

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: ENVIRONMENTAL CONCERNS & REAL PROPERTY TAX SERVICES**

**DATE: MAY 25, 2021**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS DICKINSON  
BRAYMER  
SMITH

**OTHERS PRESENT:**

LEXIE DELUREY, DIRECTOR, REAL PROPERTY TAX SERVICES  
RACHEL E. SEEBER, CHAIRWOMAN OF THE BOARD  
RYAN MOORE, COUNTY ADMINISTRATOR  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD  
ROBERT TERWILLIGER, ACTING COUNTY ATTORNEY  
FRANK E. THOMAS, BUDGET OFFICER

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS MCDEVITT  
SHEPLER

SUPERVISORS LEGGETT  
MAGOWAN  
STROUGH  
WILD

TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS  
LESLIE LOVELACE, SECRETARY TO THE CLERK OF THE BOARD

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*Please note, the following contains a summarization of the May 25, 2021 meeting of the Environmental Concerns & Real Property Tax Services Committee; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://warrencountyny.gov/mma>*

*Note: As per Governor Cuomo's Executive Order 202.1: "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed". Supervisors Braymer and Smith were physically present, while Supervisor Dickinson attended virtually.*

Mr. Dickinson called the meeting of the Environmental Concerns & Real Property Tax Services Committee to order at 12:25 p.m.

Copies of the Real Property Tax Services and Environmental Concerns agendas were distributed to those in attendance and those participating virtually accessed the agendas via the Warren County website; copies of the agendas are on file with the meeting minutes.

Motion was made by Ms. Braymer, seconded by Ms. Smith 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, Real Property Tax Services*, who apprised the Committee had requested at last months meeting for her to obtain a cost for asbestos and lead testing for the Mosher Garage property in the Town of Johnsbury. She noted this information was included in the agenda packet and she proceeded to review it advising the prices she received did not include lead base paint sample of the office located on the property, which she believed would need to be tested as well, and that was why her request was for more than the Atlantic Testing fee schedule amount (\$5,709.50).

Ms. Delurey presented the request to appropriate funds in the amount of \$6,000 from Budget Code A.893, *Reserve*,

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*Environmental Testing Funds*, to Budget Code A.1355 470, *Real Property Tax Services, Contract*, to pay Atlantic Testing Laboratories for a Limited Hazardous Materials Survey of Town of Johnsbury Tax Map Parcel No. 133.8-1-27 (Mosher's Garage) .

Motion was made by Ms. Braymer, seconded by Ms. Smith and carried unanimously to approve the request and refer same to the Finance Committee. *A copy of the resolution request form is on file with the minutes.*

Moving on to the Information for Discussion portion of the agenda, Ms. Delurey provided updates on two properties. With regard to Town of Johnsbury Tax Map Parcel No. 30.-2-68 located on Barton Mines Road, she apprised the parcel had not been sold in the 2019 Foreclosure Auction. She indicated the property was of no value to the County, as it was a small parcel with a steep embankment that led to a brook along the side of the road. She said she had a conversation with Kevin Hajos, *Superintendent of Public Works*, who concurred the property was of no value and agreed it was appropriate to transfer ownership to the Town of Johnsbury to turn it into part of their highway. She said she consulted with Robert Terwilliger, *Acting County Attorney*, who advised it was possible to gift the parcel to the Town of Johnsbury without consideration.

Continuing with the Information for Discussion portion of the agenda, Ms. Delurey stated she was requesting approval to execute the authorization for Atlantic Testing on the Town of Johnsbury Tax Map Parcel No. 133.8-1-27 (Mosher's Garage). Ms. Braymer inquired if Kevin Hajos, *Superintendent of Public Works*, was consulted and Ms. Delurey replied in the affirmative and said he was in agreement due to the testing just for lead and asbestos. It was the consensus of the Committee to authorize approval.

Ms. Delurey advised her next item was a request for the County Attorney's Office to start the process of re-instating the Temporary Incident of Ownership on the Town of Johnsbury Tax Map Parcel No. 133.8-1-27 (Mosher's Garage). She indicated she had previously spoken to Mr. Terwilliger regarding the matter and the County Attorney staff had contacted the court who said it was a matter of re-instating the order. She informed the order was necessary before testing could commence. Mr. Terwilliger stated the Environmental Conservation Law allowed for the Temporary Incident of Ownership while a tax foreclosure case was pending. He apprised the order for this property had been closed and a tax foreclosure proceeding would need to re-commence in order to obtain a Temporary Incident of Ownership, as the property was not in the 2021 Tax Foreclosure proceeding. Mr. Dickinson inquired why the property was not in the Tax Foreclosure proceeding and Mr. Terwilliger replied that the County did not take ownership of contaminated properties, as the County would be liable for the environmental clean up or pollution problems for the property.

A discussion ensued in regards to the Temporary Incident of Ownership and Tax Foreclosure Proceedings following which a motion was made by Ms. Braymer, seconded by Ms. Smith and carried unanimously to authorize the County Attorney's Office to hire outside counsel to assist them with the process of re-instating the Temporary Incident of Ownership of Tax Map Parcel No. 133.8-1-27 located in the Town of Johnsbury and refer same to the Finance Committee.

There being no further Real Property Tax Services business to discuss, Mr. Dickinson commenced review of the Environmental Concerns agenda, stating under the Discussion Items portion of the agenda was the Septic Inspection at Transfer Law and he extended the privilege of the floor to Ms. Braymer. She stated she was proposing adoption of the Septic Inspection Upon Transfer Law, a copy of which is on file with the minutes. She informed the County had been a leader in the past for protection of the Lake George water quality and they were all aware of the importance of the Lake to the economy. She said funds were received and accepted from the State in respect to septic replacement along Lake George and the Lake George Park Commission may develop regulations on septic in the future. She said the Lake George Park Commission planned to go through a full scientific review of the regulations

that needed to be put into place which would take time, noting she was in full support, but felt the County also needed to move forward with a public hearing. Mr. Dickinson inquired if Ms. Braymer had contacted the County's Building Code Enforcement Department in regards to enforcing the program and she said she had shared the draft and fact sheet for the program with Charles Wallace, *Administrator, Fire Prevention & Building Code Enforcement*, and he agreed to help the same way he was with the short-term rental program in Lake George. Mr. Dickinson inquired if Mr. Wallace planned to hire more employees and Ms. Braymer replied he did not intend to add additional staff. Mr. Dickinson replied he was unsure how Mr. Wallace would be able to handle the extra work load, adding Mr. Wallace was not qualified to inspect septic systems. Mr. Dickinson advised the Town of Lake George would be opting out of the law.

A lengthy discussion ensued following which Ms. Braymer made a motion to forward the Septic Inspection at Transfer Law to the June 18<sup>th</sup> Board meeting for further discussion, the resolution failed for lack of a second to the motion.

A brief discussion ensued following which Mr. Leggett suggested a workshop to discuss the matter further rather than to table the item for discussion at the next Board meeting with a public hearing as Ms. Braymer was requesting. Chairwoman Seeber stated Mr. Leggett's suggestion of a workshop for the matter was a good idea and she would like to add the matter on the upcoming workshop agenda for discussion only where no action would be taken and Mr. Dickinson concurred.

There being no further business to come before the Committee, on motion made by Ms. Braymer, seconded by Ms. Smith and carried unanimously, Mr. Dickinson adjourned the meeting at 1:24 p.m.

Respectfully submitted,  
Leslie Lovelace, Secretary to the Clerk of the Board