

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: REAL PROPERTY TAX SERVICES**

**DATE: APRIL 29, 2014**

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**COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:**

SUPERVISORS MONROE  
DICKINSON  
MCDEVITT  
MERLINO  
BEATY

LEXIE DELUREY, DIRECTOR OF REAL PROPERTY TAX SERVICES  
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD  
FRANK E. THOMAS, BUDGET OFFICER

SUPERVISORS BROCK  
TAYLOR  
WOOD

DON LEHMAN, *THE POST STAR*  
SARAH MCLENITHAN, SECRETARY TO THE CLERK OF THE BOARD

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

Motion was made by Mr. Dickinson, seconded by Mr. Merlino 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 Lexie Delurey, Director of Real Property Tax Services, who distributed copies of her agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Ms. Delurey presented a request to amend Resolution No. 485 of 2013 as follows:

- 1) to reflect the revision of the buyer premium amounts from 4.75% to 4.70%
- 2) modification of the time frame the Board of Supervisors has to approve or deny the sale to 45 days
- 3) revisions noted in Section 5 of the Terms and Conditions
- 4) revisions to purchase offer memorandum.

She pointed out the agenda included a copy of the Terms and Conditions of Sale document with the changes noted in bold. She advised the revisions highlighted in Section 5 of the Terms and Conditions were put into place to allow the transaction to be completed prior to the end of the year. Martin Auffredou, County Attorney, confirmed Ms. Delurey's statement, noting this time frame would provide the County Treasurer's Office with a more suitable accounting method for these transactions. He said this change would require the paperwork to be completed earlier than it had been in prior years.

Mr. Auffredou stated language was added in Section 5 that permitted the highest bidder to opt out of the purchase memorandum by notifying Ms. Delurey or the County Treasurer's Office. He said a waiver and release could be executed in favor of the County. He explained this meant the individual would release and waive any and all rights they may have had to the buyers premium, deposit, and to moving forward with purchasing the property. He advised this permitted Ms. Delurey to contact the second highest bidder and obtain approval for the contract at the following Board Meeting; therefore, he said, the transaction could be completed prior to the end of the year. Ms. Delurey added instances occurred wherein the highest bidder forfeited their rights because they did not submit payment for the balance of the purchase within the fifteen day time frame provided. Mr.

McDevitt questioned whether the second highest bidder was required to pay the buyers premium and Mr. Auffredou replied in the negative. He explained the brokers only received the buyers premium once; therefore, he said, it was not necessary to collect a fee from the second highest bidder, as well. Mr. Monroe questioned what occurred when the second highest bidder defaulted on the purchase offer memorandum and Mr. Auffredou replied they would forfeit their claims to the deposit and the property would be offered for sale at the following years auction. Mr. Monroe asked if this had ever occurred and Ms. Delurey replied affirmatively. Mr. Beaty pointed out in these circumstances the County would receive 20% of the proposed purchase price. Mr. Auffredou interjected the risk was the highest bid received the following year would be less than the previous years.

Motion was made by Mr. Dickinson, seconded by Mr. Beaty and carried unanimously to approve the request to amend Resolution No. 485 of 2013 as presented above and the necessary resolution was authorized for the May 16, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Agenda Item 2, Ms. Delurey advised referred to a request to issue a replacement Quit Claim Deed to Cornelius Tully for Town of Lake George Tax Map. No. 238.8-1-31. She said the property was purchased at a County Land Auction a number of years ago; however, she stated, Mr. Tully was unable to locate the deed. She apprised Shelly VanNostrand, Legal Assistant for the County Attorney's Office, was performing the research that would permit a replacement deed to be issued. She explained Mr. Tully required the deed for title purposes to demonstrate he had paid in full for the parcel.

Mr. Auffredou asked whether Ms. Delurey had requested Maple Abstract and Realty Corp. to research this matter and Ms. Delurey replied in the negative. She explained that Ms. VanNostrand was going to verify with the County Treasurer's Office that the payment was received for the parcel. She said as long as Ms. VanNostrand was able to verify the payment, a replacement deed could be issued. She stated in similar circumstances the County would issue a tax sale certificate in acknowledgment of the payment. Mr. Monroe asked whether it would be back dated to the date of the original sale and Ms. Delurey replied she was unsure.

Discussion ensued.

Pursuant to the discussion it was determined the County Attorney would report on the date used for the tax sale certificate at the May 16, 2014 Board meeting.

Motion was made by Mr. Dickinson, seconded by Mr. Merlino and carried unanimously to authorize the issuance of a replacement Quit Claim Deed to Cornelius Tully for Town of Lake George Tax Map Parcel No. 238.8-1-31, as outlined above, and the necessary resolution was authorized for the May 16, 2014 Board meeting. *A copy of the resolution request form is on file with the minutes.*

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. Merlino, Mr. Monroe adjourned the meeting at 9:42 a.m.

Respectfully submitted,  
Sarah McLenithan, Secretary to the Clerk of the Board