

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: REAL PROPERTY TAX SERVICES

DATE: MARCH 25, 2013

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS MONROE
BENTLEY
LOEB
DICKINSON
MCDEVITT

LEXIE DELUREY, DIRECTOR OF REAL PROPERTY TAX SERVICES
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY
JOAN SADY, CLERK OF THE BOARD
SUPERVISORS MASON
STRAINER
TAYLOR
MICHAEL SWAN, COUNTY TREASURER
DON LEHMAN, *THE POST STAR*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Monroe called the meeting of the Real Property Tax Services Committee to order at 12:09 p.m.

Motion was made by Mr. Dickinson, seconded by Mr. Bentley 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 the 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 for approval of the list of corrections to the tax rolls from the County Treasurer's Office; *a copy of which was included in the agenda packet.*

Motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to approve the list of corrections to the tax rolls from the County Treasurer's Office as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the April 19, 2013 Board meeting.*

Ms. DeLurey requested a contract with Constructive Copy, LLC to provide bulk plotting of tax maps for a term commencing April 19, 2013 and terminating December 31, 2013 in an amount not to exceed \$1,800. She noted Constructive Copy, LLC had been the lowest responsible bidder and had provided samples with their proposal. She added Constructive Copy, LLC had also been the lowest bidder last year and she had been pleased with their services.

Motion was made by Mr. Loeb, seconded by Mr. Dickinson and carried unanimously to authorize the contract with Constructive Copy, LLC as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the April 19, 2013 Board meeting.*

Ms. DeLurey requested a contract with Brzostek's Real Estate Auction Company, Inc. to provide auctioneer services for the 2013 property tax auction for a term commencing upon execution of the contract and terminating December 31, 2013 with the option to renew for two additional one-year terms, with a buyer's premium of 4.75% and no withdrawal fees. She noted Brzotek's Real Estate

Auction Company, Inc. had been the lowest bidder and noted the Bid Tabulation Sheet was included in the agenda packet. She said she had completed reference checks with two other counties who had used their services and both had been satisfied. Ms. DeLurey stated she was aware that Auctions International, Inc. had sent packets to each of the Committee members stating their reasons why they felt they were the better choice. Mr. Monroe advised Auctions International, Inc. had argued that they provided a better service which was worthy of the higher rate. Martin Auffredou, County Attorney, informed with professional services it was not required that the County accept the lowest bid; however, he added, it was necessary to state the valid reasons for not doing so. He pointed out Auctions International, Inc. had included the preparation of all legal documents in their proposal but he said he would not be comfortable with that arrangement. He said Warren County had a long and favorable history using the same process for the property tax auction, and he saw no reason to change it.

Motion was made by Mr. Dickinson and seconded by Mr. Bentley to authorize the contract with Brzostek's Real Estate Auction Company, Inc. as outlined above.

Mr. Loeb said the letter had indicated a long history with Warren County and he asked the length of time. Michael Swan, County Treasurer, responded the County had used the services of Auctions International, Inc. for the past six years. He added Auctions International, Inc. had underbid the previous auction company, Uncle Sam Auctions & Realty, Inc., with buyer's premiums of 5% versus 10%, respectively. Mr. Loeb asked how often a Request for Proposal (RFP) was released for auctioneer services and Ms. DeLurey replied it varied but last year the Committee had requested an RFP. She noted the lowest bidder of the RFP released last year had inadvertently double booked himself making it necessary to select the second lowest bidder, Auctions International, Inc. Mr. Loeb asked if an auction company would make money with a buyer's premium of 4.75% and Ms. DeLurey replied Auctions International, Inc. had a buyer's premium of 9% last year and had generated approximately \$62,000. Ms. DeLurey stated she had offered Auctions International, Inc. a chance to match the lowest bid and they had declined.

Following further discussion on the matter, Mr. Monroe called the question and the motion was carried unanimously to authorize the contract with Brzostek's Real Estate Auction Company, Inc. as outlined above. *A copy of the resolution request form is on file with the minutes and the necessary resolution was authorized for the April 19, 2013 Board meeting.*

In reference to list of corrections to the tax rolls from the County Treasurer's Office, Mr. McDevitt pointed out there were four PILOT (Payment in Lieu of Taxes) Program properties represented from the City of Glens Falls.

Ms. DeLurey mentioned there were no pending items to come before the Committee this month. She said the next item on the agenda was for the County Attorney to address the Committee.

Mr. Auffredou informed that Tax Map Parcel No. 211.13-4-39 in the Town of Warrensburg was a property which was pending in an Article 11 Tax Foreclosure Proceeding for which the Town of Warrensburg had obtained a Temporary Incidence of Ownership under the Environmental Conservation Law. He added the Town of Warrensburg had engaged in the lengthy process of identifying the contamination on the property and had cleaned up that contamination. He advised the County was awaiting the final report through the New York State Department of Environmental Conservation (NYS DEC) process and once the report was received, the Town of Warrensburg had 30 days in which to file the report with the Court. Mr. Auffredou stated it had been the intention of the County to convey the title for the property to the Town of Warrensburg following the Article 11

Tax Foreclosure Proceeding due to the time and funding put forth by the Town in the process of cleaning up the property. He advised he had prepared an Article 11 Motion to acquire title of the property and he wanted to include the authority to convey the title to the Town of Warrensburg. Chairman Geraghty explained the property in question was adjacent to the new Hudson Headwaters Health Network (HHHN) Center in Warrensburg and the Town wanted to take possession of the property for use as Municipal Parking. He said the process had been lengthy and the property was necessary to allow HHHN employees use for parking. He said there was a sense of urgency to take possession of the property prior to completion of the construction of the new HHHN Building. Chairman Geraghty apprised the cost of the clean up for the property had been covered 90% by NYS DEC and 10% by the Town of Warrensburg.

Motion was made by Mr. Dickinson, seconded by Mr. Bentley and carried unanimously to authorize the County Attorney to make an Article 11 Motion in Court to obtain title of Tax Map Parcel No. 211.13-4-39 in the Town of Warrensburg and to include the authority of the Vice Chairman of the Board of Supervisors to sign any and all necessary documents in order to convey title of the property to the Town of Warrensburg. *The necessary resolution was authorized for the April 19, 2013 Board meeting.*

Mr. Auffredou stated the Committee would need to enter into a brief executive session to discuss the employment history of a particular un-named vendor.

Motion was made by Mr. Dickinson, seconded by Mr. McDevitt and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was declared from 12:25 p.m. to 12:35 p.m.

The Committee reconvened.

Pursuant to the executive session, motion was made by Mr. Bentley, seconded by Mr. Dickinson and carried unanimously to authorize a refund of the purchase price of Tax Map Parcel No. 124.00-1-47 in the Town of Bolton to the purchasers Matthew J. Keicher, Sr. and Matthew J. Keicher, Jr.; to obtain a refund, on behalf of Warren County, for the services of the abstractor and recording fees charged to the County for said property; and to authorize the Chairman of the Board of Supervisors to execute any and all necessary documents with regards to this matter. *The necessary resolution was authorized for the April 19, 2013 Board meeting.*

Mr. DeLurey reminded the Committee members of three contaminated properties discussed in a previous Committee meeting and she informed the County had taken Temporary Incidence of Ownership on these properties. She clarified the properties included the former car dealership in the Town of Chester; the former Town Dump in the Town of Hague; and a former garage in the Town of Johnsbury. She said Jeffrey Tennyson, Superintendent of the Department of Public Works (DPW), was gathering information on the properties pertaining to an estimated cost of clean up. Mr. Auffredou informed that a separate Article 11 Tax Foreclosure Proceeding had been filed for each property and the County had obtained a Temporary Incidence of Ownership for each, as well. He advised the Temporary Incidence of Ownership authorized the County to enter the properties for the purposes of environmental restorative investigations. He added letters had been sent to each of the three Town Supervisors indicating the next step was to retain an engineer for the purpose of environmental restorative investigations. He said Mr. Tennyson was in the process of obtaining estimates from engineers to be presented to the Committee at a later date in order to select an engineer to proceed with the restorative investigations. He noted the fees for the engineer would

be covered under the account established for that purpose by the County Treasurer. Mr. Monroe advised there was a trailer on the property in the Town of Chester for which ownership was in question.

Mr. McDevitt inquired about a property on Bay Road in the Town of Queensbury and Ms. DeLurey replied the property in question had been handled separately prior to these three parcels. Mr. Auffredou stated a separate Temporary Incidence of Ownership had been obtained for the Bay Road parcel and Clark Patterson Lee had been retained as the engineer for the restorative investigation. Mr. Swan informed the report had been received by the DPW and was being reviewed. He said the DPW had applied for a grant to cover the cost of testing and the award for the grant was anticipated within a week.

Mr. McDevitt inquired about the status of the property on Corinth Road in the Town of Queensbury. Ms. DeLurey said the County was supposed to receive written reports on a quarterly basis and she asked if any reports had been received. Mr. Auffredou responded that written reports had not been received although he had verbal communication with the property owner who felt a closing would be imminent. He informed of a call from an attorney who had indicated there was a buyer for the property. He stated he was disappointed with the lack of communication concerning the property. He said he could not compel a written report at this time but he would remind the owner that quarterly reports had been a condition imposed at the Last Chance Meeting.

As there was no further business to come before the Real Property Tax Services Committee, on motion made by Mr. Bentley and seconded by Mr. Dickinson, Mr. Monroe adjourned the meeting at 12:42 p.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist