

Real Property Tax Transcript 2-1-2022

SPEAKERS

Jean Raymond, Ed Kinowski, Steve Bulger, Andrew Jarosh, Scott Ostrander, Tara Gaston, Sandra Winney, Anna Stanko, Michael Hartnett, Several Supervisors, Therese Connolly, Chris Schall, Eric Butler, Bridget Rider

Scott Ostrander

Good afternoon, everyone. I'd like to welcome everyone to the Real Property Tax Committee meeting. Today is February 1, 2022. Attendance has been taken. First on the agenda is approval of minutes of the October 25, 2021, meeting. Motion?

Jean Raymond

I would be happy to make a motion, but I wasn't there for the meeting. It wasn't on that committee last year. Is that something I can do? Then I make the motion.

Scott Ostrander

Motion by Jean.

Sandra Winney

I'll second the motion.

Scott Ostrander

Second by Sandra. Questions or comments? All in favor?

Several Supervisors

Aye.

Scott Ostrander

Opposed? Motion carries. Next on the agenda is a 2021 Year End report. Chris.

Therese Connolly

Supervisor Ostrander, you just need to appoint your vice chair.

Scott Ostrander

I have appointed Jean Raymond as the vice chair of this committee, and she's accepted. So thank you, Jean. I appreciate it. Chris, you're up,

Chris Schall

Good afternoon, Supervisors. So for the fourth quarter, we didn't have any credits, corrections, or refunds. And then for the whole year, you can see a summary at the bottom there. We had \$5,958.59 and that included the credits, corrections, and refunds for the entire year. Any questions? Thank you.

Scott Ostrander

Thank you, Chris. Motion on that?

Steve Bulger

We don't need a motion on that.

Michael Hartnett

It's just a report.

Scott Ostrander

Therese said we did.

Steve Bulger

Therese said we did?

Michael Hartnett

Okay. Have we done motions on that before?

Bridget Rider

Yes.

Tara Gaston

Chair, you just need a motion to approve that report?

Scott Ostrander

Yes.

Tara Gaston

I'll move that. Supervisor Gaston.

Scott Ostrander

Motion by Supervisor Gaston. Second.

Eric Butler

Second.

Scott Ostrander

Second by Eric. All in favor. Question questions or comments? All in favor?

Several Supervisors

Aye.

Scott Ostrander

Opposed? Motion carries. Next, the cancelling of delinquent taxes in the Town of Clifton Park, Saratoga, Moreau, Corinth and Greenfield, Anna Stanko.

Anna Stanko

Thank you, Supervisor. These five parcels are kind of a cleanup. They have been on the tax rolls since some of them since 2002, with unpaid taxes. Every year when we get ready to do our tax foreclosure, they're kind of pushed aside and not taken care of. So we've decided to move forward and try to clean up some of these. So that's what these five parcels are on here. A couple of them are unpaved pathways or roads. One or a couple of them are state parcels where there's a delinquent water or fire bill that we've basically decided that there those liens are unenforceable. Does anybody have any questions on those?

Ed Kinowski

I have one, Ed Kinowski.

Anna Stanko

Yes.

Ed Kinowski

What becomes of these parcels after the vote?

Anna Stanko

We will send the resolution to the Town Assessors and they will put a zero assessment on them, the taxes will be cancelled, and they will not incur any more taxes going forward.

Ed Kinowski

Just as a follow up question, if I may. What would happen, there are so many properties around the lake that I've become aware of, including myself, that are part and parcel to right ways owned by multiple people. And since the system can't break up, you know, taxes to parcel them out to different owners, we've all kind of satisfied that one person would pick up the tab and we'd all pay that person. Well if if these parcels or right ways could be just written off because nobody wants to pay the taxes on them, and they're small parcels, because it's just a road right of way, what will become involved the rest of them?

Anna Stanko

Well, I believe supervisor if there are parcels that that individual towns may be interested in, in taking over themselves, they would be responsible for the taxes and the County would offer that to them. That's been done in the past. In the in this case, I'm looking at the Town of Clifton Park one, that right away has been out there since a map a subdivision map that was filed in 1913, I believe the individual owners are taking care of the road, but I spoke to the town highway superintendent, and he has no interest in taking over that road. So basically, it's just sitting there, the one in the town of Saratoga has

been on the tax auction two times over the past few years, somebody may bid on it, and then let it go, not pay the taxes that ends up back on there, we've had issues where we have sold these private right ways and an individual owner will go in and gate the land and not let any of the property owners on that parse on that land. So that's why we came up with a policy a few years back, where these private roads that are where the taxes are unenforceable, we don't declare them worthless, we just say that the tax liens are unenforceable and move them to roll section eight, the county keeps making the town's whole on these parcels. And we're not getting any money back. And we don't, the county really doesn't want to take on the liability, if you will, of a private road right of way. The county attorney can speak to that as well.

Ed Kinowski

No, I agree with the merits of what you're attempting to do. My concern would be if others learn a bit, that they that there right of way could potentially be written off. And so a group of four or five who own a right of way down to the lake, and there's four or five camps over, I certainly as a town don't want to take on the responsibility of maintaining the roadway. So with those parcel owners decide, hey, we understand that this could be moved to Section Eight if we just don't pay taxes. What do you do with that?

Anna Stanko

I guess I would say that we take it on case by case and the county attorney would be involved in that. And, you know, I don't think that as long as I've been involved in the foreclosure process, we haven't really had those kinds of issues, any of the issues where there might be newer roads that haven't been turned over to the towns yet we've dealt with those on a town by town basis, the towns have come forward taken over those roads, paid the back taxes and the deeds been filed as it should have been when the subdivision was filed. These other issues, again, go back to the early 90s that I can remember of, particularly up in the Town of Day where there was a road up there that serviced all of the camps. We tried repeatedly to sell it somebody might have bought it, then they didn't you know, they realize they can't do anything with it. You know, again, I think we just take it on case by case. These ones just happened to be ones that I found when going through some of the old lists and thought it was a good idea to clear these things up.

Ed Kinowski

No, I once again, I appreciate the merit of what you're attempting to do, it seems a reasonable thing to do. I was more concerned with townships, historically, taking over roads and all the above, it all depends on the type of road, kind of road, size of road and all the above. But when you talk about the multiple mini traveled roadways, and they're barely a road, it's probably a wagon worth that, that people still drive down to get to their camps. And not that far, at least we don't have miles of them, but what would become if knowledge of the cancellation spreads. That's all. So not a problem. We can go one by one, not an issue. Mr. Chairman, I just was bringing up the possibility of what happens afterwards. That's all. Thank you.

Scott Ostrander

Anna, Supervisor Raymond would like to speak.

Jean Raymond

Yeah, um, if I remember correctly in the early 90s, we went through a period where we got rid of a very lot of right of ways that people had walked away from and we had quite a few in the town of Edinburg and I was involved in that, and we were able to sell them to the camp owners who use those private roadways as access for the main part and they sometimes formed an association and other times I think just somebody paid the taxes as they had only done and that was fine. But if I understand correctly, and I'd have to defer to our attorney, if we do what we're suggesting and I think it's a good idea and I think we should clear these things up. Does that mean that I can go drive on that road and gain access to Saratoga Lake? Because it's not, these people no longer paying the taxes so they don't have any rights to tell me I can't drive on the road, take my canoe down there, or my kayak and park and go to the lake. And I think if I'm correct on that, I believe I am, that would mean that it would be very important that these landowners understand that by not accepting ownership of these roads by just paying the taxes and not accepting ownership and having a deed filed that they don't have a lot of rights as far as who's on that road. I think that's an important issue. And probably in terms of property values, it would make a difference on their property values as well.

Michael Hartnett

Response to Supervisor Raymond, in quick response to Supervisor Raymond's comment, this is Mike Hartnett, it would likely depend on the individual easements and rights of way and what they look like. And without seeing those individually, I wouldn't be able to offer a definitive assessment of that either in support or oppose to, but it's certainly a consideration for these property owners to think about as from a public policy standpoint of whether or not to continue to pay taxes of course, which is encouraged. Thank you.

Scott Ostrander

Andrew.

Andrew Jarosh

Thank you, Chairman. This is Drew Jarosh, County Treasurer, one last point on this and I concur definitely with Supervisor Raymond's notion, this problem of private roads we're trying to address it here at the County but the problem the genesis for the problem is really in the town's and with these private developments. And if it pleases the committee, our internal Real Property Working Group will discuss this and will bring forward some proposals for the committee in the future if that helps.

Scott Ostrander

Okay, so Anna, you have a second correction for the parcel in the Town of Waterford. So can I get a motion on canceling delinquent taxes in the Town of Clifton Park, Saratoga, Moreau, Corinth, and Greenfield.

Jean Raymond

So moved.

Scott Ostrander

Supervisor Raymond motion, second.

Eric Butler

Second.

Scott Ostrander

Supervisor Butler. All in favor?

Tara Gaston

Chair?

Scott Ostrander

Supervisor Gaston.

Tara Gaston

Yes, I'm sorry, I've been trying to make a point. I understand with the concerns. I think that it's and I appreciate the Treasurer bringing up coming up with a policy. I don't think handling things on a case by case basis is well desired, where it can be avoided. And I also don't think that we should keep zeroing out taxes for people who are going to continue to own the rights to it. So I would like to see a change made there. But I want to pose it now. Especially the ones that are owned by the state, which we couldn't do much with anyhow. But I think that we need to change the policy so that we're not zeroing out taxes for individuals who continue to own it, because then I think we're gonna face arguments of who are who are we willing to waive taxes for? And who are we not? And that is a serious problem. Thank you.

Scott Ostrander

All in favor?

Several Supervisors

Aye.

Scott Ostrander

Opposed? Motion carries. Anna.

Anna Stanko

Okay, thank you. My second resolution is to correct a tax bill. This resident had paid their school taxes on time, the tax, the school tax collector had erroneously tried to, erroneously tried to apply it to a different tax parcel. It was corrected. But in the meantime, the tax, the school tax bill had been relieved to the town and county bill. So I just want to correct that error and get a new tax bill sent to these property owners so that they can pay the correct amount.

Scott Ostrander

Thank you. A motion authorizing a correction of the tax bill for a parcel in the Town of Waterford.

Sandra Winney

So moved.

Tara Gaston

I will move that chair.

Scott Ostrander

Supervisor Winnie, seconded by Supervisor Gaston. Questions or comments. All in favor.

Several Supervisors

Aye.

Scott Ostrander

Opposed? Motion carries.

Anna Stanko

Thank you.

Scott Ostrander

Next will be Magnum sight in the Town of Ballston, Mike.

Michael Hartnett

Thank you, Supervisor. This is a resolution request to the committee to consider for the Magnum site in the Town of Ballston as recited in the backup. This is a bit of an exciting project that has been going on for a number of years and is now coming to a close and in a lot of ways. The Magnum site is a former gas station at the corner of Lake Hill Road and route 50 in the town of Ballston, in Burnt Hills right on a major corridor within the County and has been abandoned and environmentally impacted. I in the backup included a couple of pictures from Google Maps or Google streets that show what it used to look like. There were tanks from the gas station up above the ground. The New York State Department of Environmental Conservation has been involved, as well as the Town of Ballston. And what this is, is essentially a three way deal where the County seeks foreclosure of the property, the owner is delinquent in their taxes. And that is in order to obtain title to the property. In some instances, not necessarily this one, but to allow access. The second party in this is the Town and in this instance, they sought a condemnation of the the gas station to get access to the property and also to tear down the derelict building, which was unsafe and not fit for use. And then the DEC does the cleanup and the environmental remediation. We are in the middle of the foreclosure process with this site. Right now that has been served and is awaiting some court action from the County Attorney's office to initiate an order to show cause to seek a judgment of foreclosure. And what this resolution is asking, is for approval of a transaction where the Town of Ballston would pay the county \$7,000 for the property, and when it's obtained in foreclosure, the county would then pay \$7,000 to the Spill Fund, to pay for the environmental remediation and cleanup. And in exchange for that the County and the Town would get sign off from the DEC of any waiver of liability related to the environmental contamination, which under the Navigation Law travels with the property forever. So that's a big deal. And it would allow, one the property to be cleaned up the blight to be removed, and two to potentially get it back on the tax rolls depending on what the Town wants to do with it or put it to municipal use. I'm not sure if the Town of

Ballston has decided definitively what to do with it. I've heard a couple of ideas that are related to possibly some green space or veteran's memorial, something along those lines, but I don't want to, I'll defer to Supervisor Connolly and his team. So this has been a long ongoing process. And the agreements are attached to the resolution. So it would be my request at the committee consider forwarding a resolution to the board to authorize those agreements to go forward contingent upon the foreclosure going through and the county coming into possession of title of the property.

Scott Ostrander

Thank you. Motion on the Magnum site in the Town of Ballston.

Eric Butler

I'll move it.

Tara Gaston

I'll move that.

Scott Ostrander

Supervisor Butler, seconded by Supervisor Gaston. Questions or comments.

Tara Gaston

One question for the County Attorney. So am I to understand that for \$7,000 we are getting released from liability from this because that's an incredible job and thank you for working that out along with the Town of Ballston.

Michael Hartnett

You're welcome and I largely defer to my team, Mike Naughton, who was heavily involved in this as well as our outside counsel Gary Bowitch, who we have retained to work on these types of special projects throughout the County in negotiating that deal, and which I agree is extremely beneficial to both the County, Town and all constituents of the County that are going to benefit from this site being remediated, which has been there for a long, long time and not in good shape. So thank you.

Scott Ostrander

All in favor.

Several Supervisors

Aye.

Scott Ostrander

Opposed? Motion carries. Next is the County Treasurer on discussion of format for future tax foreclosure property auctions and discussion of inter municipal systems for unified tax collection.

Andrew Jarosh

Excellent. Thank you, Chairman. I'm going to take the first discussion as we will and I'm also watching the clock too understanding the new committee formats here. So the first topic that I'd like to bring up

for discussion to the first meeting of this committee this year, is our format for our property tax auctions. Some of you may remember that back in 2019, excuse me in 2020 when the pandemic hit, we decided to pull away from having a live auction over in the large room across the street in Building 5 and we submitted an RFP and chose a vendor called Auctions International to help us administer an entirely online auction for the first time ever. It was actually a very easy process both well, let's see the County Attorney, the Director of Real Property, and myself and all of our teams, we work together with Auctions International, they actually do quite a bit of work for us in that auction format. We ended up having bidders from all across the country in several different states. And it turned out to be the largest single auction we had ever done. And that was in 2020, during the pandemic, because it was an online auction. So now that we're coming past the end of the pandemic, that contracts that we had with Auctions International has expired. I am preparing again with the other department heads and to work with John Warnt, Director of Purchasing to submit another RFP, I'd like to get the committee's input and insight as to maintaining a strictly online format for the auction. Sort of a yay or nay. My personal opinion on this based on our experience is the certainly having the online auction format is massively beneficial and allows much more public access to our auctions, much more exposure. In addition the vendors that would administer it do quite a bit of work that the County doesn't have to do. It doesn't actually cost the County money directly the auctioneers apply a buyer's premium on top of the bid price and the buyer ends up paying that. So it's not the county footing the bill directly. The question is whether or not to also include a live auction at the same time. Now, I will say that the live auction is incredibly logistically and resource intensive. And based on our past results of a live auction, I'm just not sure that the bang is worth the buck. But I'm not going to make that decision without getting the committee's insight and any questions or opinions that you guys might have.

Scott Ostrander

Is there a reason why we cannot go back to the live auction? Or is that just for COVID reasons?

Andrew Jarosh

I think, mostly for COVID reasons. The that's why we started having this discussion. But as you dig behind that with the logistics involved in setting up the live auction, plus we would have the online auction for a period of several days, the last time the online auction went on for five days, I believe from the time it opened to the time it closed. Trying to coordinate a live auction at the same time becomes logistically tricky. And then having the staff available to do that, the technology available to do that. I'm just I'm trying to find a reason that it's worth the logistics to do that when previously the online auction seemed to more than suffice.

Scott Ostrander

Supervisor Raymond.

Jean Raymond

I have to tell you, I was a little bit reluctant when I saw that you're going to do the online auction. But at the same time our Town has moved to Auctions International, they're fantastic. I don't know how else to describe them. We had extraordinary experience, we've sold things that most people would have thought would end up in the garbage. I mean, we've we sold a wooden box for dogs that somebody built like 20 some odd years ago, I think for \$200. It's just, it's amazing. The amount of people who

follow that auction, it's not you think at first of vehicles but then you did property. I know we did extremely well with the old nursing facility, Woodlawn Avenue. I've been to a lot of the in person auctions. They are, they're interesting to attend. I think a good number of the people who attend never bid. So it becomes sort of an audience and then a much smaller number of people, I think the people that you would draw to an online auction would probably be financially beneficial to the County. And I think unless something changes utterly dramatically, I don't think you're going to get a big crowd of people out for an auction unless you plan to serve food with it so they can take their masks off. So I would be in favor of it. We can reevaluate it again a year later and make some decisions but I think it's a great idea. And it takes a lot of liability away from us as far as the people who are coming in and some of the people who come in, you know, you put 200 people across the street,

Andrew Jarosh

With their cash in their pocket.

Jean Raymond

With their cash in their pocket with the possibility that they're going to trip and fall and it's just it's so much simpler and it's so much easier on the staff that don't have to come out and stay there for two or three hours. But they are fun to go to. I will tell you that. That's my opinion.

Several Supervisors

Supervisor Butler.

Eric Butler

I agree with Supervisor, Raymond. You know, I'm in line with what she's got to say.

Scott Ostrander

Our Town have used them also, and very beneficial. So, it's a yay for me also.

Anna Stanko

Chairman, a lot of the other adjoining counties are also just have been doing it for years. They don't all use Auctions International, but they all you know, I put things out to the other County Directors and they all have gone strictly online. It does take a lot of extra work off of County staff as well. So I mean, I'm all in favor of it as well. Thank you.

Scott Ostrander

Supervisor Gaston.

Tara Gaston

Thank you. I, I'm in favor of online. I know that the Treasurer indicated one option was potential doing a live along with it, I would say absolutely not to that one. If we go all back to live, I think it should all be live. But I think with the amount of work that it takes off of County staff and the fact that it opens up to a much larger number of people. I think it absolutely makes sense to stick with online. And just like everything else we can every year or so monitor. But um, I would say stick with online right now.

Scott Ostrander

Thank you. Supervisor Winney.

Sandra Winney

I agree with the rest of them. I think when I was in this committee before we tried it for the first time.

Andrew Jarosh

Right.

Sandra Winney

And it worked out fantastic. So I'm in favor of staying with Auctions.

Scott Ostrander

Andrew, I think you have our blessing.

Andrew Jarosh

Excellent. Thank you very much. Then I will work with Anna Stanko, and Michael Hartnett, and John Warnt and we will get an RFP out and present the responses as soon as we have them. Thank you.

Scott Ostrander

Thank you.

Andrew Jarosh

The second item for discussion, if we have time Chairman and I'll let you determine if we have enough time or we go to next time, it is a rather large discussion, but I'd at least would like to put it on the radar of the committee if I may right now. We are currently operating a delinquent tax software system that was built in house coming up on about 20 years ago. It is functional, it works. It collects taxes we get through foreclosures we get through auctions. It is quite inflexible, in that it was built to work a certain way and making it work any other way, then that is problematic at best. So long as things stay the same, we could probably maintain it although there are other nuance to, there's more other nuance to that as well. We're at a point though, where especially over the course of the last two years during the pandemic, when we've seen executive orders and moratoriums, and everything else come down, I think everybody has the expectation, everybody who's in real property has the expectation that the state is willing to make changes to the real property tax law and to the way property taxes are collected and foreclosed upon. Should that happen, it would be a challenge for us to keep up with any changes in the law. So for that, that alone, let alone the fact that our current in house system is built on a programming language that's 20 years old. I will be pursuing and exploring different ways that we could address and upgrade our property tax software system. On that note, however, there are two things that I'd want to offer out to the committee. Number one is the idea that any new system we implement should be one that can be used by all of the taxing jurisdictions in the county, the towns, the villages, the cities and the schools. We should have a unified system that makes it easier on taxpayers to pay their taxes, to see what how much they owe. Right now, if a taxpayer wants to find out exactly what they owe on a parcel, they have to call three different phone numbers, the school, the village, perhaps, or the town and the county. And I would just like to make it easier on the taxpayers to essentially, you know, pay their tax

bills here at the county and the town in the city levels. I think having a unified tax collection program across the county would increase efficiency and in my office and my interactions with all of your town's offices and it would absolutely make things easier on the taxpayers. It's a massive undertaking, it would require probably at least a year worth of design before we even start figuring out how to code software to actually do that or whether we get off the shelf software and we customize that. And so to that end, my second point would be, so first point is discuss the unified tax collection system and the second point would be, if it pleases the committee and Chairman, I'd like to set up or have you set up an exploratory committee where we can start digging through the actual details of what it would take to get to some sort of unified tax collection program across the county.

Scott Ostrander

I think that's a great idea for future meetings.

Andrew Jarosh

Got it.

Scott Ostrander

Any other business? Motion to adjourn.

Jean Raymond

So moved.

Scott Ostrander

Supervisor Raymond.

Sandra Winney

I'll second.

Scott Ostrander

Supervisor Winney. All in favor.

Several Supervisors

Aye

Scott Ostrander

Opposed? Meeting adjourned.