

Real Property Tax Services

&

Environmental Concerns

AGENDA

October 30, 2017

Committee Members: Brock, Braymer, Merlino, Strough, Dickinson, McDevitt, Leggett, Simpson & Vanselow

- I. Committee meeting called to order by Chairman
- II. Motion to approve minutes of prior Committee meeting
- III. Action Agenda/New Business
 1. Request to... Accept the bids from the 2017 Warren County Tax Foreclosure Auction
Rationale: To allow transfer of properties.
 2. Request to... Amend Local Law No.7 of 2008 and Authorize a Public Hearing.
Rationale: Extend the Cold War Veterans exemption
 3. Request to... Authorize the Chairman of the Warren County Board of Supervisors to
Execute an agreement with NYS DEC for Johnsbury parcel 133.8-1-27.
Rationale: Resolution to go before the November 3, 2017 Special Board Meeting
 4. Request to... Approve Refund of taxes.
Rationale: Court Ordered
- IV. Referral/Pending Items
 - 1.
 2. ...
 3. ...
- V. Information for Discussion/Review
 - 1.
 - 2.
 - 3.
 - 4.
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
Environmental Concerns has asked Brendan Quirion to speak in regards to the Adirondack Park and Warren County Invasive programs
- VI. Motion to adjourn

Attachments: Resolution request

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Real Property Tax Services

DATE: October 30, 2017

- (a) Purpose of Request: **Accept the bids from the 2017 Warren County Tax Foreclosure Auction**
- (b) Details: **See attached sheet**
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Town	Tax Map#	Location	Class	Bidder	Taxes due	Sale Price
Bolton	185.00-1-31.5	Trout Lake Rd	311	Keith W. Sentz	3,171.81	52,000.00
Chester	17.-1-36	Olmstedville Road	311	Cheap Pete's Lawn Care	555.90	60.00
Chester	32.-2-19	662 State Route 28N	270	Corey J. Bennett	5,280.69	13,000.00
Chester	69.-1-22	White Schoolhouse Rd	322	Jenna M. Remington	2,686.58	16,000.00
Chester	103.-1-6	104 Pine Notch Road	312	Smith Landing, Inc	1,984.92	7,500.00
Hague	11.-1-10.21	Off Lakeshore Drive	322	Dave M. Blair	1,676.29	10,000.00
Hague	25.1-1-8	West Hague Road	311	Joshua R.& Melissa L.Patchett	15,832.37	7,100.00
Johnsburg	66.14-1-47	10 Milton Ave	270	Tamera L. Sponable	9,279.86	28,000.00
Johnsburg	118.10-1-30	State Route 8	314	Richard C. Green	1,401.66	64,000.00
Johnsburg	118.10-1-32	3866 State Route 8	662	Richard C. Green	8,611.00	"
Lake Luzerne	298.20-1-62	1043 East River Drive	210	Stewart L. Daniels	6,270.05	10,500.00
Lake Luzerne	305.16-1-13	East River Drive	311	Juanita L. Haseltine	998.56	4,100.00
Lake Luzerne	305.16-1-14	East River Drive	312	Thomas A Johnson	1,719.06	4,800.00
Lake Luzerne	313.-1-55	239 Ralph Road	210	David K. Wolter	6,965.97	42,000.00
Queensbury	279.-1-19	Mud Pond Rd.,Off	314	Dominic J. Jude	506.62	375.00
Queensbury	279.-1-26	Ridge Road	852	Vance Cohen	15,867.22	5,000.00
Queensbury	302.13-1-14	Hidden Hills Drive	311	Cheap Pete's Lawn Care	357.36	150.00
Queensbury	309.18-1-35	10 Anable Drive	270	Joseph P. Gross	13,173.12	24,000.00
Queensbury	309.18-1-39	117 Big Boom Road	210	Joseph P. Gross	18,282.24	26,000.00
Stony Creek	231.-1-17.2	645 Harrisburg Road	323	Matthew J. Keicher Jr.&Matthew Sr	617.72	1,050.00
Thurman	182.-1-6	858 Glen Athol Road	270	Aqualogic, Inc	3,538.29	6,200.00
Thurman	221.-1-59.111	Drexel Road	260	Tyson M. Bruhns	4,728.76	13,500.00
Thurman	221.-2-15	400 Mudd Street	270	Keith G. Gilligan	6,314.95	17,500.00

Town	Tax Map#	Location	Class	Bidder	Taxes due	Sale Price
Warrensburg	211.13-3-35	4 Horicon Ave	331	Bryan K. Rounds	11,660.40	24000.00
Warrensburg	211.17-3-56	20 Ridge Avenue	210	Joseph Delczeg	17,830.93	17500.00
			TOTAL		\$159,312.33	\$394,335.00

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
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DEPARTMENT NAME: Real Property Tax Services

DATE: October 30, 2017

- (a) Purpose of Request: **Amend Local Law No. 7 of 2008 and to authorize a Public Hearing.**
- (b) Details: **Cold War Veterans extension**
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. 386 OF 2008

Resolution introduced by Supervisors Belden, Haskell, Bentley, Thomas, Merlino, Goodspeed and Strainer

TO ENACT LOCAL LAW NO. 7 OF 2008

WHEREAS, a proposed local law was duly presented to the Board of Supervisors and considered by them, said proposed local law being entitled, "A Local Law Providing for an Exemption to Cold War Veterans from Real Property Taxation", and

WHEREAS, the Board of Supervisors adopted Resolution No. 268 on April 18, 2008, authorizing a public hearing to be held by the Board of Supervisors on the 16th day of May, 2008, at the Supervisors' Room in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 16th day of May, 2008, does hereby enact and adopt Local Law No. 7 of 2008 as set forth in Schedule "A" annexed hereto.

SCHEDULE "A"

COUNTY OF WARREN
LOCAL LAW NO. 7 OF 2008

A LOCAL LAW PROVIDING FOR AN EXEMPTION TO
COLD WAR VETERANS FROM REAL PROPERTY TAXATION

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Purpose and Intent: The purpose of this law is to provide for the maximum exemption allowable pursuant to Section 458-b of the Real Property Tax Law of the State of New York.

SECTION 2. EXEMPTION: Pursuant to the provisions of subdivisions 2(a) and 2(b) of Section 458-b of the Real Property Tax Law of the State of New York, the maximum exemption allowable from real property taxes for Cold War veterans is established as follows:

(a) Qualifying residential real property shall be exempt from taxation to the extent of fifteen percent (15%) of the assessed value of such property; provided however, that such exemption shall not exceed twelve thousand dollars or the product of twelve thousand dollars multiplied by the latest state equalization rate of the assessing unit.

(b) In addition to the exemption provided by paragraph (a) of this subdivision, where the Cold War veteran received a compensation rating from the United States Veterans Affairs or from the United States Department of Defense because of a

service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent (50%) of the Cold War veteran disability rating; provided, however, that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit.

SECTION 3. MISCELLANEOUS. With regard to the exemptions set forth herein, the provisions of Section 458-b of the Real Property Tax Law relating to definitions, limitations, time frames and applications existing as of the effective date of this Local Law shall apply.

SECTION 4. EFFECTIVE DATE: This Local Law shall take effect upon filing with the Secretary of State of the State of New York.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Real Property Tax Services

DATE: October 30, 2017

- (a) Purpose of Request: **Authorize the Chairman of the Warren County Board of Supervisors to execute an agreement with NYS DEC for Johnsbury parcel 133.8-1-27.**
- (b) Details: **For a maximum dollar amount of \$15,000.**
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X

In the Matter of the Alleged Violations of
Articles 3, 17 & 71 of the Environmental Conservation Law ("ECL"),
Article 12 of the Navigation Law of the State of New York and Title
6 of the Official Compilation of Codes, Rules and Regulations
("6 NYCRR") of the State of New York

Case No.
CO 5-20171023-115

By

Warren County

-----X

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is an agency of the State of New York, which, pursuant to Titles 3 and 10 of Article 17 of the Environmental Conservation Law ("ECL"), is authorized to regulate the storage and handling of petroleum in the State of New York.
2. Warren County is a New York State County (The County) authorized, among other things, to foreclose on eligible properties located within its County.
3. Within the County's jurisdiction there is a property located at 3485 State Route 8 Johnsbury New York, 12843 Warren County, (The Facility) which the County plans to foreclose upon.
4. Navigation Law §173 prohibits the discharge of petroleum.
5. Navigation Law §181 authorizes the Department to conduct remediation investigations related to discharges of petroleum.
6. The Department alleges that the absent owner or its predecessor or other operators have discharged petroleum in violation of the Navigation Law at the Facility.
7. The County without admitting or denying the allegations made and the violations described herein, agrees to enter into this Consent Order to have the Department address the petroleum contamination at, arising from, or relating to this Facility. The County has consented to the issuing and entering of this Order on Consent pursuant to the provisions of Articles 17 and 71 of the ECL, and has agreed to be bound by the provisions, terms and conditions herein.

Except in relation to the responsibilities set forth in this Order, the existence of this Consent Order or The County's compliance with this Order shall not be construed as an admission of

liability, fault, or wrongdoing by The County, and shall not give rise to any presumption of law or finding of fact which shall inure to the benefit of any third party.

THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION HEREBY ORDERS THAT:

I. COMPLIANCE SCHEDULE

A. Upon the effective date of this Order, the Department shall commence remedial action at Facility including removing the tank(s) and tank system(s) and addressing any petroleum contamination found in the soil.

B. The County shall be liable for the Department's remedial costs incurred at the Facility in an amount not to exceed \$15,000 (fifteen thousand dollars), to be paid upon the Department providing the County with documentation of the costs incurred.

II. SPILL COMPENSATION FUND

Notwithstanding, any other provision of this Order, if with respect to the Facility there currently exists or may exist in the future a claim of any kind or nature on the part of the New York State Environmental Protection and Spill compensation Fund against The Owner of the Facility, The County or any of its successors or assigns, nothing in this Order shall be construed, or deemed, to preclude the State of New York from recovering such claims plus applicable fines and/or penalties from Respondent or any of its successors or assigns. The County reserves its rights to recover costs incurred under this Order from any appropriate third party, other than the State of New York or the New York State Environmental Protection and Spill Compensation Fund.

III. PENALTIES AND COST RECOVERY

The Department reserves the right to impose a civil penalty for the alleged violations contained herein as well as any additional violations disclosed during the implementation of this Order. The County reserves all of its rights and defenses relative to any such claim.

IV. NOTICES

Any notice, request, consent, waiver or other communication required or permitted to be given throughout this Consent Order shall be effective only if in writing and shall be deemed sufficient only if delivered in person or sent by first class mail, email, telecopy, overnight or by certified or registered mail, postage prepaid, return receipt requested, addressed as Re: Warren County Gas Station. and sent to:

Warren County – Office of the County Attorney
Attn: Benjamin M. Botelho
1340 State Route 9
Lake George, New York 12845

To The Department:

Deborah Gorman, Esq.
NYSDEC – Office of General Counsel
625 Broadway, 14th Floor
Albany, New York 12233
deborah.gorman@dec.ny.gov

With a Copy to:
Steve Paszko
NYSDEC – Region 5
1115 State Route 86
P.O. Box 296
Ray Brook, New York 12877
Steve.Paszko@dec.ny.gov

V. STANDARD PROVISIONS

Respondent shall comply with the standard provisions which are attached, and which constitute material and integral terms of this Order and are hereby incorporated into this document.

DATED: _____, 2017

New York State Department of Environmental Conservation

By: _____

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order without further notice, and agrees to be bound by the terms, conditions and provisions contained in this Order.

Warren County

By: _____

Name: _____

Title: _____

Date: _____

E-mail address: _____

ACKNOWLEDGMENT

STATE OF NEW YORK) ss:
COUNTY OF WARREN)

On the _____ day of _____ in the year 2017, before me personally came _____, as _____ of Warren County and who executed the above instrument; and that he signed his name thereto by authority of said Corporation.

Notary Public, Signature and Office of individual taking acknowledgement

STANDARD PROVISIONS

Payment. Any penalty assessed pursuant to the terms and conditions of this Order shall be paid by submitting a certified check, cashier's check, or money order, payable to the Department of Environmental Conservation, to: New York State Department of Environmental Conservation, Office of General Counsel, Attn: Deborah Gorman, 625 Broadway, 14th Floor, Albany, New York, 12233-1500. Unpaid penalties imposed by this Order shall bear interest at the rate of 9 percent per annum for each day the penalty, or any portion thereof, remains unpaid. Payments received shall first be applied to accrued interest charges and then to the unpaid balance of the penalty.

Communications. Except as otherwise specified in this Order, any reports, submissions, and notices herein required shall be made to: New York State Department of Environmental Conservation, Office of General Counsel, Attn: Deborah Gorman, 625 Broadway, 14th Floor, Albany, New York 12233-1500

Duration. This Order shall take effect when it is signed by the Commissioner of Environmental Conservation, or his designee, and shall expire when Respondent has fully complied with the requirements of this Order.

Access. For the purposes of monitoring or determining compliance with this Order, employees and agents of the Department shall be provided access to any facility, site, or records owned, operated, controlled or maintained by the Respondent, in order to inspect and/or perform such tests as the Department may deem appropriate, to copy such records, or to perform any other lawful duty or responsibility.

Force Majeure. If Respondent cannot comply with a deadline or requirement of this Order, because of an act of God, war, strike, riot, catastrophe, or other condition that was not caused by the negligence or willful misconduct of Respondent and which could not have been avoided by the Respondent through the exercise of due care, Respondent shall apply in writing to the Department within a reasonable time after obtaining knowledge of such fact and request an extension or modification of the deadline or requirement.

Indemnity. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages and costs resulting in the acts and/or omissions of Respondent, intentional, negligent, or otherwise, of every nature and description, arising out of or resulting from the compliance or attempted compliance with the provisions of this Order by Respondent or its employees, servants, agents, successors or assigns.

Modification. No change in this Order shall be made or become effective except as specifically set forth by written order of the Commissioner, being made either upon written application of Respondent, or upon the Commissioner's own findings after notice and opportunity to be heard have been given to Respondent. Respondent shall bear the burden of proving entitlement to any modification requested pursuant to this Standard Provision or the "Force Majeure" provision, supra. Respondent's request for modification shall not be unreasonably denied by the Department, which may impose such additional conditions upon Respondent as the Department deems appropriate.

Other Rights. Nothing contained in this Order shall be barring, diminishing, adjudicating or in any way affecting (1) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department and/or the State of New York may have against Respondent and/or anyone other than Respondent for any natural resource damage claim that the Department may have; (2) any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against anyone other than the Respondent; (3) any right of the Department to enforce administratively or at law or in equity, the terms, provisions, and conditions of this Order; (4) any right of the Department to bring any further action, either administrative or judicial, for any other violations of the ECL, the rules and regulations promulgated thereunder, or conditions contained in orders or permits, if any, issued by the Department to Respondent; (5) the summary abatement powers of the Department, either at common law or as granted pursuant to statute or regulation.

Entire Agreement. This agreement shall constitute the entire agreement of the Department and Respondent with respect to settlement of those violations specifically referenced herein.

Binding Effect. The provisions, terms, and conditions of this Order shall be deemed to bind Respondent and Respondent's heirs, legal representatives, receivers, trustees in bankruptcy, successors and assigns.
Service. If Respondent is represented by an attorney with respect to the execution of this Order, service of a duly executed copy of this Order upon Respondent's attorney by ordinary mail shall be deemed good and sufficient service.
Multiple Respondents. If more than one Respondent is a signatory to this Order, use of the term "Respondent" in these Standard Provisions shall be deemed to refer to each Respondent identified in the order.

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: Real Property Tax Services

DATE: October 30, 2017

- (a) Purpose of Request: **Approve Refund of Taxes, Court Ordered**
- (b) Details: **See attached sheet**
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

“Be it enacted by the Board of Supervisors of Warren County as follows:

That Section 2 of Local Law No 7 of 2008 is amended by adding a subparagraph C as follows:

- c. Pursuant to subsection 2(c)(iii) of §458-b of the NYS Real Property Tax Law, the exemption authorized by this local law shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten year limitation previously required under §458-b of the NYS Real Property Tax Law.

That Section 3 of Local Law No. 7 of 2008 be amended to read as follows:

“With regard to the exemptions set forth herein, the provisions of Section 458-b of the NYS Real Property Tax Law relating to definitions, limitations, time frames and applications, as from time to time amended, shall apply.

That section 4 of Local Law No. 7 of 2008 be amended to read as follows:

“This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this local law.”