

Real Property Tax Committee Minutes
April 9, 2018 – 2:30 p.m.

Present: Chairman Dan Pemrick; Supervisors Tara Gaston, Scott Ostrander, Jean Raymond, Jon Schopf and Tom Wood; Spencer Hellwig, Chad Cooke, County Administrator; Steve Dorsey, County Attorney; Chris Schall, Auditor; Andrew Jarosh, Cindy Baker, Treasurer; Joanne Bosley, Audra Hedden, Real Property; Alisa Dalton, David Eger.

Chairman Pemrick called the meeting to order and welcomed all in attendance.

On a motion made by Mr. Wood, seconded by Mr. Schopf, the minutes of the March 19, 2018 meeting were approved unanimously.

A motion was made by Mr. Wood, seconded by Mr. Schopf, to approve the Auditor's first quarter report for 2018. Unanimous.

Mr. Schall distributed his first quarter report of 2018. There were 11 corrections totaling \$2,239.72 and 14 refunds totaling \$2,045.56. The total for the same quarter in 2017 was \$9,580 and 2016 was \$6,000.

A motion was made by Mrs. Raymond, seconded by Mr. Ostrander, to authorize the acceptance of tender offers for 1 parcel in the Town of Edinburg in the amount of \$953.23 and 1 parcel in the Town of Providence in the amount of \$2,687.79. Unanimous.

Mrs. Baker distributed a handout detailing the tender offers.

A motion was made by Mrs. Raymond, seconded by Ms. Gaston, to approve and confirm the auction sale of County-owned lands acquired for unpaid taxes. Motion Passed. Ms. Gaston and Mr. Schopf opposed.

Mrs. Baker distributed a handout detailing the list of successful bidders. There were 47 parcels sold for a profit of \$831,468.81.

Mr. Schopf said that there was a request from the former owner of parcel # 87 to table the sale for that particular parcel. Ms. Dalton, the attorney for the former owner of parcel #87, David Eger, addressed the committee. Ms. Dalton said that the particular parcel is under contract to be sold to the Open Space Institute. The 50 acre parcel adjoins another 25 acre property in Greenfield and is part of a 675 acre parcel sale that must all be sold together. This property links Moreau State Park with Lincoln Mountain State Forest and is part of the Green Infrastructure Network. Ms. Dalton said that Mr. Eger lives in Costa Rica and his bookkeeper neglected to pay the taxes due in error. Ms. Dalton said that Mr. Eger does have the means to make the payments. Ms. Dalton said that the certified mailings from Saratoga County were returned to the County. Ms. Dalton said that the vote by the Board of Supervisors is part of the entire auction process and that the process is not fully completed until approved by the Board. Ms. Dalton said that the entire 675 acre project will not continue without this particular 50 acre parcel.

Mrs. Raymond said that typically if a parcel of land even remotely has implications for trails, open space, etc. never gets to the auction, someone always approached the County in advance to remove the parcel from the auction list. To the best of Mrs. Raymond's knowledge, no one approached the County prior to the auction regarding this property. Mrs. Raymond said that the Auction is a very open and transparent process and that it is a very bad precedent to not approve a sale after the auction.

Mr. Dorsey distributed a packet regarding the property in question to the committee members. Mr. Dorsey said that under the real property tax law, notice of the foreclosure was sent to the property owners by regular and certified mail, the regular mail did not come back and under the law, and is presumed as being received. Mr. Dorsey said that notices were sent to the same mailing address for years for this and other properties. This is the second time this particular parcel has gone through the foreclosure process. In addition, another parcel in the Town of Greenfield owned by the property owner also went into foreclosure twice. So therefore this is the fourth time this particular property owner has gone through the foreclosure process.

Mr. Dorsey said that there were 3 attempts made to deliver the certified mail. Mr. Dorsey said that some property owners that are savvy to the foreclosure process will not sign for the certified mail because this will confirm receipt of the mailing.

Mr. Dorsey said that the 2016, 2017 and 2018 tax bills for this particular parcel has a line that calls to the owner that there is a delinquency on the tax bill and cites them to paragraph 4 on the back of the bill which states "continued failure to pay all outstanding taxes will result in your loss of the property". The current taxes were paid, therefore clearly these notices were received at the address. In addition, two notices were sent by the Treasurer's office warning the property owner that the property was going into foreclosure and that they had until September 30, 2018 to pay the taxes, also an additional mailing was sent post County acquisition of the property notifying that the parcel was going to auction and that they had until March 20, 2018 to come in and pay prior to the auction in order to repurchase the property. None of these three mailings were returned to the Treasurer's office. Mr. Dorsey said that notices are also sent to all adjoining property owners that the parcel was going to auction. In this case, Mr. John Witt, an adjoining property owner who is also involved in the sale to the Open Space Institute, was also notified. Mr. Dorsey said that the Bookkeeper came in the day after the auction to attempt to pay the taxes and said that she thought she had until the end of the week to pay. Mr. Dorsey said that the County needs to preserve the integrity of the auction process. People that show up at the auction and pay their deposits need to know that the County will follow through on the sale. Mr. Dorsey said that approval of this sale does not end the plans for the greenway, they can negotiate with the new owner of the property owner and proceed. Ms. Dalton said that there is a right of way that would be extinguished as part of the sale. Mr. Jarosh said that he supports trails projects but agrees that the integrity of the auction process needs to be preserved.

Mr. Wood said that he is a strong supporter of trails and is very disappointed in Mr. Eger and his staff. This process is not new to them and they knew the outcome. County staff have worked hard to follow all the rules and procedures. Mr. Wood said that it's critical not to remove this parcel to maintain the integrity of the process.

Mr. Schopf said that he was just notified of this issue an hour ago and is concerned over the future access for trails and the overall project. Mr. Schopf suggested that the approval of this one parcel be tabled to give more time. Mr. Dorsey said that an announcement was made at the auction that approval of the Board would occur on April 17, Mr. Jarosh said that the receipt given to successful bidders specifically states April 17 as Board approval date also.

Ms. Gaston suggested that the vote for this one parcel be postponed until April 17 prior to the Board meeting at a special Real Property Meeting.

A motion was made by Ms. Gaston, seconded by Mr. Schopf, to amend the current motion to remove parcel #87 from the sales under consideration. Motion Failed. Mrs. Raymond, Mr. Wood and Mr. Pemrick opposed.

The original motion was then voted upon.

On a motion made by Mrs. Raymond, seconded by Mr. Wood, the meeting was adjourned unanimously.

Respectfully submitted,
Therese Connolly
Deputy Clerk of the Board