

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: REAL PROPERTY TAX SERVICES**

**DATE: SEPTEMBER 29, 2008**

**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BELDEN  
THOMAS  
MERLINO  
GOODSPEED  
STRAINER

**OTHERS PRESENT:**

MICHAEL SWAN, DIRECTOR, REAL PROPERTY TAX SERVICES  
FREDERICK MONROE, CHAIRMAN  
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY  
ATTORNEY  
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL  
SERVICES

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS HASKELL  
BENTLEY

JOAN SADY, CLERK OF THE BOARD  
SUPERVISOR CHAMPAGNE  
SUPERVISOR GERAGHTY  
SUPERVISOR SOKOL  
SHELLY VAN NOSTRAND, LEGAL ASSISTANT  
REPRESENTING NEW YORK STATE OFFICE OF REAL  
PROPERTY SERVICES:

JOHN STACK  
DANNY LANCER  
R. ACKEN

JOSEPHINE SAPIENZA, NORTH COUNTY LODGE  
SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

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Mr. Belden called the meeting of the Real Property Tax Services Committee to order at 9:30 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Goodspeed and carried unanimously to approve the minutes from the August 11, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Michael Swan, Director of Real Property Tax Services, who distributed copies of his agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Swan advised that Agenda Item 1 consisted of a list of corrections to the tax rolls from the County Treasurer's Office, which would require a Board resolution. He pointed out that the corrections were for refunds on one parcel of land located in the Town of Queensbury due to an assessment change.

Motion was made by Mr. Thomas, seconded by Mr. Goodspeed and carried unanimously to authorize the corrections to the tax rolls from the County Treasurer's Office as outlined above and the necessary resolution was authorized for the October 17, 2008 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Agenda Item 2, Mr. Swan stated, was in reference to two property owners who would be unable to meet the September 30, 2008 extended deadline for payment of outstanding taxes on their properties. The first property in question, he advised, was Tax Map Parcel No. 223.8-1-5, North Country Lodge located in the Town of Warrensburg. He noted that a letter from an attorney relating

to the parcel had been included in the agenda packet outlining the reason for the delay in payment and the property owner was also present and wished to address the Committee. Josephine Sapienza, property owner, said she had been assured by the Attorney of the Estate that she would be receiving the necessary funds to pay the outstanding taxes within the next couple of weeks. She advised that in the event the funds were not received, she had other funding resources available to satisfy the tax debt on the property.

Mr. Belden questioned the length of the extension requested and Ms. Sapienza replied that one month would give her time to acquire the necessary funds. Mr. Belden asked Patricia Nenninger, Second Assistant County Attorney, if the extension could legally be granted and she replied affirmatively. Mr. Goodspeed queried what the balance on the outstanding taxes was and Mr. Swan responded that the total amount due was estimated at \$23,000.

Motion was made by Mr. Thomas, seconded by Mr. Strainer and carried unanimously to grant an additional thirty day extension for payment on Tax Map Parcel No. 223.8-1-5 and the necessary resolution was authorized for the October 17, 2008 Board meeting.

Mr. Swan commented that the second piece of property in question, Tax Map Parcel No. 197.-1-27, was a single family dwelling located in the Town of Warrensburg. He said the family had been able to make two payments on the outstanding balance; however, he added, they were unable to acquire the funds to make the final installment. Mr. Swan advised that the property owner had notified him that subsequent to the Warrensburg Garage Sale she would have the funds necessary to satisfy the debt.

Motion was made by Mr. Thomas, seconded by Mr. Goodspeed and carried unanimously to grant an additional thirty day extension for payment of the previously agreed upon amount owed for Tax Map Parcel No. 197.-1-27 and the necessary resolution was authorized for the October 17, 2008 Board meeting.

Mr. Swan advised the Committee that the Centralized Property Tax Administration Program Assessment Study for Warren County had been completed and a draft copy was included in the agenda packet. He reiterated that the County had received \$25,000 to complete the study and an additional \$25,000 would be applied for following the full Board's approval of the study. He pointed out that three representatives from the New York State Office of Real Property Services (ORPS) were in attendance to answer any additional questions the Committee members may have. He said that he would delay the formal presentation until the Board meeting on October 17, 2008.

The study had been created, Mr. Swan stated, to review the various assessment processes utilized across New York State with recommendations on how to make the process more accurate, as well as more cost effective. He asked the Committee to review the draft copy and report to him by Friday, October 10, 2008 with any questions or concerns to ensure that the Real Property Department had time to make the necessary changes for distribution of the final draft at the October 17, 2008 Board meeting.

Mr. Merlino entered the meeting at 9:36 a.m.

In response to Mr. Belden's query, Mr. Swan informed the Committee that Tompkins and Nassau were the only counties in New York State that utilized a county-wide assessment system. He stated

that in order to improve the Warren County assessment process, he would suggest coordination between municipalities when performing their assessments. He noted that the assessments in the County seemed to be similar in value to the actual sale price of properties.

Mr. Thomas questioned why the value of State land located in Stony Creek continued to decrease in value each year. John Stack, a representative of ORPS, responded that the State valued their land at the depreciating rate due to the fact that the Towns of Stony Creek and Johnsbury had not performed assessments for a number of years. He added the State must perform assessments of their properties each year using the same assessment rates as the Towns that the State land was located in. Therefore, he added, due to the number of years since the last assessment was performed, the value of the land depreciated each year.

Chairman Monroe asked if this issue was caused by the value of State and private lands not being assessed values at the same time and Mr. Stack responded that by law, the State land had to be assessed at the same rate as private land and if changes were not being made at the local level then the value of the State land would decrease in accordance with the local values.

Messrs. Stack, Lancer and Acken exited the meeting at 9:48 a.m.

Agenda Item 4, Mr. Swan reported, related to issues surrounding the splitting or merging of properties occurring between March 1<sup>st</sup> and the date that the school and County tax bills were issued. He remarked that in these instances, the tax bills issued would not reflect the change in the property and would be issued to the original property owner. For example, Mr. Swan cited that if a five acre parcel was split into two 2.5 acre parcels between these dates, the tax bill would be sent to the previous owner of the five acre parcel, rather than to the owners of the two new parcels. He added that if payment was not received within two billing cycles, a delinquent tax bill would be generated that the new owners would be unaware of until they received a notice from the County Attorney's Office advising of an impending foreclosure process. The cause of this issue, Mr. Swan apprised, was due to a mis-communication between the Real Property Tax Services Department and the Treasurer's Office. He added that although the Real Property Department received a listing of delinquent tax accounts from the Treasurer's Office, the new parcel numbers for any properties divided subsequent to March 1<sup>st</sup> were not accounted for on this list; therefore, he said, the delinquent notices were not forwarded to the appropriate parties for payment.

In order to eradicate this problem, Mr. Swan suggested that in May or June the Real Property Department would generate a list of all of the split properties and send it to the Treasurer's Office to inquire as to any delinquent tax status. He added that when notifying the owners of split properties with overdue taxes, arrangements could be made to satisfy the amount due without having to start the foreclosure process. He stated that he had attempted to meet with Francis O'Keefe, County Treasurer, about this matter; however, he added, due to scheduling conflicts he had been unable to do so. He pointed out that by notifying individuals of delinquent tax status within a six to eight month period, rather than a two to three year period, future problems could be prevented.

In response to a question posed by Mr. Geraghty, Mr. Swan informed the Committee that for a straight transfer of a property the issue did not exist as the Real Property Department changed the names and addresses on the tax map parcel numbers when the transaction took place. Mr. Goodspeed pointed out that another issue that could develop was the amount of tax that each party was responsible for.

It was the consensus of the Committee that Mr. Swan be authorized to work with the County Treasurer's Office to develop a system for use when properties are divided or merged that would ensure that the owners of the new tax map parcel would be notified of taxes due on the property.

Moving along, Mr. Swan reported that there were sixteen parcels remaining on the list to be auctioned, eight of which remained from the 2007 auction. In speaking with the County Attorney and Hal Payne, Commissioner of Administrative & Fiscal Services, he said that it would not be cost effective to administer an auction for sixteen properties, eight of which they had been unable to sell at the prior auction. On a suggestion made by the Auctioneer, Mr. Swan questioned the Committee on their thoughts of auctioning the parcels on-line in coordination with the equipment auction, utilizing a system similar to ebay. He added that he had spoken to the Purchasing Department and was informed that a new contract would not be necessary and the Auctioneer would be able to manage the auction from his office. When questioned by Mr. Payne, Mr. Swan replied he was unsure as to the legality of an on-line tax auction and Mr. Payne stated that he had been advised by the Auctioneer that he could foresee no issues with auctioning the sixteen parcels on-line.

Ms. Nenninger stated that the County Attorney's Office had not proceeded with the motion to take title of the eight aforementioned parcels and they were in the process of looking into the legality of an on-line auction for the parcels. Mr. Sokol questioned whether a minimum bid could be imposed and Mr. Swan replied affirmatively; however, he added, this had not been done in the past as generally the net income received from the sales was more than the outstanding taxes. Mr. Merlino added that he was in favor of imposing a minimum bid to prevent individuals from purchasing a property and then not maintaining it.

Mr. Merlino questioned if there were mobile homes on any of the parcels that could be used to house Temporary Assistance to Needy Families Program (TANF) recipients to reduce the expense of housing individuals in hotels and Mr. Swan replied in the negative. Responding to a question by Mr. Strainer, Mr. Swan advised that a listing of the bids received could be made available for the Supervisors to review.

It was the consensus of the Committee that Mr. Swan should research the legality of utilizing an on-line auction for the sixteen parcels of property on the auction list.

Item 6 on the agenda pertained to Resolution No. 699 of 2007. Mr. Swan said that the waived interest and penalties on the Town of Lake Luzerne Tax Map Parcel No. 292.15-1-11, was incorrect and should have been calculated at \$3,080.30, not \$9,913.59 that was listed in the Resolution.

Motion was made by Mr. Goodspeed, seconded by Mr. Thomas and carried by majority vote to amend Resolution No. 699 of 2007 as outlined above, with Mr. Merlino abstaining and the necessary resolution was authorized for the October 17, 2008 Board meeting. *A copy of the resolution request form is on file with the minutes.* (Note: Mr. Merlino abstained from voting because the parcel in question had been purchased by the Town of Lake Luzerne of which he serves as Supervisor.)

Mr. Swan advised of his intent to organize a field trip to visit County- owned vacant property for October 15, 2008 at 9:30 a.m. He asked that the Committee members to notify him by October 10, 2008 as to whether they planned on attending so that he could arrange for the proper transportation. Mr. Belden inquired where the trip would begin and Mr. Swan replied they would depart from the Municipal Center and would begin by visiting the properties located in the Town of Queensbury. Mr. Merlino asked whether it would be possible to change the meeting time from 9:30

a.m. to 10:00 a.m. and Mr. Swan replied affirmatively. Mr. Swan added that he would forward a formal notice to all the Supervisors with the official date and time of the trip, asking them to verify their attendance by October 10, 2008.

Mr. Swan stated that Agenda Item 7 consisted of a request for a transfer of funds in the amount of \$2,585 from code A.1355 110- Salaries to code A.1355 220- Equipment, for the purchase of a new office copier in the amount of \$499.99; a new map server computer at a cost of \$558; and \$1,497 for the purchase of a new tax bill printer. He said that the current office copier was seven years old and in need of \$500 in repairs. He indicated that the map server computer was six years old and the newer software program for the tax maps could not be supported by this computer. He indicated that the printer for the tax bills was nine years old and in need of repair and he had been unable to locate anyone to do the repair work. Mr. Belden asked whether the funds were available in the Real Property budget and Mr. Swan replied that due to the position he had eliminated for the following years budget, the funds were available.

Motion was made by Mr. Strainer, seconded by Mr. Goodspeed and carried unanimously to authorize the transfer of funds in the amount of \$2,585 as outlined above and refer same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

Referring to the parcel of land adjacent to the new Department of Public Works (DPW) garage in the Town of Warrensburg, which had been acquired by the County for delinquent taxes, Mr. Swan stated that the owner of the hardware store was interested in acquiring this property for additional parking space. He had been informed by William Lamy, Superintendent of the DPW, that the DPW had no use for the property. Mr. Swan pointed out that in order to sell the property it would have to be included in the auction or the sealed bid process utilized and approval needed to be obtained in order to move forward with this. Ms. Nenner stated that she would look into the history of the parcel and report back to the Committee.

Motion was made by Mr. Merlino, seconded by Mr. Thomas and carried by majority vote to offer the sale of the property adjacent to the new DPW garage in Warrensburg via sealed bid pending approval by the County Attorney, with Mr. Goodspeed abstaining; and the necessary resolution was authorized for the October 17, 2008 Board meeting. (Note: Mr. Goodspeed abstained from voting as he has been retained by the party interested in purchasing the property for legal representation.)

As there was no further business to come before the Real Property Tax Services Committee, on motion made by Mr. Goodspeed and seconded by Mr. Merlino, Mr. Belden adjourned the meeting at 10:16 a.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist

