160.1000.R237.6000	Shared Services-Chrgs: OCC Municipal	\$600,000
EL.8160.1000.R213.0000	Departmental Income-Chrgs: Refuse & Garbage	\$184,557
H.2490.550.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$6,563
H.5130.626.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$35,553</u>
	Total	\$894,448
<u>DECREASE REVENUE ACCOUNTS:</u>		
H.2490.550.R503.1000	Interfund Transfers-Interfund Transfer	\$6,563
H.3150.06848.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$6,563
H.5130.626.R266.5000	Sale of Property/Compensa-Sale of Equipment	\$500
H.5130.626.R571.0000	Proceeds L/T Obligations-Serial Bonds	\$35,053
H.7110.25002.R265.2000	Sale of Property/Compensa-Sale of Forest Products	<u>\$40,570</u>
	Total	\$89,249

Signed by Nazzaro, Odell, Harmon, Gould, Niebel (Voted “yes” by video Conference AC Committee Meeting)

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 117-20

Amend 2020 Budget Appropriations and Revenues Due to Changes in Accounting Method for  
Some County-Wide Costs

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, dues for the New York State Association of Counties (NYSAC) and costs associated with the President of CSEA Unit 6300 are included in the 2020 Adopted Budget, and appropriate portions of such 2020 costs are budgeted in various enterprise funds; and

WHEREAS, the costs of most county-wide services are consolidated in their home departments and charged to the enterprise funds via the cost allocation plan; and

WHEREAS, it is appropriate to charge enterprise funds for NYSAC dues and CSEA fees via the cost allocation plan; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1230.----.4	Contractual - County Executive	\$2,059
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DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.4	Contractual - Environment, Landfill	\$4,001
ESN.8110.8112.4	Contractual - Administration, Administration	\$367
ESN.8120.8122.4	Contractual - Sanitary Sewers, Sanitary Sewers	\$145
ESN.8130.8132.4	Contractual - Sewage Treatment, Sewage Treatment	\$73
ESP.8110.8114.4	Contractual - Administration, Administration	\$294
ESS.8110.----.4	Contractual - Administration	\$439
ESS.8120.----.4	Contractual - Sanitary Sewers	\$363
ESS.8130.----.4	Contractual - Sewage Treatment	\$726
EW.8120.----.4	Contractual - Sanitary Sewers	\$147
EW.8310.----.4	Contractual - Water District	\$147
EWN.8310.----.4	Contractual - Water District	<u>\$294</u>
	Total	\$6,996

DECREASE REVENUE ACCOUNT:

A.1430.COEM.R221.0CUP	Shared Services-Shared Services CSEA Union President Charges	\$4,937
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Signed by Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Odell, Harmon, Gould, Niebel (Voted "yes" by video Conference AS & AC Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 118-20  
Amend 2020 Budget for Liability Insurance Accounts

By Administrative Services and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, some Insurance Division expenses have exceeded initial budgetary estimates; and

WHEREAS, these expenses are offset by participant assessments to County; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

CS.1710.----.4	Contractual – Insurance Administration	\$75,000
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INCREASE REVENUE ACCOUNT:

CS.1710.R270.9000	Miscellaneous – Participant Assessments	\$75,000
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Signed by Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Odell, Harmon, Gould, Niebel (Voted “yes” by video Conference AS & AC Committee Meetings)

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RES. NO. 119-20

Authorize Agreement with NY State DOT for Performance Of Federal-Aid Project PIN 5762.01

By Public Facilities and Audit & Control Committees:  
At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the project for Bridge Sealing BINS 3325300, 3325310, 3325410, 3325430, 2212440, 2258400, 2258410, 3323950 and 33240900 (the Project) is now eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such Project, now estimated to be \$125,000, to be borne at \$100,000 Federal funds and \$25,000 Local funds; and

WHEREAS; the Project’s Construction Phase is currently estimated to be \$125,000 to be borne at the ratio of 80% Federal Funds and 20% County Funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project PIN 5762.01; now therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject Project; and it is further

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the costs of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connection with the Project; and it is further

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE

A.----.----.878.0000 Reserved Fund Balance—Reserve for Capital	\$ 25,000
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; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2020 Adopted Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital	\$ 25,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.389.R503.1000 Interfund Transfers-Interfund Transfer	\$ 25,000
D.5112.389.R458.9002 Federal Aid--Surface Transp Program	<u>\$100,000</u>
Total	\$125,000

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.389.4 Contractual – Capital Improvements, Funded Bridge Program	\$125,000
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Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel (Voted “yes” by video Conference PED & AC Committee Meetings)



RES. NO. 120-20

Authorize Hangar A Lease Agreement at the Chautauqua County Jamestown Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County owns and operates the Chautauqua County Jamestown Airport in the Town of Ellicott in a manner that provides services and facilities on a non-exclusive basis for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the County has received and accepted a Letter of Intent from Luscombe Aircraft Corporation conveying its desire and intention to lease hangar facilities at the Jamestown Airport for the purpose of producing new recreational aircraft and repairing and refurbishing legacy aircraft; and

WHEREAS, the County and Luscombe Aircraft Corporation have negotiated the lease of Hangar A for the specific purposes of aircraft manufacturing and refurbishment, authorized aviation activities for FAA-funded and regulated public airports; and

WHEREAS, the Airport Commission has considered and recommends leasing of Hangar A to Luscombe Aircraft Corporation for the purpose of operating an aircraft manufacturing and refurbishment enterprise; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law has been held regarding the proposed agreement; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a lease agreement with Luscombe Aircraft Corporation to lease Jamestown Airport Hangar A to operate an aircraft manufacturing and refurbishment enterprise at the Chautauqua County Jamestown Airport in conformance with FAA regulations, to include substantially the following terms and conditions:

1. Term. Twenty (20) years commencing on May 1, 2020 and terminating on April 30, 2040.
2. Premises. Hangar A, a 25,000 gross square foot facility located at the Chautauqua County Jamestown Airport, with access and frontage along Turner Road.
3. Payment. Luscombe Aircraft Corporation shall pay County a monthly fixed rental fee of \$1,850, and will be eligible for rent reduction credits for authorized capital improvements of up to \$500 per month for a period not to exceed ninety-six (96) months or \$48,000. In years five (5) through twenty (20) of the lease, monthly rent shall be subject to an annual increase equal to the annual increase in the United States Department of Labor's Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, or two percent (2%), whichever is less.
4. Other. As negotiated by the County Executive.

Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel (Voted "yes" by video Conference PED & AC Committee Meetings)(AC Amended by Additional Text Indicated by Underline)

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 121-20

Authorize Submitting Grant Application for 2020 Community Development Block Economic  
Development Grant Funding through the New York State Office of Community Renewal

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr.:

WHEREAS, the County desires to submit a Community Development Block Grant (“CDBG”) application to the New York State Office of Community Renewal (“OCR”) for an Economic Development Grant in the amount of \$450,000 to support the development of ‘Lodge at Chautauqua Lake’, located on Route 394, Chautauqua Lake in Mayville, New York (the “Project”); and

WHEREAS, the Project will result in substantial benefit to Chautauqua County in the form of new investment and new employment positions, and

WHEREAS, the County’s application for an OCR Economic Development Grant shall include entering into an agreement with the Chautauqua Region Economic Development Corporation (CREDC) for the implementation of the Project, for the purpose of making a loan(s), and administration of the OCR Economic Development Grant Program; and

WHEREAS, pursuant to Resolution 110-20, the County has held a public hearing pursuant to 24 CFR §§570.431 and 24 CFR §§570.486 to obtain citizens’ views regarding the CDBG program as administered by OCR and the Project; therefore be it

RESOLVED, That the County Executive is hereby authorized to submit a CDBG grant application to the OCR to support the development of ‘Lodge at Chautauqua Lake’, located on Route 394, Chautauqua Lake in Mayville, New York; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with CREDC, and all other related documents associated with the OCR grant, and all such documents to be subject to review and approval by the County Attorney; and be it further

RESOLVED, That the County Executive is hereby designated as the Certifying Officer responsible for all environmental review actions associated with the OCR grant pursuant to the National Environmental Policy Act (“NEPA”).

Signed by Odell, Starks, Harmon, Ward, Muldowney, Nazzaro, Gould, Niebel (Voted “yes” by video Conference PED & AC Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE  
04/22/2020

RES. NO. 122-20  
Extend 2020 Tax Foreclosure Redemption Date

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Paul M. Wendel, Jr., Chairman Pierre Chagnon, Legislator Charles Nazzaro, and Legislator Bob Scudder:

WHEREAS, pursuant to Article 11 of the Real Property Tax Law, the redemption date in a tax foreclosure proceeding is the last day a property owner can redeem a property by paying the delinquent taxes, and also the last day a property owner may file an answer in the tax foreclosure proceeding; and

WHEREAS, the redemption date in the County's annual tax foreclosure for 2020 was initially set as April 15, 2020; and

WHEREAS, due to the COVID-19 crisis, the County previously extended the tax foreclosure redemption date to June 18, 2020, consistent with Governor Cuomo's March 20 executive order that there shall be no enforcement of a foreclosure for a period of ninety days; and

WHEREAS, it would be desirable for the County to move its annual tax foreclosure auction from June until late September in order to afford additional time for property owners to reacquire their foreclosed property prior to the auction; and

WHEREAS, it is appropriate to further extend the tax foreclosure redemption date to correspond to the annual tax foreclosure auction being moved to late September; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates August 7, 2020 as the extended redemption date in the County's annual tax foreclosure for 2020.

Signed by Scudder, Muldowney, Starks, Davis, Vanstrom, Nazzaro, Odell, Harmon, Gould, Niebel (Voted "yes" by video Conference AS & AC Committee Meetings)