

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES

DATE: OCTOBER 1, 2007

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS	MONROE	MICHAEL SWAN, DIRECTOR, REAL PROPERTY TAX SERVICES
	BENTLEY	
	F. THOMAS	WILLIAM THOMAS, CHAIRMAN
	GERAGHTY	PAUL DUSEK, COUNTY ATTORNEY
		PATRICIA NENNINGER, SECOND ASSISTANT COUNTY ATTORNEY

COMMITTEE MEMBER ABSENT:

SUPERVISORS	BELDEN	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
	CHAMPAGNE	
	HASKELL	JOAN SADY, CLERK OF THE BOARD
		SUPERVISOR CAIMANO
		FRANCIS X. O'KEEFE, COUNTY TREASURER
		CHARLENE DiRESTA, LEGISLATIVE OFFICE SPECIALIST

In the absence of the Committee Chairman, Mr. Monroe, Vice-Chairman called the Real Property Tax Services Committee to order at 9:32 a.m.

Motion was made by Mr. Geraghty, seconded by Mr. F. Thomas and carried unanimously to approve the minutes of the August 24, 2007 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 said that Item No. 1 on the Agenda was to report that there were no corrections from the Treasurer's Office this month.

Mr. Swan apprised that Item No. 2 on the Agenda pertained to the County Land Auction. He said that one of the bidders had stopped payment on a check for two parcels and claimed that the properties had been improperly advertised. He added that as a result the County would have to pay the auctioneer the 5% bidder's fee of \$1,000. He questioned if the Committee wanted to take legal action against the bidder to recover the 5% bidder's fee and the 10% deposit.

Mr. Monroe questioned the bidder's claim of improper advertisement. Mr. Swan

responded that the bidder said the property on Peaceful Valley Road in Johnsburg, New York was improperly advertised because it showed that a road was available all the way down to the property. He added that there was a right-of-way, although it was not the road where the auctioneer had placed the sign. Mr. Monroe noted that the mistake was on the part of the auctioneer and he questioned if the County should pay the auctioneer's fee. Mr. Swan said that he did not feel that the property was falsely advertised and further explained that it was advertised as a rear lot with no mention of a right-of-way. He added that it was the responsibility of the bidder to investigate the property before placing a bid.

Paul Dusek, County Attorney, asked if the reason the bidder did not want the property was because there was no right-of-way. Mr. Swan replied that there was a right-of-way; however, he said, the right-of-way was not the road that the bidder thought it was. Mr. Dusek stated that it was the responsibility of the bidder to investigate the property; however, he added, the question was if the County or its agents had done anything that may have caused confusion. He further added that he did not feel that the placement of the sign caused confusion. Mr. Swan noted that the bidder had also bid on a parcel along Schroon River in the Town of Bolton which had been paid for by the same check that the bidder stopped payment on and there were no issues with that parcel. Mr. Dusek said that he felt it was worth pursuing legal action and he could begin by sending a letter to the bidder.

Mr. Geraghty asked if there had been more than one bidder for either of the parcels and Mr. Swan affirmed. Mr. Swan stated that if the Committee decided not to pursue legal action he would recommend offering the properties to the second highest bidders. Mr. Monroe asked what the difference was between the highest and the second highest bidders. Mr. Swan replied that it was \$100 less for the Johnsburg property and \$50 less for the Bolton property. Mr. Geraghty suggested banning this bidder from future auctions. Mr. Dusek responded that the County would have to adopt formal rules in order to do that.

Chairman Thomas questioned if the family that lived on the road in the Town of Johnsburg had an interest in the property and Mr. Swan replied that the family had not expressed any interest. Mr. Swan said that rules were in place that stated if the highest bidder did not pay off the property within sixty days, it would be offered to the second highest bidder. Mr. Dusek stated that since the Committee would not be waiting the sixty days, a resolution would be needed to pull the bid from the list that had been approved at the Board of Supervisors meeting on September 21, 2007 and to offer the property to the second highest bidder. He added that the property could be offered to the second highest bidder in the meantime, assuming that they still wanted it. Mr. Swan noted that he had not

spoken with the second highest bidders yet. Mr. Geraghty asked how much money the County had expended so far on this process and Mr. Dusek responded that if the second highest bidders wanted the properties, the County would only be out \$150, which was the difference in the bids.

Motion was made by Mr. Bentley, seconded by Mr. F. Thomas and carried unanimously to reject the bids approved at the September 21, 2007 Board of Supervisors meeting on Parcel No. 116.-1-85 in the Town of Johnsburg and Parcel No. 198.2-1-5 in the Town of Bolton so that they may be offered to the second highest bidders. *A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the October 19, 2007 Board meeting.*

Mr. Dusek requested an executive session to discuss matters concerning current litigation.

Motion was made by Mr. Geraghty, seconded by Mr. F. Thomas and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officers Law.

Executive session was declared from 10:41 a.m. until 10:55 a.m.

Mr. Caimano entered the executive session at 10:43 a.m.

The Committee reconvened and Mr. Monroe advised that no action was necessary pursuant to the executive session.

Messrs. W. Thomas and Caimano exited the meeting at 10:55 a.m.

Mr. Swan apprised that Item No. 3 on the Agenda was to discuss the foreclosure process and time table for 2008. He stated that the legal portion of the process seemed to be working well for the County; however, he said, that there were some problems pertaining to when property owners were to redeem and how long they were given to do so. He added that the length of time between the last day to redeem and the auction was too short. He said that the short time period was causing problems with property owners wanting to redeem thier property after the County Land Auction.

Mr. Dusek noted that it wasn't until after the auctioneer posted the properties that the owners realized that they were in jeopardy of losing thier properties. He added that he and Mr. Swan had decided that delaying the County Land Auction until

October would alleviate many of the problems. He stated that posting the properties and having the County obtain title of the properties well before the auction would avoid glitches in the process. He said that many years ago the County had decided that August was the desired time to hold the auction; however, he added, with the modern age of computers he did not feel it was critical to hold the auction in the summer. He further noted that because the auction was now posted on the internet, the County would do just as well with an auction in October as it would in August.

Mr. Swan explained the suggested time table would be as follows:

- July 15th - Last day to redeem properties;
- July 20th - Post all properties not redeemed;
- August 1st - Last Chance meeting;
- August-October - County obtains titles on all unpaid properties;
- Mid-October - County Land Auction.

Mr. Swan acknowledged that these dates would have to be changed somewhat. He added that he felt it was very important for the County to have title to the properties prior to the auction. He apprised that he wanted the Committee to discuss the options so that a decision could be made by next month. Mr. Monroe questioned the current length of time between the posting of the properties and the last chance meeting and Mr. Swan responded that there was currently no posting in the process. He added that nothing was posted on the property until the auctioneer posted it. Mr. Monroe suggested a longer period of time between the posting and the last chance meeting. Mr. Swan said that they could move the time of the posting back or the last chance meeting could be moved forward. He added that he would like the auction to be in mid-October. Mr. Geraghty suggested that instead of specific dates, the resolution should read a certain number of days, such as within ten days. Mr. Dusek noted that a resolution could be prepared for the next Board meeting.

Motion was made by Mr. Geraghty, seconded by Mr. Bentley and carried unanimously to amend the time table for delinquent tax property foreclosure and auction as follows:

- July 15th - Last day to redeem parcel;
- Within the next ten days - Post all parcels that have not been redeemed;
- Second Monday of August - Last Chance meeting;
- August-October - County to obtain titles to all unpaid parcels;
- Third Saturday in October - County Land Auction.

A copy of the resolution request is on file with the minutes and the necessary resolution was authorized for the October 19, 2007 Board meeting.

Mr. Swan apprised that the County Treasurer's Office utilized a Systems East Software program which he felt would be beneficial to the Real Property Tax Services Department. He added that the program would generate letters for the purpose of collecting unpaid taxes. He further added that this years list had been printed using this program.

Frank O' Keefe, County Treasurer, suggested that he and Mr. Swan meet with the Information Technology Department to discuss options for the use of this program. He added that his Department had some issues with the auction this year. He said that approximately 300 people attended the auction and that the auction went so fast his employees had a difficult time keeping up. He added that because the bidders had been allowed to pay at the end of the auction, one bidder had left without making payment. He requested that next year the auction slow down and that bidders be required to pay immediately following their winning bid. Mr. Swan said that they would re-work the format of the auction for next year.

Mr. Swan apprised that Item No. 4 pertained to personnel requests. He informed the Committee that Teri Ross, Deputy Director of Real Property Tax Services, had accepted a position with the Town of Queensbury and her last day with the County would be October 12, 2007. He said that Lexie Gilgallon, Real Property Information Specialist, had worked under Ms. Ross for the last 5 or 6 years and he would like to promote Ms. Gilgallon to the position of Deputy Director of Real Property Tax Services. He further added that he would also like to fill the Real Property Information Specialist position. He stated that he would also like to have Ms. Ross return as a consultant to the Department at a rate of \$25 per hour to help with this year's apportionment and tax billing cycle. He added that he would like to have this approved as soon as possible. Mr. Monroe asked how many hours Mr. Swan would require the services of Ms. Ross and Mr. Swan responded that he planned to use Ms. Ross' services as needed. Mr. Swan added that his best guess would be for 6 or 7 Saturdays for approximately 6 to 7 hours per day and the funds were included within his budget.

Mr. Geraghty noted that this situation pointed out the need to cross train for key positions. He said that he would like to look at the organizational chart for this Department and Hal Payne, Commissioner of Fiscal & Administrative Services, provided Mr. Geraghty with that document. Mr. Swan apprised that Ms. Gilgallon had been working with Ms. Ross and had a basic knowledge of the responsibilities of that position; however, he added, Ms. Gilgallon had never performed those duties on her own. He said that the Department only had basic staff with no surplus. He apprised that he would likely come back and request to fill the vacant position of Real Property Clerk since all of his current employees would be moving up.

Motion was made by Mr. Geraghty, seconded by Mr. Bentley and carried unanimously to approve the request to create a new position of Real Property System Coordinator, base salary of \$25 per hour, effective October 15, 2007 and to forward same to the Personnel and Finance Committees. *A copy of the resolution request is on file with the minutes.*

Motion was made by Mr. F. Thomas, seconded by Mr. Geraghty and carried unanimously to approve the request to fill the vacant position of Deputy Director of Real Property Tax Services, base salary of \$40,563, Employee No. 9778, due to resignation and to forward same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Mr. Swan stated that he was requesting permission to fill the vacant position of Real Property Information Specialist that would be made vacant by Ms. Gilgallon's promotion. Mr. Monroe asked if there was a list of eligible candidates and Mr. Swan replied that there was not and he would hire someone on a provisional basis, pending the civile service test.

Motion was made by Mr. F. Thomas, seconded by Mr. Bentley and carried unanimously to approve the request to fill the vacant position of Real Property Information Specialist, base salary of \$30,812, Employee No. 9220, due to promotion and to forward same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position is on file with the minutes.*

Mr. Swan stated that he was requesting permission to fill the new position that had been created for Ms. Ross as part of the 2008 Budget request. Joan Sady, Clerk of the Board, apprised that by creating the position and assigning Ms. Ross's employee number to it, he was already authorized to fill that position based on the approval of the Personnel Committee.

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

Respectfully submitted,

Charlene DiResta, Legislative Office Specialist