

**CHAUTAUQUA COUNTY LEGISLATURE**

**07/22/2020**

*Meeting by Remote Access*

*To View the Meeting on-line go to*

<https://www.facebook.com/ChautauquaCountyGovernment/>

**PUBLIC PARTICIPATION** – Due to the COVID-19 crisis, the July 22, 2020 Legislature meeting will be held by remote access. The public may participate in Privilege of the Floor by emailing a statement prior to the County Legislature’s 6:30 PM meeting to the Clerk of the Legislature at [TampioK@co.chautauqua.ny.us](mailto:TampioK@co.chautauqua.ny.us) – emailed statements received by the Clerk shall be read during the Privilege of the Floor. The Public may view the meeting by accessing the live stream on the county Facebook page

# Chautauqua County Legislature

**6:30 p.m.**

**CALL TO ORDER**

**ROLL CALL**

**PRAYER BY LEGISLATOR NIEBEL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 06/24/2020**

**PRIVILEGE OF THE FLOOR**

Members of the public may comment on any subject relating to any local law, resolution, or motion appearing on the agenda.

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Emailed comments will be read by the Clerk.

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**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL  
NO VETOES FROM 06/24/2020**

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**PRESENTATION:**

**Planning Board’s Review of  
2021 Capital Projects  
By Doug Bowen**

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**COMMUNICATIONS:**

- 1. Letter – Chautauqua Institution – Honoring Memory of Organist Jared Jacobsen**
- 2. Minutes – Conewango Watershed Commission – Meeting Minutes**
- 3. Report – NYS Department of Taxation and Finance – 2020 State Equalization Rates**
- 4. Report – Chautauqua County Planning Board – Re: 2021 Capital Budget & 2022-2026 Capital Plan**
- 5. Report – County of Chautauqua Industrial Development Agency – Re: Notice of Coordinated Review and Intent to Re-Establish Lead Agency Status**
- 6. Report – Land Bank – Annual Report**
- 7. Report – Fn. Director Crow – Investment Report – July 2020**

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**RESOLUTIONS:**

- 157-20 Adopt Records Retention and Disposition Schedule for County Government**
- 158-20 Amend 2020 Budget Appropriations and Revenues – Landfill**
- 159-20 Adjust D5112-Capital Improvement Accounts**
- 160-20 Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2020-2021**
- 161-20 Amend 2020 Budget for State Homeland Security Program (SHSP) Grant Award**
- 162-20 Reallocation of 2018 2% Occupancy Tax Funding**
- 163-20 Authorize ELECTIONS CYBERSECURITY REMEDIATION Grant Award from the New York State Board of Elections**
- 164-20 Authorizing 2021 Levy of Participant's Share of Chautauqua County Self-Insurance Plan (Workers' Compensation) Costs**
- 165-20 Authorizing Contract for 2021 Administration of Chautauqua County Self-Insurance Plan (Workers' Compensation)**
- 166-20 Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York**
- 167-20 Quit Claim Deeds**

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**ANNOUNCEMENTS**

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**PRIVILEGE OF THE FLOOR**

Members of the public may comment on any subject.

A member of the legislature may speak on any subject.

Individual comments are limited to 3 minutes and comments representing a group shall be limited to 5 minutes. Emailed Comments will be read by the Clerk.

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

RES. NO. 157-20

Adopt Records Retention and Disposition Schedule for County Government

By Administrative Services Committee:

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

WHEREAS, the New York State Archives has revised and consolidated its local government records retention and disposition schedules and has issued a single, comprehensive retention schedule (LGS-1) pursuant to Article 57-A of the Arts and Cultural Affairs Law and containing legal minimum retention periods for local government records; and

WHEREAS, the existing CO-2 Records Retention and Disposition Schedule for counties which was adopted by Resolution 109-90 will expire January 1, 2021; and

WHEREAS no local government records may be legally destroyed unless the LGS-1 is adopted to replace the CO-2 Records Retention and Disposition Schedule; it is therefore

RESOLVED, the LGS-1 Records Retention and Disposition Schedule for Local Government Records is hereby adopted for use by all Chautauqua County government officers and employees in legally disposing of valueless records; and it is further

RESOLVED, in accordance with Article 57-A, all future disposal shall be according to Records Retention Schedule LGS-1 after records have met the minimum retention period described therein, and only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks (Voted “yes” by video Conference A.S. Committee Meetings)

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RES. NO. 158-20

Amend 2020 Budget Appropriations and Revenues – Landfill

Public Facilities and Audit & Control Committees:

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

WHEREAS, some Landfill department expenses have exceeded initial budgetary estimates due to prior year expenditures recorded in the current fiscal year; and

WHEREAS, the Landfill is expected to receive revenues in excess of budget; 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:

EL.8160.6000.4	Contractual—Environment, Closed Landfills	\$71,000
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INCREASE REVENUE ACCOUNT:

EL.8160.1000.R237.6000	Departmental Income—Chrgs: OCC Municipal	\$71,000
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Signed: Hemmer, Scudder, Nazzaro, Gould, Davis, Niebel, Odell (Voted “yes” by video Conference P.F. and A.C. Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

RES. NO. 159-20

Adjust D5112-Capital Improvement Accounts

By Public Facilities and Audit & Control Committees:

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

WHEREAS, Chautauqua County's transportation system, which includes roads and bridges, is essential to everyone and it contributes to economic development, job creation and to quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$3,726,172 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2020-2021 CHIPS appropriations for Chautauqua County to \$3,724,255.64; and

WHEREAS, the Chautauqua County capital budget includes \$850,535 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2020-2021 PAVE-NY appropriations for Chautauqua County to \$850,098.41; and

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and it has appropriated additional funds under the EWR program in the amount of \$547,296.36; and

WHEREAS, the County's budget should be amended to conform to these adjustments to funding; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with New York State, in connection with the funding; and be it further

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

DECREASE REVENUE ACCOUNT:

D.5112.390.R350.1000	New York State Aid—NYS Aid CHIPS	\$ 1,917
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DECREASE REVENUE ACCOUNT:

D.5112.391.R350.PAVE	New York State Aid—NYS Aid PAVE NY	\$ 437
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DECREASE APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual--Capital Improvements, County Bridge Program	\$ 1,917
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INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual--Capital Improvements, Highway Improvements	\$546,859
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INCREASE REVENUE ACCOUNT:

D.5112.391.R350. EWR	New York State Aid—NYS Aid-Extreme Weather Recovery	\$547,296
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Signed: Hemmer, Scudder, Nazzaro, Gould, Davis Niebel, Odell (Voted "yes" by video Conference P.F. and A.C. Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

RES. NO. 160-20

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2020-2021

By Public Safety and Audit & Control Committees:

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

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$193,463.00 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the funded "GIVE" Task Force partners consist of the City of Jamestown Police Department, and the Chautauqua County Agencies of the District Attorney, Sheriff's Office and Probation Office; and

WHEREAS, the City of Jamestown Police Department has been awarded \$72,221.00 of the total "GIVE" funding and will sign and administer a separate contract with the New York State Division of Criminal Justice Services (DCJS) for said funding; and

WHEREAS, the Chautauqua County Agencies consisting of the office of the District Attorney (\$83,306.00), the office of the Chautauqua County Sheriff (\$27,436.00) and the office of Probation (\$10,500.00) will share the balance of such funds; and

WHEREAS, the office of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2020 Adopted Budget with the balance to be included in the 2021 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$121,242.00 for the term of July 1, 2020 to June 30, 2021.

Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Odell, Gould (Voted "yes" by video Conference P.S. and A.C. Committee Meetings)

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RES. NO. 161-20

Amend 2020 Budget for State Homeland Security Program (SHSP) Grant Award

By Public Safety and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Office of Emergency Services was awarded a grant in the amount of \$149,956.00 from the 2017 State Homeland Security Program; and

WHEREAS, the State of New York will provide funding for a FY17 grant with no local funds, per Contract #C969570 during the performance period of September 1, 2017 through August 31, 2020; and

WHEREAS, pursuant to Resolution 237-17, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

WHEREAS, some revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2020 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.2	Equipment-Hazardous Materials	\$15,376
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid-Homeland Security	\$15,376
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Signed: Niebel, Pavlock, Bankoski, Whitford, Hemmer, Nazzaro, Odell, Gould (Voted "yes" by video Conference P.S. and A.C. Committee Meetings)

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RES. NO. 162-20

Reallocation of 2018 2% Occupancy Tax Funding

By Planning & Economic Development and Audit & Control Committees:

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

WHEREAS, the Chautauqua County Division of Planning and Community Development (CCDPCD) has deferred implementation of the 2020 Occupancy Tax projects to achieve mandated budget reductions in response to the COVID-19 virus outbreak; and

WHEREAS, in 2018 and again in 2019 CCDPCD accrued expense from the 2018 Adopted Budget for the 2% Occupancy Tax Starr Point Dairy project, and that project is no longer viable; and

WHEREAS, reversal of the 2019 expense accrual makes available \$39,888 in contractual appropriations; and

WHEREAS, CCDPCD recommends the \$39,888 be used to implement the highest ranking project on the 2020 Occupancy Tax project list; now therefore be it

RESOLVED, That the Chautauqua County Legislature approves the reallocation of \$39,888 within the 2% Occupancy Tax Program for the implementation of the highest ranking project on the 2020 Waterways Panel List.

Signed: Odell, Starks, Muldowney, Ward, Nazzaro, Niebel, Gould (Voted "yes" by video Conference P.E.D. and A.C. Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

RES. NO. 163-20

Authorize ELECTIONS CYBERSECURITY REMEDIATION Grant Award from the New York State Board of Elections

By Audit & Control Committee:

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

WHEREAS, the Chautauqua County Board of Elections received notice that the New York State Board of Elections approved the ELECTIONS CYBERSECURITY REMEDIATION Grant; and

WHEREAS, the State of New York will provide funding for a grant in the amount of \$94,013.90 for Contract #C004237-1110000 for the performance period of December 21, 2019 through December 31, 2021; and

WHEREAS, these funds will be used by the Chautauqua County Board of Elections to enhance Cybersecurity and Physical Security of Elections Infrastructure; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2020 Adopted Budget; now therefore be it

RESOLVED, That Chautauqua County Legislature accepts the \$94,013.90 from the New York State Board of Elections CYBERSECURITY REMEDIATION GRANT; and be it further

RESOLVED, That the County Executive is hereby authorized to execute Contract # C004237-1110000 with New York State to obtain these funds; and be it further

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.1450.----.4	Contractual—Board of Elections	\$94,013
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INCREASE REVENUE ACCOUNT:

A.1450.----.R308.9007	NYS Aid—Other St Aid: Elections Grt	\$94,013
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Signed: Nazzaro, Niebel, Odell, Gould (Voted “yes” by video Conference A.C. Committee Meeting)

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RES. NO. 164-20

Authorizing 2021 Levy of Participant's Share of Chautauqua County Self-Insurance Plan (Workers' Compensation) Costs

By Administrative Services and Audit & Control Committees:

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

RESOLVED, that pursuant to the Workers' Compensation Law and Chautauqua County Local Law 11-79, as amended by Local Laws 1-82, 4-84, 3-89, 7-93, 4-06, 4-07 and 5-14, the following amounts shall be apportioned in 2021 to each municipal participant, forty percent (40%) of such amounts being based on of the total value of the participant's taxable real property

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) of such amounts being based on the loss-percentile experience of the participant as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2021:

Towns

Arkwright	\$35,957.68	Harmony	\$52,160.28
Busti	\$43,033.17	Kiantone	\$12,938.67
Carroll	\$19,767.28	Mina	\$29,657.17
Charlotte	\$12,924.50	N Harmony	\$74,101.74
Chautauqua	\$129,515.72	Poland	\$52,176.86
Cherry Creek	\$16,392.64	Pomfret	\$74,685.83
Clymer	\$10,442.37	Portland	\$53,710.82
Dunkirk	\$23,546.73	Ripley	\$29,851.03
Ellery	\$66,211.94	Sheridan	\$60,075.27
Ellicott	\$143,714.17	Sherman	\$10,578.07
Ellington	\$13,350.10	Stockton	\$13,782.99
French Creek	\$16,604.16	Villanova	\$23,510.38
Gerry	\$18,035.67	Westfield	\$28,489.14
Hanover	\$59,598.90		

**Subtotal Towns**

**\$1,124,813.29**

Villages / Cities

Bemus Point	\$10,206.91	Panama	\$2,113.20
Brocton	\$30,602.36	Sherman	\$2,613.78
Cassadaga	\$4,959.28	Silver Creek	\$36,170.03
Celoron	\$5,409.86	Sinclairville	\$2,473.69
Falconer	\$15,162.32	Westfield	\$99,675.28
Fredonia	\$209,838.71		
Lakewood	\$34,672.05	Dunkirk (City)	\$309,498.83
Mayville	\$16,228.12	Jamestown (City)	\$791,637.04

**Subtotal Villages / Cities**

**\$1,571,261.44**

**Chautauqua County**

**\$2,278,925.27**

**Grand Total**

**\$4,975,000.00**

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)



CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

RES. NO. 165-20

Authorizing Contract for 2021 Administration of Chautauqua County Self-Insurance Plan  
(Workers' Compensation)

By Administrative Services and Audit & Control Committees:

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

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2021; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Eighty-Nine Thousand Seventy Five and No/100 Dollars (\$189,075.00) for the 2021 year, and to include personnel services and office expenses; and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)

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RES. NO. 166-20

Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York

By Administrative Services and Audit & Control Committees:

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

Be it enacted by the County Legislature of the County of Chautauqua, as follows:

SECTION 1. Section 4-A of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2015, and ending November 30, 2023. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (f) of Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(f) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2015, and ending November 30, 2023, in respect to the use of property used by the purchaser in this county prior to December 1, 2015.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(c) Disposition of net collections from the additional rate of sales and compensating use taxes in the county. Notwithstanding any contrary provision of law, if the county imposes the additional one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2015, and ending November 30, 2023, the county shall allocate three-twentieths of the net collections from the additional one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the General Municipal Law. The net collections from such additional rate shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county to be used for purposes above described.

SECTION 4. This enactment shall take effect December 1, 2020.

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)

CHAUTAUQUA COUNTY LEGISLATURE

07/22/2020

RES. NO. 167-20  
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-94-2014	City of Jamestown	060800-387.06-6-46	Truman Leeper	Charles H Fisher Jr.	\$50.00	\$7,526.49
PA-22-2017	City of Dunkirk	060300-79.19-1-25	John E Kuschell	Bennett Boys LLC	\$1,100.00	\$15,061.29
				<b>Total</b>	\$1,150.00	\$22,587.78

Signed: Scudder, Muldowney, Davis, Vanstrom, Starks, Nazzaro, Niebel, Odell, Gould (Voted "yes" by video Conference A.S. and A.C. Committee Meetings)