

Real Property Tax Transcript 9/27/2021

SPEAKERS

Ed Kinowski, Bill Peck, Mo Wright, Phil Barrett, Mike Smith, Anna Stanko, Dan Pemrick, Michael Hartnett, Several Supervisors, Therese Connolly

Mike Smith

All right. Welcome everyone to the September 27th Real Property Tax committee meeting. Attendance, I think has been taken correct, Therese. All right. Can I get an approval the minutes for the July 26 2021 meeting?

Ed Kinowski

I'll make the motion.

Mike Smith

Ed Kinowski.

Dan Pemrick

Second.

Mike Smith

Dan Pemrick is a second. Any further discussion? All in favor?

Several Supervisors

Aye.

Mike Smith

Opposed? Carried.

Ed Kinowski

Mr. Chairman?

Mike Smith

Yes.

Ed Kinowski

Are we supposed to keep our mic's on so everything is heard?

Therese Connolly

Just when you speak.

Ed Kinowski

Ok, thank you.

Mike Smith

All right. Number three on the agenda is the discussion tax delinquent parcels in Clifton Park. Anna Stanko, you have the floor.

Anna Stanko

Hi, everyone. I would like to bring a couple of tax parcels to the committee's attention. These are very similar, Supervisor Kinowski, to the Patenaude properties in Stillwater, it's come to our attention that there is an interested buyer for two parcels that are in the town of Clifton Park. They are currently zoned or coded junkyard and auto body. So there are environmental concerns on those parcels. We would like to bring Gary Bowitch in on this to see what he can do to help us as far as cleanup etc. goes. I thought Supervisor Barrett might be here or on the line to explain a little further. But perhaps Mike Hartnett has some more information.

Ed Kinowski

If I may, Anna, the name that you mentioned to bring in on this to help possibly with it, is that expense by the county?

Anna Stanko

I believe we have minor contracts with Gary Bowitch, to look at a certain number of parcels, with environmental concerns each year.

Ed Kinowski

Alright, so that's the ongoing process that got started under Steve, that wasn't in place yet. All right, because that makes it just a little bit different than the Patenaude because they took care of it themselves. And this, a little different going down that road. So thank you. I just wanted to clarify that. But thank you.

Anna Stanko

I did think that we had consulted with Gary on that one. But I may be in error.

Mike Smith

Just to clarify for me, what do we have with Mr. Bowitch, what's the arrangement?

Michael Hartnett

Mr. Chairman Mike Hartnett here. So Gary Bowitch is a private practitioner, he is an environmental law specialist that we've had on a minor contract that I believe started under Steve Dorsey some years ago, to look at environmentally impacted properties

Mike Smith

He's an attorney?

Michael Hartnett

He's an attorney and he works for municipalities across the state in these type of environmentally impacted properties, and trying to come up with solutions to both get them cleaned up and get them back on the property rolls, the property tax rolls. And he's been instrumental with us, we're working on a number of projects, including one up for discussion later the Magnum site in the town of Ballston. And he well renowned, he speaks at conferences about these types of things. And we currently have him on a minor contract for his services. And I would support certainly, and for lack of a better term, adding these to the list to look at, in his work.

Ed Kinowski

Mr. Chairman, I'm in favor of any of that. I've been a strong proponent of finding ways to help townships clean up environmentally sensitive properties and putting them on the tax rolls and such. But it kind of begs the questions that should we look at how to approach these from a committee perspective to bring up to the board. Do you delay the three year process once it goes into this category? If we do go down this road, should we then take over the property so it could be you know handled appropriately, how best to approach it. I'm just not sure yet because I would need to know a lot more information. Phil, I don't know if you've been part and parcel to this in the past or not. But I am in favor of trying to help out all communities that had these burdens on them.

Mike Smith

Now are these parcels that we're talking about are they in tax foreclosure now or close to be?

Anna Stanko

Yes, one of the tax parcels has not paid taxes since 2001. And the other one has not paid taxes since 2009. They had been taken by the County years ago. We took title and then they came forward and paid the taxes to get them out of the tax foreclosure. And then since then they've just been always looked at as environmental concerns. So we just kind of threw them on the back table and said, we don't want anything to do with them. But now as we've engaged Gary Bowitch to help look at some of these properties, as they're starting to come to the top of the heap, we'd like to start looking at them and getting some of these back on the tax rolls. I do believe that Supervisor Barrett has some more information in regards to this particular one. But right now, one of these tax parcels as delinquent for about \$247,000 and the other about \$75,000. So to \$246,588.51 and the other one is \$75,433.63.

Mike Smith

Supervisor Barrett, do you have anything you want to add?

Phil Barrett

Yeah, there's also significant environmental issues tied up with DEC and I believe the AG's office on these parcels, obviously, there haven't been any taxes paid in quite some time. The properties are a mess. And, you know, I think it's come to the point where as a county and as a municipality, it's time that we take a step forward and, and get this cleaned up, just as we have other properties. However, that might play out, you know, as a town, we're certainly willing to put in whatever is needed to make that happen. I hope the county is as well. I've been contacted by a private individual who's interested in conducting the cleanup, if we can get to that point, has experience doing that, in I believe, Schenectady

and some other areas. So yeah, it's a real mess. Like Anna said, there are two properties there. And there's also some wetlands issues that would have to be hashed out as well. So a lot of the work, I think, really has to be done in conjunction with DEC. And unless we have somebody of this gentleman's caliber and expertise in this area, I'm not sure we'll get to second base.

Mike Smith

Supervisor Peck, go ahead.

Bill Peck

Yeah, just quick question is. Are you looking from us to recommend that this go to the specialist for evaluation? And moving forward? That's all we're seeking to do today?

Anna Stanko

Yes, Supervisor Peck?

Bill Peck

Yeah, so I'm good with that. Anytime we can get the properties back on the tax rolls. These are complicated issues. And so I want the chairman to know that if our move today is nothing more than in putting this in the hands of the specialist I'm supportive?

Ed Kinowski

Hey, if I may, Phil, have you looked into like we did for the Patenaude property, there's two more we got to work on, of lowering the assessment, because the county constantly makes us whole. So I had to throw on my county hat and say, why are we building up this huge debt, paying back, and eventually if you know, it's going to cause harm? And in this particular case, we attempted to do that with one of the properties? I don't know if you've done that with these two properties.

Phil Barrett

No, I don't believe we've lowered the assessment at all yet, although, as part of a solution going forward, we would certainly, you know, like I said, do whatever we could on our end to, to ease the tax burden. I don't think any private owner is going to take the property under the current conditions, you'd be crazy to do so based on the financial entanglements as well as the environmental issues that are well documented.

Ed Kinowski

Right

Phil Barrett

So from that standpoint, yes, we would certainly look to lower the assessment, you know, for a period of time, maybe there's a I don't know if you'd call it a pilot agreement, but some kind of an agreement where it might escalate over time on a on a step basis based on the activity at the site if a private owner were to clean it up and take it over as a viable business again. Yeah, so yeah, we'd be certainly more than willing to do whatever we needed to do to get it done. Get the cleanup done.

Ed Kinowski

I think that's a worthwhile discussion, Mr. Chairman on those items, I did bring those up before the committees over the past three years and thinking it was a good way forward. Because we're just building debt in the counties, and it's never going to get paid back. Thank you.

Mike Smith

Just one more quick question for Anna. Are these, or Phil, you can answer, are these active? Are they vacant sites? Are they businesses? What are they? Is there active stuff going on with them?

Phil Barrett

Yeah, I was going to mention that too, before we finished, there's definitely activity going on there. So I don't know if it's the family is there actively taking things of value off the site or not, but I took it upon myself to walk through there not too long ago. And there's a fairly new looking large dumpster that you would use for scrap metal. I've also been told by a couple of neighbors that there have been full cars going out on flatbeds. And then the tires come back. So the stuff of value goes and adding to the cleanup comes back because you know, salvage yards don't want tires. So if you bring a car to a salvage yard, they're probably going to charge you for the tires or tell you to take them back. Well, apparently they're taking them back to the site. So the tires are more or at least the same. And there's less metal as it appears.

Phil Barrett

But I guess that we should probably move this forward then as time is of the essence.

Dan Pemrick

I'll move that.

Mike Smith

Alright. We have a second?

Ed Kinowski

Second.

Mike Smith

All right, any further discussion?

Phil Barrett

If I might, Mr. Chairman, just one thing. My code enforcement tells me they've paid their permits to operate. But didn't know they were operating until recently. And I'm not sure they were operating until recently. I think they had heard that there was some interest in moving this thing along and suddenly, they started taking things off the site. That's my guess, I don't know that for a fact, I can't state on the record for a fact but that's from what I've been told by eyewitnesses. That appears to be the case. So I think bringing attention to it is good. It'll bring it to a head.

Mike Smith

Anything further from Attorney Hartnett?

Ed Kinowski

Then one quick one, do we have the authority, if we don't own the property. If we don't own the property, do we have the authority to have an outside attorney on behalf of the County look at the property? I'm only asking, I didn't think that we could do that.

Mike Smith

Yes, go ahead.

Michael Hartnett

This is Attorney Hartnett, I think so. Absolutely. Mr. Bowitch has done this with a number of other properties that we don't have title to yet. It's really to explore and do our due diligence to make sure that any process we have going forward to either obtain the property or move the property back onto the tax rolls is all watertight.

Bill Peck

Yeah, Mr. Chair. I'll just point out for purposes. This is before the county takes ownership and forecloses on it, we want to make sure that there's a deal in place with the DEC or under the Superfund law, under the under the federal EPA, one of the other, that the cleanup isn't going to go on the county for ownership so, he can arrange a deal then we would foreclose on the property and move forward at that time.

Mike Smith

Alright, so we've got a motion. We got a Second. All in favor,

Several Supervisors

Aye.

Mike Smith

Opposed? Carried. All right. Moving right along. We have a request for an executive session. I need to have a motion to go into Executive session?

Michael Hartnett

A motion and a second to go into executive session, and to state the purpose, it's to discuss pending or proposed litigation.

Ed Kinowski

I'll make that motion.

Mike Smith

Okay.

Dan Pemrick

Second.

Mike Smith

So Supervisor Kinowski and Supervisor Pemrick. All in favor?

Several Supervisors

Aye.

Mike Smith

Alright, so we don't have to do any kind of a resolution. We just state for the record that there was no business conducted in the executive session.

Michael Hartnett

Acknowledge who made the motion and second to come out of executive session that it was unanimous, and no formal action was taken.

Mike Smith

The motion by Supervisor Kinowski and a second by Supervisor Pemrick, we came out of executive session. All right. Any other business to come before this committee today?

Ed Kinowski

I'll make a motion to adjourn.

Mike Smith

Motion to adjourn. Do I have a second?

Mo Wright

Second.

Mike Smith

All right. All in favor.

Several Supervisors

Aye.

Mike Smith

Opposed? Carried. Thank you, everyone.