

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES - *Last Chance Meeting*

DATE: AUGUST 13, 2012

COMMITTEE MEMBERS PRESENT:

SUPERVISORS MONROE
BENTLEY
LOEB
DICKINSON
MCDEVITT

OTHERS PRESENT:

LEXIE DELUREY, DIRECTOR, REAL PROPERTY TAX SERVICES
MIKE SWAN, TREASURER
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS STRAINER
TAYLOR
VANSELOW
MATTHEW R. LUDEMANN, ESQ., STANCLIFT, LUDEMANN & MCMORRIS, PC
ROBERT SEARS, COMMERCIAL SALES AGENT, PRUDENTIAL MANOR HOMES
MARK REHM, ESQ., LAW OFFICES OF NEWELL & KLINGBIEL
SHELLY VANNOSTRAND, LEGAL ASSISTANT
MORGAN MUELLER, STUDENT INTERN, COUNTY ATTORNEY'S OFFICE
THOM RANDALL, *ADIRONDACK JOURNAL*
JOANNE COLLINS, LEGISLATIVE OFFICE SPECIALIST

Mr. Monroe called the meeting of the Real Property Tax Services Committee to order at 9:32 a.m.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

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

Mr. Swan announced a change in procedure, and he asked those making delinquent property tax payments to stop at his desk during today's meeting, prior to proceeding to the Treasurer's Office with their payments. Mr. Monroe asked those who were not making a payment today to address the Board when their name was called.

Town of Johnsburg Parcel No. 66.5-1-3 - Donna Wormwood

Mr. Swan explained the property had been sold and Committee approval was required in order to accept the delinquent tax payment in full.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to authorize receipt of payment in full for delinquent taxes from Donna Wormwood.

Town of Johnsburg Parcel No's 133.8-1-21 and 133.8-1-14 - Patrick J. and Leslie Slick/James and Leslie Slick, not present

Speaking on behalf of the property owners, Mr. Vanselow advised he had spoken with Mr. Swan and the property owners were prepared to enter into an installment agreement for one property due to financial limitations. Mr. Swan explained the two properties included a home which they wished to keep, and a store; however, he said, the Uniform Enforcement Act of 1995 required that installment agreements include all parcels. The only precedent, he said, was a case involving known contamination. He added that the New York State Department of Environmental Conservation (NYS

DEC) had performed the necessary clean-up on the store property. Mr. Vanselow informed there were occupants living on both properties and the owners planned to return from Florida to the home following recovery from a health related matter. Martin Auffredou, County Attorney, advised the statute requiring that installment agreements include all properties was clearly stated. Mr. Vanselow noted the store had been a thriving business until it was destroyed by fire several years ago. Following reconstruction, he said, the business had not been successful, and the property owner returned to his previous occupation as a truck driver. A short discussion ensued with regard to possibilities which could deter loss of ownership of the home and Messrs. Vanselow and Swan concurred the owner could afford only the installment payment for one property. Mr. Auffredou stated if both parcels would be included in an extension agreement at this time, he would proceed to discuss the case further with Mr. Swan, Mr. Vanselow and the property owner.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to approve the request to extend the delinquent tax payment due date for Patrick J. and Leslie Slick/James and Leslie Slick, to September 10, 2012.

Town of Queensbury Parcel No. 309.13-1-73 - Julia Bruno & Joseph Fazio

Privilege of the floor was extended to Matthew R. Ludemann, Esq., Stanclift, Ludemann & McMorris, PC, who represented the estate, and Richard Sears, Commercial Sales Agent with Prudential Manor Homes, who was handling the sale of the property. Mr. Ludemann explained the vacant commercial property was located at Exit 18 behind the McDonald's Restaurant. He said the underground gas tanks had been removed and the engineering firm of CT Male Associates was developing a remediation plan for the remaining contaminants. Mr. Ludemann advised that subsequent to entering into an installment agreement, his clients' resources had become significantly limited due to the cost of environmental engineering work which included testing. He said a reputable developer was interested in the property but details were not yet available and therefore, he said, the length of additional time needed could not be estimated. Mr. Geraghty requested regular updates pertaining to clean-up activity. Mr. Ludemann explained that the NYS DEC was required to present a formal plan for clean-up of the PCB's, heavy metals, and lead. He said a contract of sale was anticipated within the next ten days and he noted the contamination issue was not a deterrent to the sale. Mrs. DeLurey stated the total amount of delinquent taxes due was \$381,863.60, and a payment of approximately \$194,000 would remove the property from default. Mr. Ludemann requested a deferment of the delinquent tax payment.

Privilege of the floor was extended to Robert Sears, Commercial Real Estate Agent with Prudential Manor Homes, who advised that a minimum of one year would be needed to complete clean-up activity and obtain approvals and he asserted that development of the property would create an asset to the community at-large. Mr. Auffredou pointed out that due to the complexity of the specifics associated with the parcel, a summary judgement must be authorized to encompass all issues related to the property. He suggested that if an additional year was granted to the property owner, specific expectations and deadlines be embedded into the extension agreement.

Motion was made by Mr. Dickinson and seconded by Mr. Loeb to approve the request to extend the tax payment due date for a one year period from August 13, 2012. A short discussion ensued. Mr. Monroe called the question and the motion was carried unanimously to remove the above-named property from the judgement and 2012 Tax Foreclosure sale, to provide the client of Matthew R. Ludemann, Esq., a period of one year from August 13, 2012 to market and sell the property, and to provide a written status report to the County Attorney at least every three months, with monthly written reports provided during each month of the final three month period.

Town of Luzerne Parcel No. 292.11-1-64 - Bryan Barrett

Mrs. Barrett requested an additional sixty days to make a delinquent tax payment. She said they had young children, their construction business had suffered and the property was a primary residence.

Motion was made by Mr. McDevitt, seconded by Mr. Dickinson and carried unanimously to approve the request to extend the delinquent tax payment due date for Bryan Barrett to October 8, 2012 .

Town of Queensbury Parcel No. 301.14-1-60 - Michael Schusteritsch

Mr. Schusteritsch stated the home belonged to himself and his wife who had passed away, noting the title was in her name only. He stated he paid off the home equity loan and the house would be put in his name within the next month. He informed that work in his construction business had been slow over the past year and he had contacted a family member to borrow the necessary funds to make the payment within the next 30 days.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to approve the request to extend the delinquent tax payment due date for Michael Schusteritsch to September 10, 2012.

Town of Johnsburg Parcel No. 117.1-1-29.3 - Michael Monroe, not present

Mr. Swan advised Michael Monroe had requested an additional thirty days to make the delinquent tax installment payment.

Motion was made by Mr. Bentley, seconded by Mr. Loeb and carried unanimously to approve the request to extend the delinquent tax payment due date for Michael Monroe to September 10, 2012.

Town of Queensbury Parcel No's 288.8-1-9.1 and 288.8-1-9.3 - Leonard and Calliopy Lombardo

Lisa Ostrander, Real Estate Agent representing the property owners, stated there was a contract to sell the property with a scheduled closing date of August 18, and the full balance due would be paid at that time.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to approve the request to extend the delinquent tax payment due date for Leonard and Calliopy Lombardo to September 10, 2012.

Town of Luzerne Parcel No. 317.16-1-69 - Estate of Alice Westerhold

Deborah Combs, daughter of the decedent property owner, stated that due to her husband's illness she had not met the previous payment deadline and was prepared to pay today.

Town of Bolton Parcel No's 169.04-2-8, 170.00-1-2, 170.00-1-9, and 170.00-1-20 - Anton Cooper

Mr. Cooper stated he had cared for his mother for four years and his income had decreased significantly. He requested an installment agreement.

Motion was made by Mr. Dickinson, seconded by Mr. Loeb and carried unanimously to allow Anton Cooper to enter into an installment agreement with a payment due date of August 31, 2012.

Town of Queensbury Parcel No. 308.12-2-44 - Dianne Boller

Mark Rehm, Esq., legal representative for James Boller and the Estate of Dianne Boller, requested additional time for the completion of necessary estate planning proceedings.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to approve the request to extend the delinquent tax payment due date to September 10, 2012 for the parcel listed above.

Town of Chester Parcel No. 16.-1-25 - Norman Albright

Mr. Albright read a prepared statement of hardship which included the passing of his wife to cancer in 2001 when their adopted son was thirteen months of age. He stated the diagnosis of his son's learning disabilities, and limited special education resources in the area, prompted him to leave his (kitchen remodeling) business for five years in order to care for his son. Subsequently, he said, restarting his business had not been successful and he was unable to find adequate child care. He said that in order to establish income and continue to be available for his son, he built a spec home with the intention of selling it and building a second spec home which he could self-finance. He said the market investment losses of 2007-2008, as well as necessary borrowing, had diminished his retirement savings. Subsequently, he advised, he suffered a heart attack and in 2009 foreclosure proceedings commenced on his Alderbrook Road home. At the present time, Mr. Albright informed, a potential buyer for his home was awaiting bank approval. He apprised that his entire retirement savings had been exhausted, he had other outstanding debt, and his car had been repossessed. Beginning in September of 2011, he said he began providing one hour of home schooling per day for his son. Overall, he said, their quality of life was substandard. In closing, Mr. Albright acknowledged full responsibility for all of his life choices and he emphasized his desire to sell the home so that he could reduce or remove his debt. Mr. Monroe summarized there were two homes on the property, an unfinished spec home currently in foreclosure, and a home on Alderbrook Road (not in foreclosure) and he noted they must be combined for tax purposes. A short discussion ensued.

Motion was made by Mr. Loeb, seconded by Mr. Dickinson and carried unanimously to approve the request to extend the delinquent tax payment deadline for Norman Albright for a period of one year from August 13, 2012, and the property owner agreed to provide a written status report to the Warren County Attorney at least every three months, with monthly written reports supplied for each month of the final three month period.

Town of Horicon Parcel No. 20.-1-41 - Penny Hill

Ms. Hill requested an extension to August 31, 2012 to make the necessary payment.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to approve the request to extend the delinquent tax payment due date for Penny Hill to August 31, 2012.

Town of Thurman Parcel No. 182.-1-5 - Dorleane Crandall

Ms. Crandall advised she was working with the mortgage company associated with the property and requested an additional week to secure the necessary payment.

Motion was made by Mr. Loeb, seconded by Mr. McDevitt and carried unanimously to approve the request to extend the delinquent tax payment due date for Dorleane Crandall to September 10, 2012.

Town of Bolton Parcel No. 171.15-1-28 - Janet Lehman, not present

Mrs. DeLurey informed that Janet Lehman was traveling and would arrive later today. She stated she had spoken to the client recently who said she had obtained proof of payment for demolition of the property in question from the Town of Bolton. Mr. Swan explained that the matter involved a dispute between the Town of Bolton and the property owner relative to an unsafe building ordinance.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to extend the delinquent tax payment due date for Janet Lehman to September 10, 2012.

Town of Queensbury Parcel No. 309-9-2-18 - Heidi Kelly, for property purchased from Glens Falls Hospital Employees

Ms. Kelly advised that the deed would be placed in her name and she requested permission to enter into an installment agreement.

Motion was made by Mr. McDevitt, seconded by Mr. Loeb and carried unanimously to extend the installment payment deadline for Heidi Kelly to September 10, 2012.

Town of Warrensburg Parcel No. 211.9-1-16 - Mary Altman, not present

Mr. Swan advised the property has been vacant for five years and the mortgage exceeded the current property value. He said the property owner had moved, virtually abandoning the property, and he noted that vandalism had ensued.

Town of Horicon residence located at 574 Hayesburg Road - Shane Westerkamp

Mr. Westerkamp requested additional time to pay his back taxes. He said he had resided on the property for 20 years and his vocation had changed significantly decreasing his income and leaving him unable to pay his bills. He stated he had applied to the Department of Social Services (DSS) for the SafetyNet program and had not received a response. Mr. Monroe said that if Mr. Westerkamp could show an effort to retain equity in the home, by contacting the DSS today, or listing the home for sale, the Committee could consider an extension of time for payment. Mr. Westerkamp agreed to visit the DSS Office that day.

Motion was made by Mr. Loeb, seconded by Mr. McDevitt and carried unanimously to approve the request to extend the delinquent tax payment due date for Shane Westerkamp to September 10, 2012, and the property owner would provide proof of contact with the DSS and/or action to sell the above-named property.

Town of Luzerne Parcel No. 317.16-1-69 - Estate of Alice Westerhold

On behalf of the property owner's daughter, Mr. Swan stated several additional days were requested for payment of the delinquent tax, in order to allow the executor time to obtain the necessary paperwork relative to estate settlement proceedings.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to approve the request to extend the delinquent tax payment due date for the Estate of Alice Westerhold to September 10, 2012.

Town of Queensbury Parcel No. 303.5-1-7 - William Szabo, not present

Mr. Auffredou suggested that William Szabo be given an additional thirty days to make the necessary installment payment.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to extend the delinquent tax payment due date for William Szabo to September 10, 2012.

Town of Hague Parcel No. 25.4-1-4.21 - Marie Kearns, not present

Mrs. DeLurey stated Marie Kearns was unable to attend today's meeting. Mr. Auffredou recommended an executive session to discuss potential litigation involving another party and to hear

information classified as client attorney privilege.

Motion was made by Mr. Dickinson, seconded by Mr. McDevitt and carried unanimously that executive session be declared pursuant to Section 105 (d) of the Public Officer's Law.

Executive session was declared from 11:30 a.m. to 11:40 a.m.

Committee reconvened and motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to remove Town of Hague Parcel No. 25.4-1-4.21 owned by Marie Kearns from the 2012 Warren County Land Auction.

This concluded the Last Chance portion of the Real Property Tax Services Committee. Mrs. DeLurey presented a request for approval of corrections from the Treasurer's Office.

Motion was made by Mr. McDevitt, seconded by Mr. Dickinson and carried unanimously to approve corrections from the Treasurer as submitted and the necessary resolution was authorized for the August 17, 2012 Board Meeting. *A copy of the resolution request form is on file with the minutes.*

Mrs. DeLurey presented a request to rescind Resolution No. 428 of 2012 which authorized a contract with Collar City Auctions & Management, to provide auctioneer services for the 2012 Warren County Tax Auction, as the aforementioned contractor was unable to perform under the contract terms and conditions due to an over booking.

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to approve the request to rescind Resolution No. 428 of 2012 as outlined above, and the necessary resolution was authorized for the August 17, 2012 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mrs. DeLurey presented a request for a contract with Auctions International, for auctioneer services for the 2012 Tax Auction, with a 9% Buyer's Premium and a \$150 withdrawal fee. She advised Auctions International had been under contract with the County for the past six years and the Buyer's Premium and withdrawal fee for Collar City Auctions Management were lower at 5% and \$40, respectively. Mr. Auffredou suggested that Collar City Auctions & Management be considered for services in 2013.

Motion was made by Mr. Dickinson, seconded by Mr. McDevitt and carried unanimously to approve a contract with Auctions International as outlined above and the necessary resolution was authorized for the August 17, 2012 Board meeting. *A copy of the resolution request form is on file with the minutes.*

The final action item presented by Mrs. DeLurey was a request to adopt the 2012 Warren County Tax Auction Terms & Conditions of Sale, as detailed in the agenda attachments provided. Mr. Auffredou noted the amendments pertained to changes in the language outlining the responsibilities of the successful bidder.

Motion was made by Mr. Bentley, seconded by Mr. McDevitt and carried unanimously to approve and adopt the 2012 Warren County Tax Auction Terms & Conditions of Sale as presented.

As there was no further business to come before the Real Property Tax Services Committee, on

motion made by Mr. Dickinson and seconded by Mr. McDevitt, Mr. Monroe adjourned the meeting at 11:50 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist

