

**WARREN COUNTY BOARD OF SUPERVISORS**

**COMMITTEE: REAL PROPERTY TAX SERVICES**

**DATE: JULY 1, 2014**

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS MONROE  
DICKINSON  
MCDEVITT  
MERLINO  
BEATY

**OTHERS PRESENT:**

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  
FRANK E. THOMAS, BUDGET OFFICER  
SUPERVISORS BROCK  
KENNY  
SEEBER  
STROUGH  
TAYLOR  
MICHAEL SWAN, WARREN COUNTY TREASURER  
SHELLY VAN NOSTRAND, LEGAL ASSISTANT  
DON LEHMAN, *THE POST STAR*  
SAMANTHA HOGAN, LEGISLATIVE OFFICE SPECIALIST

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

Motion was made by Mr. McDevitt, seconded by Mr. Beaty 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 requested approval for the list of chargebacks from the Treasurer's Office. She explained that they consisted of Court-ordered assessment changes for two parcels located in the Town of Lake George, as well as assessment reductions for a parcel in the Town of Horicon and another in the Town of Stony Creek.

Motion was made by Mr. McDevitt, seconded by Mr. Beaty and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 18<sup>th</sup> Board meeting; *a copy of the resolution request form is on file with the minutes.*

Next, Ms. Delurey presented a request to transfer title of Town of Queensbury Tax Map Parcel No. 308.5-1-21 to the Town of Queensbury. She advised the agenda packet included information on the past ownership of the parcel, as well as an aerial photo which illustrated that the parcel was comprised of 50% wetlands and was land-locked. Ms. Delurey reported that she had discussed the property with Supervisor Strough, who had stated that the Town of Queensbury was interested in purchasing the property. She referenced Resolution No. 632 of 2005 which stated that a Town may purchase a parcel for the amount of delinquent taxes, or one-third of the value of the property, whichever was less. Ms. Delurey stated the taxes due were \$251.18 and Supervisor Strough had agreed the Town would pay that amount.

Motion was made by Mr. McDevitt, seconded by Mr. Beaty and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 18<sup>th</sup> Board meeting; *a copy of the request is on file with the minutes.*

With respect to the Pending Items section of the Agenda, Ms. Delurey stated the owner of Town of Lake George Tax Map Parcel No. 238.8-1-31 had encountered title issues, leading Cornelius Tully to request that the County convey a quit claim deed to him for any interest they had in the property. She apprised

that in 1974 the County had taken the property for delinquent taxes, but said they had been unable to find documentation indicating the property had been deeded back to Mr. Tully.

Ms. Delurey presented a request to convey a Quit Claim deed relaying any right, title or interest that the County may have for Town of Lake George Tax Map Parcel No. 238.8-1-31 Mr. Tully, in order to clear the title.

Martin Auffredou, County Attorney, stated it was his understanding that in 1974 a Treasurer's Deed had been issued by John Wertime, the County Treasurer at that time, which was recorded in County records for real property taxes that were not paid in the amount of \$29; however, he noted, Mr. Tully had been paying property taxes on the parcel since 1975. Mr. Auffredou stated that the County had not exercised any interest or ownership rights in the property and he noted that in 1990 the taxes levied on the subject parcel were outstanding and charged off as uncollectible by Resolution No. 157 of 1990. He further stated that he had reviewed all of the tax and ownership information for the parcel and deemed it to be favorable to Mr. Tully and not the County, with the exception of the Treasurer's Deed filed in 1974. Mr. Auffredou said that he and Shelly VanNostrand, Legal Assistant, had met with Mike Swan, County Treasurer, and Ms. Delurey to discuss this issue, subsequent to which they had decided it would be appropriate to issue a Quit Claim deed to Mr. Tully in order to transfer any rights the County had to the property.

Motion was made by Mr. McDevitt, seconded by Mr. Merlino and carried unanimously to approve the request as presented and the necessary resolution was authorized for the July 18<sup>th</sup> Board meeting; *a copy of the request is on file with the minutes.*

Moving on, Ms. Delurey advised the New Business section of the Agenda pertained to Phase II of the Environmental Site Assessments for Tax Map Parcel Nos. 104.10-4-5 (Chestertown), 25.1-1-8 (Hague), 133.8-1-27 (Johnsburg) and 302.8-1-2 (Queensbury). She noted that the Phase I work had been completed and the results sent to Jeffery Tennyson, Superintendent of the Department of Public Works (DPW), in October and were received by her Office at the beginning of the year. She noted that she, Mr. Swan and Mr. Auffredou had reviewed and discussed the Phase I assessment results and agreed they should move forward with the Phase II assessments. Ms. Delurey stated that Clark Patterson Lee had been contacted for a quote to set up plans for Phase II assessments; she added that she had included a copy of the letter sent to Mr. Tennyson from Clark Patterson Lee in the Agenda packet.

Ms. Delurey presented a request to appropriate funds in the amount of \$1,600 from Budget Code A.893.00 (Reserve, Environmental Testing Fund) to Budget Code A.1355 470 (Real Property Tax Services, Contract), to fund the Phase II assessment planning work.

Mr. Monroe noted that he had received an email in regards to a grant application for environmental testing submitted by the Adirondack Gateway Council. He said he believed that they should move forward with the plans for Phase II in the amount of \$1,600, and added that he would seek more information from the Adirondack Gateway Council on the grant funding available.

Mr. Auffredou stated he would provide the Phase I assessment information to any supervisors interested in reviewing it, especially those supervisors with testing sites located in their municipalities.

Motion was made by Mr. Merlino, seconded by Mr. Dickinson and carried unanimously to approve the request as presented and refer same to the Finance Committee; *a copy of the request is on file with the minutes.*

Privilege of the floor was then extended to Mr. Swan who addressed the Committee regarding delinquent tax notices. He informed that notices were not sent out regarding delinquent taxes owed and that the only notification provided was found on the bottom left corner of the current year's tax bill. He stated that this had caused some confusion and was often overlooked by many taxpayers. Mr. Swan advised that the Information Technology (IT) Department had developed a new program for the Treasurer's Office that allowed for the creation of delinquent tax notices and he said he intended to request an

increase in his 2015 postage budget to allow for these mailings.

Privilege of the floor was then extended to Mr. Auffredou to address an urgent matter regarding auctioneer services. He explained that the County had authorized a contract with Collar City Auctions Realty & Management, Inc. to perform auctioneer services for the 2014 Tax Foreclosure Auction and he noted that Mrs. VanNostrand had been working with Collar City to secure and finalize the contract. Mr. Auffredou continued that the bid specifications provided by the County clearly stated that the successful bidder would need to provide professional liability insurance in the amount of \$1 million which was secured with an insurance firm rated no less than A- and which firm must be licensed to do business in New York State. He explained that Collar City had met all the insurance requirements, with the exception of the professional liability insurance: He further explained that he had sent a letter to Collar City indicating that if they were unable to provide the proof of insurance by the close of business on June 30<sup>th</sup>, he would be forced to request that the Real Property Tax Services Committee authorize a contract with the second lowest responsible bidder for the auctioneer services. Mr. Auffredou advised Collar City had received his correspondence and they were working to meet the necessary insurance components; however, he stated, because they needed to secure a contract as quickly as possible, he recommended that the Committee approve a resolution indicating that if the appropriate insurance documentation was not received by the close of business on July 2, 2014, the contract would be awarded to the second lowest responsible bidder, Brzostek's Real Estate Auction Co., Inc.

Motion was made by Mr. Dickinson, seconded by Mr. McDevitt and carried unanimously to approve the resolution suggested by Mr. Auffredou for presentation at the July 18<sup>th</sup> Board meeting, if necessary; *a copy of the request from is on file with the minutes. Note: Subsequent to the meeting it was determined this resolution would be necessary as Collar City failed to provide the necessary insurance documentation. In addition it was determined a second resolution would be necessary to rescind Resolution No. 183 of 2014 which awarded contract to Collar City Auctions.*

Ms. Delurey advised that as of July 1, 2014, there were still 299 parcels to be included in the 2014 Tax Foreclosure Auction, which was more than had been auctioned in 2013. She noted that the last day to redeem delinquent properties was July 18<sup>th</sup>.

Mr. Auffredou requested an executive session to discuss matters pertaining to Town of Warrensburg Tax Map Parcel No. 211.17-2-19 within the context of the 2013 Article 11 proceedings, with the intent to reconvene with a recommendation for further litigation under Article 15 of the Real Property Action and Procedures Law.

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

Executive session was declared from 9:59 a.m. to 10:08 a.m.

Upon reconvening Mr. Monroe stated that no action was taken during the executive session.

Motion was made by Mr. Dickinson, seconded by Mr. Beaty and carried unanimously to authorize Mr. Auffredou to commence an Article 15 proceeding for Town of Warrensburg Tax Map Parcel No. 211.17-2-19 and the necessary resolution was authorized for the July 18<sup>th</sup> Board meeting; *a copy of the request is on file with the minutes.*

As there was no further business to come before the Real Property Tax Services Committee, on motion made by Mr. Dickinson and seconded by Mr. McDevitt, Mr. Monroe adjourned the meeting at 10:09 a.m.

Respectfully submitted,  
Samantha Hogan, Legislative Office Specialist