

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES

DATE: DECEMBER 3, 2009

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GOODSPEED
BENTLEY
THOMAS
MERLINO
STRAINER

OTHERS PRESENT:

MIKE SWAN, DIRECTOR, REAL PROPERTY TAX SERVICES
JOAN SADY, CLERK OF THE BOARD
JOANN MCKINSTRY, DEPUTY COMMISSIONER OF ADMINISTRATIVE &
FISCAL SERVICES
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS CHAMPAGNE
PITKIN
TAYLOR
DON LEHMAN, *THE POST STAR*
THOM RANDALL, *THE ADIRONDACK JOURNAL*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

COMMITTEE MEMBERS ABSENT:

SUPERVISORS TESSIER
GIRARD

Mr. Goodspeed called the meeting of the Real Property Tax Services Committee to order at 9:30 a.m.

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

Privilege of the floor was extended to Mike Swan, Director of Real Property Tax Services, who distributed copies of the meeting agenda to the Committee members; *a copy of the agenda is also on file with the minutes.*

Mr. Swan began the agenda review with Item 1 which pertained to assessment corrections requested by the Treasurer's Office. He noted that the agenda included a report entitled "Chargeback of Taxes" which reflected the corrections to be made. Mr. Swan said these changes were being made to the actual tax bills as an accounting measure and that no refunds would be generated in connection with the request.

Mr. Bentley pointed out that two of the properties listed in the Chargeback of Taxes report were owned by the State of New York and he questioned the background for these transactions. Mr. Swan apprised that regardless of the assessed value determined, each year the State forwarded a statement to the County listing the total they would be paying for property taxes and the assessment was typically changed to this amount. He advised that for some reason, the Assessor for the Town of Stony Creek had not changed the amount billed to the State, thereby causing an accounting mismatch when the State paid their self-determined amount. Mr. Thomas interjected that the State seemed to lower their assessment every year, leaving the balance of the County-assigned assessment to be paid by Stony Creek residents.

Mr. Goodspeed asked what would happen if the Committee did not approve adjustments for assessments on State land and Mr. Swan replied that he was unsure of the consequences as this had never happened before. He added that if the corrections were not made, the resulting Tax Warrant would not be in balance. Joan Sady, Clerk of the Board, interjected that a balanced Tax Warrant was necessary as she was required to sign a document attesting such at the end of each year. Mr. Bentley commented that if the State had paid the amount billed to them there would be no issue and he felt they should petition the State for full payment of the amount billed. He added that he was opposed to making any corrections to assessments on State lands as the assessed values for private property in the Town of Horicon had increased by more than 200% over the last three re-evaluations, while State property values had risen by only 9%, which was extremely unfair.

Motion was made by Mr. Strainer, seconded by Mr. Merlino and carried unanimously to approve the request for assessment corrections, excluding those for State lands, and the necessary resolution was authorized for the December 18th Board meeting. *A copy of the request is on file with the minutes.*

It was the consensus of the Committee that the matter regarding changes in assessed value for State lands should be referred to the County Attorney's Office to determine the options available to the County for collecting the total amount billed. Mr. Swan advised that he would work with both the County Attorney and Treasurer's Offices to determine the best options available and he noted that the changes presented referred to school taxes so they would not affect the 2010 Tax Warrants produced by Mrs. Sady; however, he said, there would be an issue early in 2010 as these amounts were to be included on the January tax warrants.

Moving on to Agenda Item 2, Mr. Swan presented a request to issue a replacement deed to property owner Raymond Koch for Warrensburg Tax Map Parcel No. 210.3-1-2. He apprised that in the 1960's and 1970's rather than acquiring and selling property for unpaid taxes, the County would take the property for the portion of delinquent taxes but would not actually take title of the property, allowing for the deed to be re-issued to the property owner upon receipt of payment. Mr. Swan explained that proof had been provided by Mr. Koch reflecting full payment of the taxes owed in 1977, at which point the deed had been re-issued by the County; however, he said, Mr. Koch had not filed the deed with the County and had since lost the document. Since Mr. Koch was currently seeking to sell his property, Mr. Swan said that a valid deed was required, resulting in his request for a replacement deed to be issued for the parcel.

Motion was made by Mr. Bentley, seconded by Mr. Merlino and carried unanimously to approve the request for a replacement deed to be issued for Warrensburg Tax Map Parcel 210.3-1-2, and the necessary resolution was authorized for the December 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Swan announced that Agenda Item 3 pertained to a request to delete taxes for the years 2006 through 2009 accumulated on Warrensburg Tax Map Parcel No. 223.7-1-29 in the amount of \$9,147.34. He explained that in 2005 Warren County had acquired this parcel for back taxes and the property was subsequently sold to the Town of Warrensburg; he added that although the deed for the property was transferred to the Town upon receipt of payment, the deed was not filed with the County and therefore had not achieved tax exempt status. Mr. Swan explained that because the deed was not filed, the Assessor had not been directed to change the property owner from Warren County to the Town of Warrensburg and property taxes had accumulated as the County was required to pay taxes on parcels acquired for back taxes. He further explained that the deed was filed approximately two months ago and the Treasurer's Office was now requesting that action be taken to balance the taxes owed, either by deleting the amount accumulated or requesting payment from the Town of Warrensburg.

Mr. Strainer questioned who would be responsible for the amount if the taxes were deleted and Mr. Merlino replied that the amount would be incorporated into the total County tax.

Mr. Geraghty apprised that he was researching the matter to determine why the deed had not been filed appropriately. Mr. Swan said it was his understanding that the Attorney for the Town of Warrensburg at the time the property was transferred had held the deed due to contamination concerns as the property was located very close to the site of the old Warrensburg Board and Paper factory. Mr. Geraghty responded that he had not been advised of this previously and said he intended to contact the Town's Attorney for more information on the matter.

Subsequent to further discussion, motion was made by Mr. Merlino, seconded by Mr. Bentley and carried unanimously to delete the taxes accumulated for Warrensburg Tax Map Parcel No. 223.7-1-29 in the amount of

\$9,147.34 and the necessary resolution was approved for the December. 18th Board meeting. *A copy of the request is on file with the minutes.*

Agenda Item 4, Mr. Swan apprised, pertained to an informational note regarding the RFP (request for proposal) for Auctioneer services in connection with the annual property tax auction. He explained that the RFP required that a buyers premium be included to avoid any cost to the County for the auctioneering services. Mr. Swan noted that a 5% buyers premium had been charged for the previous year and he suspected this would be increased to 10% commensurate with rising service costs.

Proceeding to Agenda Item 5, Mr. Swan reminded the Committee that they had initially adjusted his Departmental Budget to reflect the fact that there was supposed to be a 25% increase in the licensing fee for the assessment software used by all of the Towns and the City of Glens Falls, as well as the Real Property Tax Services Office. He said he was notified that the increase was not going to be charged for 2010; however, he noted, he had not received any written confirmation as of yet. Mr. Swan advised that this issue had been presented as an informational update only and that he would advise the Committee when a final confirmation was received.

Concluding the agenda review, Mr. Swan provided an informational update on the new property deed processing procedures implemented by the County Clerk's Office. He noted that although there had initially been some issues with the new web based deed process, they were now very pleased with the procedure and were able to provide a considerable amount of pertinent information to the Assessors Office that had not been available in the past. Mr. Swan said that although this process would incur slightly higher expenses for paper usage, he felt that the amount of additional information provided to the Assessor and his own Office would offset these costs.

Mr. Bentley apprised that he had received a call from Kevin Kinnarney, resident of the Town of Warrensburg, regarding Warrensburg Tax Map Parcel No. 210.2-1-5.2. He said that Mr. Kinnarney was displeased because he had been using the aforementioned parcel for some time as he erroneously thought he owned it, and expected to have the opportunity to purchase the parcel at the 2009 County Property Tax Auction. However, Mr. Bentley advised, Mr. Kinnarney had subsequently found that the property had been sold to another buyer on the day before the auction, regardless of the Committee's indication that the matter would be discussed again before the parcel was sold. Mr. Swan responded that the matter had been transferred to the County Attorney's Office for further review and it had been determined that Mr. Kinnarney had no rightful claim on the property; therefore, he said, the sale to the alternate buyer had proceeded. Mr. Goodspeed interjected that he had discussed the matter with the County Attorney's Office and found that although a mis-communication within the County Attorney's Office had led to the premature finalization of the transaction, they did not feel that Mr. Kinnarney would have acquired the property regardless of whether or not the sale was delayed.

Mr. Champagne entered the meeting at 9:51 a.m.

Discussion ensued with respect to the matter.

As there was no further business to come before the Committee, on motion made by Mr. Strainer and seconded by Mr. Bentley, Mr. Goodspeed adjourned the meeting at 9:58 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist