

PERSONNEL - COMMITTEE
Monday, May 16, 2022 - 10:00 AM

Stephanie DeZalia, Chairperson
Joe Pete Wilson, Vice-Chairperson

Vice-Chairman Wilson called this Personnel Meeting to order at 10:00 am with the following Supervisors in attendance: Clayton Barber, Robin DeLoria, Shaun Gilliland, Charlie Harrington, Roy Holzer, Ken Hughes, Noel Merrihew, Steve McNally, James Monty, Tom Scozzafava, Matt Stanley, Ike Tyler, Joe Pete Wilson, Davina Winemiller, Margaret Wood and Mark Wright. Stephanie DeZalia and Derek Doty were excused.

Department Heads present: Jim Dougan, Judy Garrison, Dan Manning, Jennifer Mascarenas and Dan Palmer.

Also present: Bill Tansey, ACA

News Media: Sun News – Tim Rowland.

WILSON: Good morning everyone. I'm sitting in for Stephanie today. I will call the Personnel and Administration committee meeting to order. First up is Jennifer Mascarenas from the Personnel Office.

MASCARENAS: I have my monthly report and an updated vacancy list and nothing further unless anyone has any questions for me?

HUGHES: Good morning. I just want to make a compliment. The Personnel Office on Facebook I feel, has done a really great job at creating, engaging and creative and visually appealing advertisements for the openings that are existing in Essex County and I just want to say, congratulations to you and your team on creating content that is appealing and engaging and creative to all of us.

MASCARENAS: Yeah, not always easy to do but Jaime in my office actually has worked really hard in trying to change the way –

HUGHES: Yeah, the graphics, it's one thing to post the job listings but you've created some really nice info graphics I think are just a nice value added to vacancies and I just want to say thank you keep up the great work.

MASCARENAS: Thank you. I will let her know.

WILSON: I don't really know how to find stuff on Facebook, but if you can send me some directions to get it I'd love to look at that. Thanks.

MASCARENAS: Will do.

WILSON: Any other questions for Jen? Alright, thank you very much. And Clerk of the Board, Judy.

GARRISON: Good morning. I submitted my monthly report and I have nothing in addition to that, unless anyone has any questions for me?

WILSON: Any questions? Alright, all set, off the hook. And then I'll turn it over to the County Attorney, Mr. Manning.

MANNING: Okay I just have a couple of quick things. Tax sales – the 2018 paperwork has been filed today. I expect an order from the court, a very short order that order will basically state that the Treasurer, the Enforcing officer will deed over all the property to us which is what happens so we're able to have a tax sale within, we'll have that order within a couple of weeks. Judge Meyer is usually very prompt about that.

The 2019 paperwork is going out also so we could, I would have to coordinate with Mike I've spoken to him about this but you could conceivably, you would be able to have '18 and '19 sales auctions in the beginning of the fall or late summer. I wouldn't push late summer but beginning of the fall or you could do two separate ones now, that's up to the board and Mike but I don't think two separate ones is a good idea. Why mobilize everything twice.

The 2020's are going to be searched and then we'll proceed with those. The 2021's we can't do anything on those until October 22, 2022, that will get us back on track with everything and the reason why we're on a back road, as you're probably all aware is because of Covid between the State legislation and orders that came on down from the Office of Court Administration like rentals, there were stays put in place and then there were provisions of additions to stays, hardship orders had to be mailed out to people before foreclosure proceedings could commence in addition to hardship proceedings there were conference proceedings and then there were some very ambiguous clauses such as, that says, failure to return a hardship form or a request for conference in no way should be presumed that they don't want one whatever the heck that means. It's double speak but that's why we are delayed but we're catching up so '18 to '19 is going to be end of summer, fall '20's can be relatively soon after.

HOLZER: Quick question, procedural wise do homeowners have the opportunity to buy back the 2018 right to the day of auction? How does that work?

MANNING: They have the opportunity 14 days before the scheduled auction date to repurchase from the county so what happens, it's a little bit different there's a redemption date that's three months after we receive your notice. If you pay before the redemption date, no harm, no foul however, if you do not pay for the redemption date the order sent into the court and the court signs the order conveying, authorizing the enforcement officer, Mike to convey all these properties in the county and we get one big deed then the county owns it by deed so that 14 days we call that a repurchase it allows them to come back and repurchase from the county and we've got to give them the deed and there are some additional fees, interest and searching fees.

HOLZER: Thank you.

HUGHES: Good morning. I have a question; I don't know it's possible or not. As a newer Supervisor, because of Covid I have not been through this process before and I know there's a lot of deadlines and dates, is there any possible way to put together or send on the website an anticipated timeline of this process to help kind of understand the modular things that you're saying to see a graph or something because I don't understand this certainly from a land bank perspective it would be more important for us going forward but I know there's a lot of supervisors and maybe you all understand it. I'm just not, I need something visual is that doable or is that too much to ask?

MANNING: No that's not too much to ask. Timelines are tough because, Covid is an example different things happen searching, whatever. Rick Meyer did prepare a very comprehensive, Rick was one of the principles that put together the actual legislation back in the 90's I think.

HUGHES: This is Judge Meyer?

MANNING: Judge Meyer, yes. He and a few other people put together the actual legislation, and he has put together sort of a horn book on how it's done so I could give you that and give all supervisors that but I wouldn't pay attention, you know, they put in dates and those hard dates we don't use.

HUGHES: Yes, I'm not holding anybody to those. I just want to know the general process and what we can expect and when things start to happen.

MANNING: Yes, there's a whole, there's a final list of points that has to happen within a certain time period a week, send out a petition, the petition gets mailed it's also published on three separate occasions during a two-month period separated by I think a couple weeks each, it's a whole process but I'll get you all that stuff.

HUGHES: Okay, thank you very much.

SCOZZAFAVA: Dan, once the county forecloses on the properties and you've got absentee landlords and some of these places are still being lived in, what liability do we have by not kicking these people out?

MANNING: While we have the property?

SCOZZAFAVA: Once we own it.

MANNING: We obviously have, it's our property so you know, conceivably if there is a nuclear waste dump on the back and a kid falls into and turns purple, that's a problem because we own it but if you're getting into, are we going to go and evict everybody on these properties our position is we are going to sell it at the auction and it's your problem if you buy it with tenants in it.

SCOZZAFAVA: In that transition between the time it sells at the auction and somebody is living in the property and we now own it what kind of liability do we have?

MANNING: Well, we have liability if something happens and I assume that our insurance will cover all property that we own so there it is, all of us sitting here have liability one way or another.

SCOZZAFAVA: No, I get that. I do think it detracts some good buyers from the sales because there is people living in them and they don't want to deal with the fact that they have to put them off the property.

MANNING: Yeah, we have evicted people where you needed the property quickly but I don't want to be in the eviction business of you know, going around evicting two, three, four people from every town.

SCOZZAFAVA: Well, a lot of them that I'm referring to are landlords, absentee landlords you know they sit back, we own, when we foreclose they sit back and continue to collect the rent checks. I mean –

MANNING: Right, we should notify once we have the property that we collect the rent checks, the prior owner is not collecting them but we've only done it sparingly.

SCOZZAFAVA: I will make a list of places that I know that are on the sale where I know landlords, there is one landlord who is also a landlord in other communities, need I say anymore but it's a problem.

MANNING: Right. We generally, that is left to the new purchaser. Just before I close too I sent you all letters regarding the last list where I think there are 89 properties that have been sent over and asked if any of you knew any of these, whether any of these properties were owned by anybody in the military so have you all had an opportunity? I did get some responses but I want to make sure that you've all looked at those lists because I represented the paperwork that is being brought today none of them were. Okay and I've also checked, one last thing not only military but if there's any nuclear waste dumps or any underground gas tanks or anything that would be a real liability, let me know so we will not, that doesn't have to be tomorrow but we will not take it when we sign the deed over.

SCOZZAFAVA: So let's talk about that situation for a minute. So if you've got property in your community, that you know that is going up for tax sale but you know that there is some hazardous whatever, on the property and the county decides we being the county, well, we're not going to take that property because we know there's issues with it. What happens to the property?

MANNING: It languishes. We've done that to a couple of properties that were so bad you know, well, would you rather have it?

SCOZZAFAVA: So in the meantime, does the owner stay on that property? Do we let them stay there? Lives for nothing. Doesn't pay taxes. Doesn't pay water, doesn't pay anything.

MANNING: Yeah. Well, if he decides not to pay taxes. It's a tradeoff Tom. It's trade off. We've only done it a couple of times where there has been known fuel dumps and fuel leaks –

SCOZZAFAVA: But my point is, why wouldn't the owner at that point be evicted? They sit there and they continue on –

PALMER: Because we didn't take possession.

MANNING: We didn't take possession of the property it's not deeded over to the county, we let them keep it. As soon as it's deeded over to us, then it's our duty. It can be hundreds of thousands of dollars if you've ever been involved in a small mom & pop gasoline station cleanup it's, DEC is not, especially near a river.

WILSON: Anything else? You all set?

MANNING: I'm all set.

PALMER: I guess I just want to say if I could, you know in terms of these properties we're not the regulatory agency. In other words, if there's a problem with that property it's up to the State of New York to address those problems within that property. If we take it, we then accept that responsibility and it puts it on us as opposed to the State of New York looking at enforcement of a problem property.

SCOZZAFAVA: I understand all the loopholes involved and the State of New York and DEC have been involved in a couple different properties in Moriah and anytime it comes close to getting them cleanup or evicted they file bankruptcy and you can't touch them for another, however long. It's just a vicious cycle.

PALMER: It is. It's not a good situation but the cost of cleanup is so significant –

SCOZZAFAVA: Going along with our theory, the way we're going to do things that property will sit there as a hazardous site forever.

PALMER: Until DEC enforces.

SCOZZAFAVA: I mean; with the exception of DEC they go in but we all know that they do little or nothing.

PALMER: They enforce cleanups.

GILLILLAND: I have heard of properties that have DEC involved with them for decades, it's just not enforced.

SCOZZAFAVA: That's my point. Same with the Department of Motor Vehicle not over here but in regards to junk yards they do nothing.

MANNING: We just don't want that liability. We don't take it. It's unfortunate and I get it, you have to wear two hats. The county is not going to, I can't in good faith allow the county to take a lawsuit.

SCOZZAFAVA: I get that. At the end of the day the property sits there as a hazard. Nobody cleans it up. Nobody does anything with it and you know, many times the individual that owns it he hasn't paid taxes in years, continues to live there for nothing. The thing to do is go bury an oil tank in your back yard and just stop paying taxes nobody is going to put you off the property.

MONTY: Dan, does you or Mike send any of these lists maybe to DPW where a bridge project may be effected by some of these properties as far as detours or anything of that?

MANNING: No but I can.

MONTY: I think it might – I don't know if that ever comes into play when you have a lot of bridge projects around the county that a detour may need to be placed up and it may affect some of that they do and some of the people that want to –

MANNING: I think you're talking about easements and rights of way for bridges, I have spoken with Jim, bridges and roads where we take properties before we sell it, we put an easement or right of way on it, on the property. Jim, you want to speak to it?

DOUGAN: Yeah, you've sent me some of those in the past. It's been a few years obviously but if you can continue to send those I will look to see if it is near a bridge that we have to redo, getting a right of way while we own will be easier.

MANNING: Is that what you're talking about Jim?

MONTY: Yes.

MANNING: And at this point, because then you don't have to go looking for easements later and they won't be that restrictive, they'll stick to the plan and say we need to do work on the bridge this area right here would be –

MONTY: And we already own it will make it that much easier.

MANNING: Right and when we sell it to a person that wants to buy it in an auction they know that has been on it.

MONTY: Thank you.

WILSON: Anything else? Alright, we're adjourned.

As there was no further discussion to come before this Personnel meeting it was adjourned at 10:15 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors