

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES

DATE: OCTOBER 29, 2008

COMMITTEE MEMBERS PRESENT:

SUPERVISORS HASKELL
THOMAS
MERLINO
GOODSPEED
STRAINER

OTHERS PRESENT:

MICHAEL SWAN, DIRECTOR, REAL PROPERTY TAX SERVICES
PAUL DUSEK, COUNTY ATTORNEY
PATRICIA NENNINGER, SECOND ASSISTANT COUNTY
ATTORNEY
HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL
SERVICES

COMMITTEE MEMBERS ABSENT:

SUPERVISORS BELDEN
BENTLEY

JOAN SADY, CLERK OF THE BOARD
REPRESENTING NEW YORK STATE OFFICE OF REAL
PROPERTY SERVICES:

DANNY LANCOR
SUSAN SAVAGE

SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST

In the absence of Committee Chairman Belden, Supervisor Haskell, as Vice-Chair, called the meeting of the Real Property Tax Services Committee to order at 10:55 a.m.

Motion was made by Mr. Thomas, seconded by Mr. Goodspeed and carried unanimously to approve the minutes from the September 29, 2008 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 advised that Agenda Item 1 was in reference to the fact that there were no corrections to the tax rolls from the County Treasurer's Office this month.

Agenda Item 2 pertained to the consensus of the Board that the County-wide assessment study be referred back to the Real Property Tax Services Committee for further review. He advised that in the Spring of 2009 he would be willing to organize a meeting with the Committee, as well as members of the Assessors Association and representatives from the New York State Office of Real Property Services (ORPS) to discuss different options available in developing a County-wide assessment system.

Mr. Haskell remarked that he was in favor of utilizing a County-wide assessment system due to the amount of funds that Warren County municipalities would save in assessment fees. Mr. Thomas said that he agreed with Mr. Haskell, but noted that it would be necessary to ensure that the assessments were accurate.

Mr. Merlino stated that after speaking with the Lake Luzerne Town Board and the Town's Assessor, he felt that a consolidation of services was unnecessary. He pointed out that the Assessor for the Town of Lake Luzerne had taxpayers in her office every day with questions and if the position was eliminated, residents would complain about the lack of that service being available to them. He

pointed out that although the County would be saving funds due to the reduction in the assessment fees, additional expenses would occur if the services were consolidated into one location. Mr. Swan responded that there were many options available and that the Assessors did not necessarily have to be placed in one location, but could remain at the Town offices. He added that in order to be able to assist the municipalities in the future, it would be necessary for the County to develop a foundation for the plan. Mr. Merlino remarked that he was concerned with the cost to implement a County-wide assessment system.

Mr. Goodspeed indicated that he was in favor of further exploration into implementing a County-wide assessment plan and suggested that Mr. Swan look into what each Warren County municipality would be saving if the plan was enacted. He mentioned that he would be in favor of allowing Assessors to remain in their respective municipality office.

Susan Savage, of ORPS, addressed the Committee, stating that she had been listening to presentations on the implementation of County-wide assessment plans throughout New York State and many other Counties had voiced concerns similar to those of Warren County representatives. She pointed out that although the assessment services would be consolidated, it would not be necessary to expend funds to create a centralized location for the additional staff. She indicated that Livingston County had completed their County-wide assessment study in-house and had included two Assessors, two Town Supervisors, one individual from ORPS, and the Real Property Tax Services Director, in the process of generating a plan specific to their County that created efficiencies, as well as planned for the future. She suggested that Warren County look into the types of plans that Counties across the State had implemented to assist with the development of their own plan. She added that State Efficiency Grants were available to aid the County with the start-up fees associated in the implementation of a County-wide assessment system.

It was the consensus of the Committee that a Sub-Committee be organized in the Spring of 2009 to assist with the planning of the County-wide assessment system and that Mr. Swan should organize a meeting with the Sub-Committee, as well as individuals from ORPS and the Assessors Association, to assist with the creation of the plan.

Continuing on, Mr. Swan stated that Agenda Item 3 referred to the sale of the County surplus land and he noted that a spreadsheet with supporting information on each property was included in the agenda packet. He commented that the values for the properties located on Quaker Road could increase due to the recent announcement that Walmart planned to build a new store in between the County-owned property. He added that County Attorney review would be required in order to initiate the sale of the properties.

In reference to the Warren County Fairgrounds, Mr. Haskell advised that many individuals would not be in favor of selling the property and Mr. Thomas commented that he too would object to the sale of the Fairgrounds. Mr. Thomas stated that the Fairgrounds were a valuable asset to the County and had the potential to create opportunities for future events and Mr. Haskell agreed.

Mr. Haskell stated that he had been approached by Mr. Tessier, who had suggested that the County-owned property on the corner of Bloody Pond Road and State Route 9 also be included for sale. Mr. Swan acknowledged that Mr. Tessier had discussed this parcel with him and the Real Property Tax Services Office was in the process of determining whether the County actually owned the property in light of conflicting information. He added that he would return to the Committee with

his findings.

Motion was made by Mr. Goodspeed, seconded by Mr. Thomas and carried unanimously for all of the properties on the list provided be advertised for sale with the exception of Tax Map Parcel No. 198.-1-14, located in the Town of Warrensburg and Tax Map Parcel Nos. 224.1-2-13 and 224.1-2-27 located in the Town of Lake George, contingent on the approval of the County Attorney. The necessary resolution was authorized for the November 21, 2008 Board meeting.

Mr. Strainer commented that he had spoken to Kate Johnson, Director of Tourism, and asked her to market the Fairgrounds for events. He questioned who was responsible for calculating the rental fee on the property and Hal Payne, Commissioner of Administrative & Fiscal Services, replied that the Parks, Recreation and Railroad Department had a form that was utilized for the rental of County-owned property and that the fee was \$150 a day. Mr. Strainer queried who was responsible for the cost of clean up and Mr. Payne responded that the Parks, Recreation and Railroad Department was responsible for the clean up of the property. Mr. Haskell stated that each day the property was utilized, an employee of the County was required to perform testing on the water system as per State law which required water testing on any property zoned as fairgrounds prior to events taking place.

According to Mr. Payne, the County Auctioneer had advised that he would be able to sell the parcels of land using an on-line auction process and Mr. Merlino stated that he had been informed that municipalities could not utilize on-line auctions for the sale of County-owned property. Mr. Swan suggested that they await confirmation from the County Attorney's Office regarding the manner in which the properties could be offered for sale, prior to making any further decisions on the matter.

Mr. Strainer questioned why the services of a Realtor could not be utilized to sell the properties and he pointed out that there were advantages to utilizing a Realtor, such as that they would charge the same commission rate the auctioneer received and would perform market analyses on each of the properties to ensure the values were correct, as well as providing the advertising at no cost to the County. Trish Nenninger, Second Assistant County Attorney, advised that she would research the legality of utilizing an on-line auction, as well as a Realtor, to sell the County surplus property.

It was the consensus of the Committee that Mr. Swan should be directed to research the sale of the County surplus properties via an on-line auction and the use of a Realtor, pending County Attorney review.

Moving along, Mr. Swan commented that Agenda Item 4 referred to the possibility of contracting with an individual or a business to assist municipalities with their property revaluation process. He added that he would be involved in the revaluations, acting as the project manager and overseeing the work. Mr. Haskell questioned whether this system had been utilized in the Town of Thurman and Mr. Swan responded that it had been used in the year 2000. Mr. Haskell asked whether there would be any costs to the County and Mr. Swan replied in the negative.

It was the consensus of the Committee that Mr. Swan should proceed in receiving estimates for a contract with an individual or a business to perform revaluations for municipalities of Warren County, and to return to the Committee with his recommendation.

Proceeding with the agenda review, Mr. Swan informed the Committee that he had been notified by ORPS that the licensing fee charged to the Counties that utilized their assessment software may be doubling in 2009 from \$13,500 to \$27,000. Mr. Swan stated that he had informed ORPS that Warren County would be unable to pay the fee if it was increased and they stated that a final decision on whether the fee would be increased would be made at the ORPS November Board meeting.

Mr. Haskell questioned why ORPS was considering an increase and Mr. Swan replied that ORPS had changed the formula on how the usage fees for the software to each County was calculated and this increased the cost. He advised that some Counties passed the expense of the licensing fee on to the Towns in their vicinity but, he noted, Warren County had always paid the fees out of the Real Property Tax Services Budget. He noted that to save funds in the Real Property Tax Services Budget, the cost of utilizing this program could be passed along to the Towns as it was in other Counties.

It was the consensus of the Committee that the licensing fee for the Real Property software continue to be paid from the Real Property Tax Services Budget and not be passed on to the towns.

Paul Dusek, County Attorney, entered the meeting at 10:45 a.m.

Mr. Swan advised that he had been informed by Josephine Sapienza, owner of the North County Lodge, that she would be unable to meet the extended deadline of October 30, 2008 that had been granted to satisfy the outstanding taxes due on Tax Map Parcel No. 223.8-1-5, and she requested another extension. Mrs. Nenninger stated that she had been informed by Shelly Van Nostrand, Legal Assistant, that Ms. Sapienza had visited the County Attorney's Office recently and requested a 1.5 week extension. Mrs. Nenninger reminded the Committee that Ms. Sapienza had been unable to pay her outstanding tax bill due to an estate issue and added that she had received no word from the Estate Attorney.

Mr. Strainer asked for clarification on the issue with the estate and Mr. Swan replied that Ms. Sapienza had been informed by the bank that she would be unable to obtain the funds to pay the outstanding taxes on the property until the private lender signed off on the mortgage. He said that while the private lender was in the process of signing off on the mortgage he had passed away. He mentioned that Ms. Sapienza had received a release from the estate and she would apply for a loan, but it was not guaranteed that she would qualify for the loan.

Mr. Swan asked Mrs. Nenninger whether there would be any issues with filing an action against Ms. Sapienza and Mrs. Nenninger replied that the foreclosure application for title had not been filed as of yet due to the extensions granted. Mr. Strainer queried how long the foreclosure process would take once the application had been filed and Ms. Nenninger responded that it would take about one month to be finalized.

Mr. Dusek interjected that under the law, Ms. Sapienza had lost her rights and a grace period did not have to be granted. He commented that the process was handled this way to ensure that it was fair to all the taxpayers in the County.

Motion was made by Mr. Strainer, seconded by Mr. Goodspeed and carried unanimously granting a final thirty-day extension for payment on Tax Map Parcel No. 223.8-1-5 to Ms. Sapienza.

Mr. Dusek apprised the Committee that John Salvador had commenced an action against Teri Ross, the Assessor for the Town of Queensbury, to remove her from office. He noted that the attorneys for the Town of Queensbury believed that Mr. Salvador would be unsuccessful and although Warren County would not be involved in the lawsuit, Mr. Dusek felt it was necessary to bring it to the attention of the Committee.

Mr. Dusek exited the meeting at 11:42 a.m.

In reference to Tax Map Parcel No. 197.1-27, Mr. Swan stated that Lorraine Baker had informed him that the bill would be paid by the 30th of October. Mrs. Nenner interjected that payment had not been received as of yet and questioned whether the Committee desired to offer Ms. Baker the same grace period offered to Ms. Sapienza.

Motion was made by Mr. Strainer, seconded by Mr. Goodspeed and carried unanimously granting a final thirty-day extension to Ms. Baker for payment on Tax Map Parcel No. 197.1-27.

As there was no further business to come before the Real Property Tax Services Committee, on motion made by Mr. Strainer and seconded by Mr. Goodspeed, Mr. Haskell adjourned the meeting at 11:45 a.m.

Respectfully submitted,

Sarah McLenithan, Legislative Office Specialist