

WAYS & MEANS

Monday, May 30, 2023 - 10:00 AM

James Monty, Chairman
Shaun Gilliland, Vice-Chairman

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

Department Heads present: Michael Diskin, James Dougan, Judy Garrison, Mary McGowan, Dan Manning, Matt Watts, Anna Reynolds, David Reynolds and Michael Mascarenas.

Also present: Rob Wick, Dina Garvey and Nicole Justice Green.

News media – Alana Penny, Sun News.

MONTY: Good morning, it's 10 o'clock we'll call the ways and means committee to order. If everyone would join me in the salute to the flag. Thank you. Roll call Judy. Thank you Judy. At this time I would like to ask for a brief recess so we can honor fallen Veterans. Thank you.

**THE COMMITTEE TOOK A RECESS AT 10:05 A.M. FOR A MEMORIAL DAY
OBSERVANCE AND RETURNED TO OPEN SESSION AT 10:20 A.M.**

MONTY: Thank you. We'll now go back into the ways and means. Sheriff Reynolds and his K9 units.

REYNOLDS: So they'll be coming in in a minute they are waiting for our program to be over but while we're waiting I can go over a couple of things we've done obviously I can't talk about specific pieces because it's still their evidence, it's ongoing but I can kind of give you an overview of what we've done. We have a pretty good program that tracks everything. To date, they've had 16 separate deployments so that means where somebody calls for them for their assistance so the traffic stop comes to a level 2 suspicion where we think obviously something is fishy so we are going to look into it further and we call in the K9. Out of those sixteen deployments, twelve of them were actually alerts where the dog said, yes, there is something in this car and we have seized twenty-two separate drugs through those twelve indications so somebody could have had marijuana and a large amount of marijuana not just the legal amount but marijuana and cocaine or heroin and fentanyl so the multiple drugs they have would be the reason for more seizures than deployments. We've also worked with all of our North Country partners, State Police, Ticonderoga, and Probation we've been called to Clinton County for the Sheriff's Office up there and to the Plattsburgh PD so the word is out that these dogs are doing a great job.

Just a couple of things we've seized over 200 grams of cocaine, so through seven different seizure incidents and that's not counting a couple others where there were ounces pulled from different vehicles that we didn't actually use the canine on but now that these guys are getting more skilled they are able to pull cars over and sometimes people are even giving the drugs before we have to get the canine. Methamphetamine, 25 grams actually 35, heroin, marijuana, hydrocodone,

psilocybin which is mushrooms, benzos, amphetamines so these dogs are hitting on all of these drugs except for marijuana so marijuana we're not looking for the dogs don't recognize it but it's ancillary if we arrest them for something and they have an illegal amount of marijuana we're making that arrest and one of the biggest things I think we've got is we've pulled two illegal firearms off the streets that were with these separate incidents so it's been very successful. We're still piecing everything together. We don't have our vehicles yet so the dogs are in cars not necessarily made for them so we're having to adapt and overcome with the heat and how long we can work them but it was a great investment. So hopefully they are coming in soon. So our two dogs are not patrol dogs so patrol dog is a dog that bites so if I'm patrolling and another guy takes off and I release that dog, a patrol dog which is usually your Malinois or Shepherds will jump out in protection for us. Our dogs are purely for drugs and tracking and we have deployed on three separate tracking incidents one was a two year old in Peru the other two I can't remember but fortunately all three were found before the dogs had to actually do their job. You have any questions while we're waiting?

HUGHES: If an individual surrenders their drugs before the dog actually finds it does that change the potential punishment in any way?

REYNOLDS: No.

HUGHES: They will be charged whether the dog finds it or not.

REYNOLDS: Correct. So, we thought about maybe hiding some stuff in here but with so many people the dogs don't search people, they search an area.

So first is Deputy Stonitsch with K9 Dacks, he's a yellow lab obviously. He's very sweet. So clearly this is a dog we have no problem bringing to a school or in public like this. He's well behaved. He's an amazing dog.

The vehicles take so long we are piece meal things together so it's not the ideal set up so hopefully when we get our newer vehicles it won't be an issue.

MONTY: Dave, can they also find weapons like you found two, are they trained to find?

REYNOLDS: No but that's more of question for her.

DEPUTY STONITSCH: No, they are not trained in finding weapons it's just a secondary service but because they indicate on drugs it's a helpful tool to help with our searches.

MONTY: Thank you.

REYNOLDS: So he's a male and they can do article searches so if I were take my gun and stick it out in the middle of a field he's probably going to find it, correct? Because it's a foreign smell. So he knows that is a new smell to that area, he would be able to find a gun or a person so they could be used for evidence searching.

MONTY: If somebody threw a gun out of a car.

DEPUTY STONITSCH: So it has the smell of a human on it and that they can interpret and find.

MANNING: How old is he?

DEPUTY STONITSCH: He is a year and a half and he's from Hungary.

MONTY: He speaks English then?

DEPUTY STONITSCH: No, his commands are in German and Dutch. Some of his commands are in English like he's learning to lay down and down.

REYNOLDS: So she still has to refer to him by his Hungarian name because that's what he's had for a year and a half so Dacks is new to him, that's going to take some time.

MONTY: And he lives with you and your family?

DEPUTY STONITSCH: Yes sir. I live by myself but my family was just over for the weekend so they saw him.

GILLILLAND: So when he retires, he retires with you?

DEPUTY STONITSCH: Yes that's the plan.

SCOZZAFAVA: What is the expected service in years?

DEPUTY STONITSCH: So it varies from breed to breed but I believe we are going to retire them around eight years old.

REYNOLDS: Yes, it's whenever they are still functional, if it's five years, ten years.

MONTY: It's like we are retiring you Tom, you're not functional anymore. (laughter)

REYNOLDS: Usually eight to ten years is expectancy.

DEZALIA: When he works for another county or division is like a shared service contract type of thing or how do we do that?

REYNOLDS: So as a police officer our powers for crime are the entire state, our geographic area is Essex County but we can work as a police officer anywhere in New York State. So their training, a lot of it is done down in Washington County. We are working to try and get up with the Border patrol and also work with their dogs and our dogs have no problem being around people or other dogs.

McNALLY: Does Clinton and Warren County have dogs?

REYNOLDS: Warren County has quite a few, Clinton doesn't have any. Any other questions? Do you want to see the dog, pet it? It's tough because he's a tool and I've stressed that to her and her academy stressed that to her that he's a tool but he is so cute you want to love him and he will be fine with it but you don't want to take away his drive to work.

DEPUTY STONITSCH: So every dog is different with their reward. His reward for finding drugs or finding people is a tennis ball but also he thrives off of affection. Whereas other dogs are really just toy driven or food driven, he's like a mix between his toy and affection so we try not to let him get pet by other people because we want him to only want it from me. If that makes sense.

REYNOLDS: Do you want to send Tyler in?

MONTY: Thank you.

REYNOLDS: So our next dog is a German Short Haired Pointer. She's phenomenal with the drugs. I've gotten so many comments from different training agencies and the other agencies that have worked with us. She's very high energy. Her only care in the world is her ball so if there are drugs and she knows she can get her ball she will find them. We've found stuff in a fix a flat can with a hidden container that was in the back of crap truck it's impressive what they can do and we have thought about hiding some stuff under Tommy's desk but the way it would work is you would get the people all away so she can search an area.

So again, this is Tyler. Deputy Champine and this is Marcy. She's a German short haired pointer. Any questions for him and how she works?

MONTY: Was she used Dave, last week here in Lewis?

DEPUTY CHAMPINE: Yes sir.

MONTY: Good. Thank you.

GILLILLAND: So when she works, will she point?

DEPUTY CHAMPINE: No she sits just like this most of the time.

REYNOLDS: So, we can see the sitting but there's other stuff that he picks up on.

DEPUTY CHAMPINE: There's two main alerts essentially that our dogs are trained on. One is an alert, that is a untrained behavior on a trained odor which means, that they are smelling something that they are trained on but they are not quite sitting yet and most of the time that means there isn't a, they haven't really pinpointed where the odor is coming from and then when they sit that means that is a trained behavior on a trained odor that's what the kennel has taught them on how to sit. She's very active, I'm not going to lie. That alert behavior can be slight scratching on a car a little bit or scratching on a wall because odors kind of bounce around based on the wind so that's pretty much what they do.

REYNOLDS: She'll give the clues and we have to piece the rest of the puzzle together to figure out what she's telling us.

MONTY: So would she be better at drugs than finding a person or is it equally the same whereas the other dog might be better at people verses drugs?

DEPUTY CHAMPINE: It all depends really like every human track is always going to be different.

REYNOLDS: So explain how, it's not like a Blood Hound. A Blood Hound would sniff him out particularly so explain how she would find a person.

DEPUTY CHAMPINE: We have to try and start where the start pad is and when they find that scent pad essentially what it is is the bottom of their shoes or their feet or whatever they follow that foot print the whole way compared to like an article tracking search that's what the Blood Hound does.

MONTY: The reason I ask that is last year at the SPCA the State Police Blood Hound came down and they had a little girl hand him her hair tie, just rub in front of his nose real quick then the girl went and got out of sight and they turned the Blood Hound loose well, ran with him and he ran right up to this girl and because the dog didn't see the girl beforehand, got beside her, sat down, put a paw up touched her and that's how he knew.

DEPUTY CHAMPINE: She's really good at article searching which a key example is if you were to take an article that you carry along with you a lot, most of the time it's keys and you just throw them in a field, obviously not where she sees them but you throw them in a field and she can get a command for an article search and she's really good at doing that. She essentially sniffs in a circle, she starts in a wide perimeter then once she catches the odor based on the wind, she kind of just circles smaller and smaller and smaller kind of like a spiral and then she'll lay down right on the object. She's pretty good at that. We trained on that a lot.

REYNOLDS: Any other questions?

MANNING: How sensitive is their sense of smell compared to humans?

DEPUTY CHAMPINE: We didn't really know too much in the academy like how specifically they were but now that we're out in the real world and people at least from what we've had in experience lately it's small, personal use stuff and the dogs are still indicating and alerting right on super small amounts. Like we never had trained on less than a gram in the canine academy and we have them sitting on half a gram or less, .2 of a gram which is really good and that's obviously in best conditions if it's super windy, stuff like that you can't set your dog up for failure.

SCOZZAFAVA: Just a comment, other than our personnel that we have I think these two dogs are in regards to our war on drugs we've seen way too many deaths in my town with the over doses and I can say that this has been a great investment and I can remember when Shaun and I discussed this with the Sheriff and the District Attorney and we knew it would be a heavy investment but we are seeing the return on this investment already and I want to thank you Sheriff for coming up with this idea because it certainly is a great tool to have as we continuously combat the war on illegal drugs. Thank you.

REYNOLDS: Thank you.

MONTY: Any other questions?

MCNALLY: I noticed this Deputy has an EMT badge, so you're certified in EMT?

DEPUTY CHAMPINE: Yes sir.

MCNALLY: How many Sheriff Deputies do we have that are EMT's?

REYNOLDS: I believe we're at nine. We're just waiting for another course.

MCNALLY: Do they receive a stipend for that?

REYNOLDS: Yes, if they go on a certain number of calls. Just this weekend we had a motor cycle accident in Westport, compound fracture of the leg, our deputy was the first one there, assessed the situation ended up having to put a tourniquet on and when Westport EMS showed

up they were like, hey, you did all the work, thank you. We'll throw him in a helicopter and be off.

MCNALLY: Yes, that's an excellent program. Thank you.

REYNOLDS: That's probably the best thing we've ever done, the EMT program because we've saved so many lives this weekend case in point.

MONTY: I agree.

SCOZZAFAVA: When are the vehicles due to arrive?

REYNOLDS: They are at the outfitter who is about 150 cars behind. We were hoping to have them almost two months ago but –

SCOZZAFAVA: Soon. Your checks in the mail.

REYNOLDS: With the new cars they have the temperature controlled in the back.

MONTY: Any other questions? Thank you Tyler. Thank you Dave. Thank you pup.

GILLILLAND: I just wanted to say something if you don't mind. You may know or not know not this weekend but the prior weekend, I for some reason decided to test fly my Subaru and it flies well but lands very badly. So, I ended up in the woods coming off the road 55 mph with my wife, coming down the mountain coming from Northway down into the town of Willsboro so I extricate myself from the car, my wife was injured and we were far enough down in the woods where I had to climb up and call and likely the first car that came along after I climbed out of it was a ALS EMT from the Town of Willsboro and I just finished getting off the 911 call to dispatch, we needed an ambulance and help anyway, they all showed up EMT's, the deputies, State Police later they had to backboard my wife out of the car, carry her up, put her into the ambulance. They made me go in the ambulance you know I had one eye that was seeing fuzzy and my bell was rung pretty bad and they put me in an ambulance and my wife and transported us to Elizabethtown Community Hospital. But I had the opportunity there because I wasn't the one that was really hurt to actually see our program in action I mean there is nothing better than seeing it from the receiving end, that what happens when you see these professionals either volunteer or paid in action and I've got to tell you I've never been so impressed in my life between our county EMT's and the volunteers and the Sheriff's deputies that showed up and helped and things like that we are extraordinary lucky to have this force that is there and I think this board can congratulate itself because when you actually see it in action you know what we've created in the last few years is really working on the ground very well. So I just want to thank the Sheriff's Department and the Emergency Services as well as the Willsboro Fire Department EMT's just fantastic professionals. That's from my personal experience.

MONTY: Well, thank you Shaun. I didn't even know that. How is Linda doing?

GILLILLAND: She fractured her L2 vertebrae so she's in a lot of pain for a long time.

MONTY: We will keep you in our prayers. Thank you. Judy, resolutions.

PUBLIC SAFETY

Monday, May 8, 2023

Chairman – S. McNally Vice-Chairman – I. Tyler

- 1. RESOLUTION RECOGNIZING THE WEEK OF MAY 7-13, 2023, AS NATIONAL CORRECTIONAL OFFICERS WEEK. Tyler, DeZalia**
- 2. RESOLUTION RECOGNIZING THE WEEK OF MAY 14-20, 2023, AS NATIONAL POLICE OFFICERS WEEK. Scozzafava, Winemiller**

ECONOMIC DEVELOPMENT

Monday, May 8, 2023

Chairman – I. Tyler Vice-Chairman – R. Holzer

NO RESOLUTIONS

HUMAN SERVICES

Monday, May 8, 2023

Chairman – JP. Wilson Vice-Chairman - C. Harrington

- 3. RESOLUTION AUTHORIZING STOP DWI, AT THE RECOMMENDATION OF THE STOP DWI ADVISORY BOARD, TO PROVIDE TRAINING OF THE “TALL COP SAYS STOP” PROGRAM TO ESSEX COUNTY IN THE AMOUNT OF \$7,600.00, WITH FUNDS TO COME FROM THE STOP DWI RESERVE ACCOUNT. Tyler, Stanley**

MONTY: Discussion?

SCOZZAFAVA: What is this program?

MONTY: The program is a program funded by the money that we get from the DWI funds that brings a, in this case he's a law enforcement officer in and speaks to kids about the stuff with drinking and drugs, etc. etc. can cause.

SCOZZAFAVA: Hopefully they are tall enough to do it.

MONTY: And I have no idea why they are called Tall Cop. Do you know Mike?

MASCARENAS: He's a tall guy. He's a big guy. I think it's a 2024 date from what I understand. This gentleman came at a recommendation from some of our human services professionals that have been to trainings in different parts of the state and saw this guy and the impact that he had on young people and so they asked that we try to get him here. We tried to for this year but he's booked out already until 2024, so I think he obviously does a good job being as busy as he is. I can't saw that I've seen him but I can tell you our Probation Director has and one other did I don't remember so hopefully it will be received well and it will be something positive that we do at the beginning of next year during the prom season, graduation season those types of things.

SCOZZAFAVA: Thank you.

MONTY: Any other questions? No other questions, all in favor signify by saying aye, opposed – carried.

4. RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT WITH STEPPING STONES PSYCHOLOGICAL & BEHAVIORAL SUPPORTS FOR CHILDREN WITH SEVER EMOTIONAL DISTURBANCE AND AUTISM SPECTRUM DISORDER, IN THE AMOUNT OF \$9,820.00, WITH FUNDS TO COME FROM THE SAMHSA GRANT. Harrington, Doty
5. RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE MENTAL HEALTH DEPARTMENT INCREASING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF \$23,012.00, CARRY OVER OF YEAR (2) SAMHSA GRANT. DeLoria, Barber
6. RESOLUTION APPOINTING BRYAN BOND AS A MEMBER OF THE ESSEX COUNTY COMMUNITY SERVICES BOARD FOR A TERM EFFECTIVE APRIL 12, 2023 – DECEMBER 31, 2025 AND AS A MEMBER OF THE MENTAL HEALTH SUBCOMMITTEE FOR A TERM EFFECTIVE APRIL 12, 2023 – DECEMBER 31, 2026. Winemiller, Merrihew
7. RESOLUTION AUTHORIZING A BUDGET AMENDMENT IN THE MENTAL HEALTH DEPARTMENT INCREASING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF \$205,816.00, CSB OPIOID SETTLEMENT FUNDS. Tyler, Merrihew
8. RESOLUTION AUTHORIZING THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT YEAR ONE (1) OF A FIVE (5) YEAR WIC GRANT IN THE AMOUNT OF \$372,300.00, AND FURTHER AUTHORIZING A BUDGET AMENDMENT FOR THE SAME. Harrington, Winemiller
9. RESOLUTION AUTHORIZING THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT ADK FOR KIDS FUNDING FROM EXCELLUS IN THE AMOUNT OF \$2,000.00, FOR 2023 FARM PROJECT AND FURTHER AUTHORIZING A BUDGET AMENDMENT FOR THE SAME. Tyler, Barber
10. RESOLUTION AUTHORIZING THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT INNOVATION FUNDING FROM EXCELLUS IN THE AMOUNT OF \$2,500.00, FOR 2023 FARM PROJECT AND FURTHER AUTHORIZING A BUDGET AMENDMENT FOR THE SAME. Stanley, Holzer
11. RESOLUTION AUTHORIZING THE HEALTH DEPARTMENT TO APPLY FOR AND ACCEPT GENEROUS ACTS FUNDING IN THE AMOUNT OF \$1,000.00, FOR 2023 FARM PROJECT AND FURTHER AUTHORIZING A BUDGET AMENDMENT FOR THE SAME. DeZalia, Winemiller
12. RESOLUTION PROCLAIMING MAY 2023, OLDER AMERICAN'S MONTH. Scozzafava, unanimous
13. RESOLUTION AUTHORIZING TO HIRE A TEMPORARY MOTOR VEHICLE OPERATOR (GRADE 5) IN THE OFFICE FOR THE AGING. Tyler, Wood
14. RESOLUTION AUTHORIZING THE PURCHASING AGENT TO GO OUT TO BID FOR THE PURCHASE TWO NEW VEHICLES IN THE OFFICE FOR THE AGING, IN AN

AMOUNT NOT TO EXCEED \$44,000.00 EACH, WITH FUNDS TO COME FROM AMERICAN RESCUE PLAN FUNDS. DeLoria, Stanley

MONTY: Discussion?

McNALLY: Do we have a program set up when we are buying vehicles in that department like the Highway?

MASCARENAS: Well, the short answer is yes and no but what I'll say is that Krissy does a really good job even with the resources she has. These particular funds that she was able to secure replace budgeted funds that we had set aside for these vehicles for this year so with her shifting some money around and using these American Rescue funds that she got she's essentially planning for out years so she's been trying to do that over the last couple of years. So she might not necessarily need a vehicle next year based on what she's doing but I would say all vehicles could be cleaned up in departments in terms of planning and for replacement.

MONTY: Any other questions?

WINEMILLER: Mike are the vehicles that they are being replaced with do they go to auction? What is the process?

MASCARENAS: If they are salvageable. Jim does the maintenance on all the vehicles that are operational through our food program so some of them, what's happened with the last few is they get there and they won't pass inspection, they just kind of go out and we salvage them or do whatever but anything that has a useful life absolutely goes on our auction site and we award those to the highest bidder.

WINEMILLER: Thank you

SCOZZAFAVA: Although we do have a resolution somewhere that municipalities have the first right to submit bid on them.

MASCARENAS: Yeah, Town of Moriah actually it says gets the first bid.

SCOZZAFAVA: We've got a whole fleet of them down there.

MONTY: Any other questions? No other questions, all in favor signify by saying aye, opposed – carried.

15. RESOLUTION RECOGNIZING MAY 7 -13, 2023, AS NATIONAL PUBLIC SERVICE WEEK. Tyler, unanimous

DEPARTMENT OF PUBLIC WORKS

Monday, May 15, 2023

Chairman – R. DeLoria Vice-Chairman – C. Barber

16. RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CHANGE ORDER WITH CPL ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS AND SURVEYORS DPC FOR PROFESSIONAL ENGINEERING SERVICES TO INCLUDE CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION SERVICES FOR THE WATER STREET OVER THE BRANCH BRIDGE

REPLACEMENT PROJECT LOCATED IN THE TOWN OF ELIZABETHTOWN, IN AN AMOUNT NOT TO EXCEED \$62,520.37, WITH FUNDS TO COME FROM BUDGETED FUNDS. DeLoria, Merrihew

- 17. RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CREDIT CHANGE ORDER IN THE AMOUNT OF (\$73,131.24), WITH WINN CONSTRUCTION SERVICES FOR GENERAL CONSTRUCTION FOR THE WATER STREET OVER THE BRANCH BRIDGE REPLACEMENT PROJECT LOCATED IN THE TOWN OF ELIZABETHTOWN. Merrihew, Wood**

MONTY: Discussion?

MERRIHEW: Just a question on that, knowing that was Federally funded are they picking up some of that or is that our obligation to get those change orders?

MASCARENAS: Yeah, any of those federally funded projects are going to get the reimbursement. What is it Jim? 75%?

DOUGAN: 80%.

MASCARENAS: 80% so yeah, any of those change orders are going to be picked up by them in a final claim.

MERRIHEW: Thank you very much.

MONTY: Other questions? No other questions, all in favor signify by saying aye, opposed – carried.

- 18. RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD CONTRACT TO ING CIVIL INC., IN THE AMOUNT OF \$3,211,400.00, FOR THE TAHAWUS ROAD OVER SANFORD LAKE BRIDGE REPLACEMENT PROJECT LOCATED IN THE TOWN OF NEWCOMB WITH FUNDS TO COME FROM BUDGETED FUNDS. DeLoria, McNally**

- 19. RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH H&T ENGINEERING IN AN AMOUNT NOT TO EXCEED \$16,500.00, FOR PROFESSIONAL ENGINEERING INCLUDING FINAL DESIGN AND CONSTRUCTION PHASE SERVICES FOR THE SHELDRAKE ROAD OVER EAST BRANCH OF THE AUSABLE BRIDGE REHABILITATION PROJECT LOCATED IN THE TOWN OF JAY, WITH FUNDS TO COME FROM BUDGETED FUNDS. Stanley, Holzer**

- 20. RESOLUTION AUTHORIZING THE PURCHASING AGENT TO PURCHASE FOUR (4) NEW TOP DUMPSTERS AND TWO (2) NEW RECYCLING DUMPSTERS IN THE DPW - SOLID WASTE, FROM WASTEQUIP MANUFACTURING LLC IN AN AMOUNT NOT TO EXCEED \$52,674.50, WITH FUNDS TO COME FROM BUDGETED FUNDS AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID PURCHASE ORDER. Scozzafava, DeLoria**

21. RESOLUTION AUTHORIZING THE PURCHASING AGENT TO PURCHASE A 2024 MAC 100CY MOVING FLOOR TRAILER IN THE DPW - SOLID WASTE, FROM MAC TRAILER MANUFACTURING INC. IN AN AMOUNT NOT TO EXCEED \$111,143.00, WITH FUNDS TO COME FROM BUDGETED FUNDS AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID PURCHASE ORDER. Scozzafava, Merrihew
22. RESOLUTION OF CONDOLENCE TO THE FAMILY OF PAUL BURNS. Harrington, unanimous

PERSONNEL

Monday, May 15, 2023

Chairman – S. DeZalia Vice-Chairman – JP. Wilson

NO RESOLUTIONS

FINANCE/TAX REDUCTION/MANDATE RELIEF

Monday, May 15, 2023

Chairman – T. Scozzafava Vice-Chairman – N. Merrihew

NO RESOLUTIONS

MISCELLANEOUS

23. RESOLUTION OF APPRECIATION TO CORNELL COOPERATIVE EXTENSION VOLUNTEERS. Stanley, unanimous
24. RESOLUTION RECOGNIZING LONG TERM ESSEX COUNTY EMPLOYEES FOR THE MONTH OF MAY. Gilliland, unanimous
25. RESOLUTION ACCEPTING THE NORTHERN BORDER REGIONAL COMMISSION 2023 CATALYST PROGRAM GRANT AWARD AND AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATING TO THE SAME. Merrihew, DeZalia
26. RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD BID TO DENOYER CHEVROLET, INC. IN THE AMOUNT OF \$72,950.40, FOR THE PURCHASE OF ONE (1) CHEVY TAHOE FOR THE EMS CONSOLIDATION WITH FUNDS TO COME FROM BUDGETED FUNDS. DeLoria, Doty
27. RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT WITH MJ ENGINEERING & LAND SURVEY AND WRIGHT-PIERCE FOR THE ASSET MANAGEMENT PROGRAM RFP IN THE COMMUNITY RESOURCES DEPARTMENT IN THE TOTAL AMOUNT OF \$784,610.00, WITH FUNDS TO COME FROM BUDGETED FUNDS. DeZalia, Barber

MONTY: Discussion?

MERRIHEW: Could you explain that?

MASCARENAS: Yeah we can offer the courtesy of the floor to Rob and/or Anna who could give you a better explanation of what this is.

WICK: Hopefully all of you are familiar with Asset Management plans, we've been talking about those quite a bit with a lot of the presentations we do especially with water/wastewater systems/plants those sort of things so we have a grant through the Department of State that is going to pay for each of the water or wastewater plants to receive an asset management plan if they don't already have one and for those that do we are planning on getting those updated. So we put out a bid or rather an RFP and when the results came back we had a review committee look over those proposals that came in and it seemed in the best interest to do a split award because obviously there's a lot of plants, there's a lot of infrastructure out there so there were a total of 27 different project areas basically for all the water and wastewater plants so we divided that up to both awardees for MJ Engineering and Wright Pierce and the total there was a combination of both of those contracts, the contract we put together so we had originally budgeted \$1 million dollars from that grant to be able to cover down on this specific activity so our plans for the residual funds are to do any other missing elements of scope that may not have been covered originally in that RFP and then also carry some of that over into also doing a similar activity getting GIS work done for all the water and wastewater districts as much as we can get done reasonably with the rest of the grant money that we have. Any questions?

MERRIHEW: Thank you.

STANLEY: Is this going to help with the lead line replacement inventory and stuff like that?

WICK: So the GIS work will kind of run parallel to that but the responsibility is still going to be on the water and wastewater operators to work on the home owners to get that inventory work done. Separately EFC has a funding program to help with the planning and implementation of that. We put some information out on that in the past so if you would like some more information on that we can get that out to you. There's grant application periods that will be open to apply for that this year but I think the a little before that DOH wants to have all of that information done I think October of next year is the deadline to have all the lead service line replacement programs.

STANLEY: Thank you.

MONTY: Any other questions? Thank you Robert. No other questions, all in favor signify by saying aye, opposed – carried.

28. RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH ADIRONDACK COMMUNITY ACTION PROGRAM (ACAP) AND THE MENTAL HEALTH DEPARTMENT, IN THE AMOUNT OF \$18,000.00, WITH FUNDS TO COME FROM BUDGETED FUNDS. Tyler, Doty

29. RESOLUTION CHANGING THE DATE OF THE JULY REGULAR BOARD MEETING FROM JULY 3, 2023 TO JULY 5, 2023. Tyler, Holzer

30. RESOLUTION AUTHORIZING THE PURCHASING AGENT TO PURCHASE A MOTOROLA GTR 8000 BASE RADIO FROM STATE CONTRACT IN THE AMOUNT OF \$24,138.00, IN THE EMERGENCY SERVICES DEPARTMENT AND FURTHER AUTHORIZING BEARCOM TO INSTALL THE EQUIPMENT (PER CONTRACT) IN THE

AMOUNT OF \$6,040.00, WITH FUNDS TO COME FROM SICG21 FUNDS. DeLoria, Holzer

MONTY: Motions from the floor.

GARRISON: Everyone has a copy on their desks from DPW, a resolution authorizing the purchasing agent to award a contract to Kubricky Construction in the amount of \$1,296,760.38, for multiple culvert replacements with funds to come from budgeted funds and further authorizing the County Chairman or County Manager to execute said contract.

MONTY: Those are all listed on there and the split of the funding is also listed on that.

MASCARENAS: These are Halloween storm projects through FEMA.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD A CONTRACT TO KUBRICKY CONSTRUCTION IN THE AMOUNT OF \$1,296,760.38, FOR MULTIPLE CULVERT REPLACEMENTS WITH FUNDS TO COME FROM BUDGETED FUNDS AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID CONTRACT. Scozzafava, Doty

MONTY: Discussion? No discussion, all in favor signify by saying aye, opposed – carried.

GARRISON: Resolution authorizing the purchasing agent to award a purchase order to Robert Green Auto & Truck in the amount of \$99,719.44, for (1) one new and unused 2023 Dodge Ram 5500 Truck with Reading 2023 service body, with funds to come from budgeted funds and further authorizing the County Chairman or county Manager to execute said purchase order.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD A PURCHASE ORDER TO ROBERT GREEN AUTO & TRUCK IN THE AMOUNT OF \$99,719.44, FOR (1) ONE NEW AND UNUSED 2023 DODGE RAM 5500 TRUCK WITH READING 2023 SERVICE BODY, WITH FUNDS TO COME FROM BUDGETED FUNDS AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID PURCHASE ORDER. Doty, Hughes

MONTY: Discussion? No discussion, all in favor signify by saying aye, opposed – carried.

GARRISON: Authorizing the purchasing agent to award a purchase order to Robert Green Auto & Truck in the amount of \$135,279.51 for (3) new and unused 2023 Dodge Ram 1500 4x4 crew cab pickups with funds to come from budgeted funds and further authorizing the County Chairman or County Manager to execute said purchase order.

RESOLUTION AUTHORIZING THE PURCHASING AGENT TO AWARD A PURCHASE ORDER TO ROBERT GREEN AUTO & TRUCK IN THE AMOUNT OF \$135,279.51 FOR (3) NEW AND UNUSED 2023 DODGE RAM 1500 4X4 CREW CAB PICKUPS WITH FUNDS TO COME FROM BUDGETED FUNDS AND FURTHER AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE SAID PURCHASE ORDER. Doty, DeLoria

MONTY: Discussion?

MASCARENAS: Yeah, I'll just add that just so you understand these are three years' worth of

pickups. We were unable to, we procured them in previous years, 2021, 2022 and now 2023 and we were unable to get them so that's why you're seeing them. Jim does have a plan for replacement of vehicles but he couldn't get them so these are three years' worth of vehicles and now we're pretty certain that these guys are going to be able to get the vehicles to us.

WINEMILLER: That's for all three vehicles? Not just one?

MASCARENAS: That is correct. They're normal pick-ups.

MONTY: Any further questions? No further questions all those in favor signify by saying aye, opposed – carries. I've got a couple things myself I just want to bring up one of which I've talked to Mr. DeLoria and Mr. McNally on Barton Mines which is actually in Warren County but they employ several individuals that live in Southern Essex County have submitted a permit application to extend their mine operation basically it's for their residue materials. Right now they have enough room for about twenty-five more years but they have enough garnet there in their mine for seventy-five years so they're trying to get ahead of the project by applying for the extension now and they are getting some push back from some of the local, well, they are not really local people but people within the area who don't necessarily want to see employment in the Adirondacks and a friend of mine is an engineer there and they asked us if we would be willing to submit a resolution in support of their extension, asking for this permit extension and I spoke to Mr. McNally and he AATV has done this already and I was hoping that as a board here we could offer a resolution from us in support.

RESOLUTION URGING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND ADIRONDACK PARK AGENCY TO APPROVE THE CURRENT PERMIT MODIFICATION SUBMITTED BY BARTON MINES SEEKING INCREASED MINERAL STORAGE CAPACITY, EXTENDING THE QUARRY'S FOOTPRINT AND INCREASING ALLOWABLE TRUCK TRAFFIC TO INSURE THAT THE MINE WILL BE ABLE TO CONTINUE TO OPERATE AND PROVIDE EMPLOYMENT AND ECONOMIC SUPPORT TO ESSEX COUNTY AND ITS TOWNSHIPS. Monty, unanimous

SCOZZAFAVA: You moving it?

MONTY: I would be glad to move it. Steve, you want to chime in?

McNALLY: Yes, Barton Mines has been active well over 100 years. They are Warren County but they employ a lot of people from Hamilton County, Warren County as well as Essex County. They have been a responsible neighbor, you don't even know they are there. This is just people who have moved into the area and they don't like the idea there is a mine in their paradise and this support will go a long way with the mine being extended.

MONTY: And they treat their employees well.

McNALLY: And it is a livable wage job that's what that is, if that mine were to close those people would be working at Gore Mountain, minimal wage in the winter time and Lake George in the summer. Yes, Barton Mine is a great neighbor to all the surrounding towns like I said they employ approximately 100 people with livable wage jobs and good benefits so I hope you do support this.

MONTY: I'll offer the resolution. Unanimous second, thank you. Thank you very much. I have a sample resolution I gave to Mr. Manning.

SCOZZAFAVA: Before you close I want to offer the floor to Mr. Diskin.

MONTY: The last item I have is the auction list is out which I sent out to everyone to look at your towns to see if there is anything you might be interested in your towns. Most of you have responded about offering to the land bank so I hope that we can, if you can look at it in the next couple weeks you can get it back to us so that we can get rolling on it. That's all I have.

SCOZZAFAVA: Yes, I'm sure you all saw the email with the Supreme Court decision in regards to county's foreclosures and tax agencies. I had a conversation with Mr. Diskin last week and he asked for a few minutes with the board to explain a lot of this because it certainly is going to have an impact on this county in regards to tax foreclosures, in regards to the land bank and what you are trying to do with the housing and so on. So with that, I'll offer the floor to our County Treasurer.

DISKIN: Before I start I want to thank the board for recognizing Older Americans Month. As most of you know, I got the information sent out by the Chairman regarding a Supreme Court case that came down. Back in April there was a Supreme Court case heard it was called Tyler vs. Hennepin County, Minnesota. It had to do with an elderly woman who had a condo. She didn't pay her taxes for a five year period, during that time the county tried everything they could to try and work with her. They offered her installment plans, they offered to help her sell it. My understanding from reading some of the documents from the Supreme Court case itself, she based told the county she didn't care what they did with it. She had moved out of it. She didn't feel comfortable living there anymore and she moved into a senior living residence and she basically told the county she didn't care what she did with it until she found out they sold it and made \$25,000. She owed \$15,000 in back taxes and the county sold it for \$40,000. Well, a group called the Pacific Legal Foundation who has done this all over the country took her case up and took it through courts in Minnesota and courts in Minnesota backed the county they said that the county had the right to do this and keep the excess, they continued to appeal it upward until they got to the Supreme Court. The Supreme Court heard the case on April 25, to be honest with you I didn't expect a ruling on this soon I anticipated from everything we heard it was going to be late June before we got something but on May 25 the Supreme Court ruled unanimously that any property sold to satisfy a cash debt the Government can no longer keep any surplus.

What this means for Essex County and I did some quick numbers on Friday, the last two sales in 2019, we had a foreclosure sale, we lost \$300,467.96 on properties we sold for less the amount of taxes were owed on them. We sold some properties for more than that, we had a small net gain of a little less than \$100,000, \$96,218. We didn't do them for a couple of years because of Covid, we didn't do auctions so 2022, and when we did our next auction we lost \$110,162.71 on properties that we sold for less than amount of taxes. We had a nice gain of \$609,801.32 because we sold a number of properties for more than the amount of taxes. What will happen now with this ruling from the Supreme Court is that the county now will be losing – if this would have been in effect back as of then, we would be losing over \$410,000 in taxes with no way to replace it and as most of you know when fund balance is set up fund balance is anticipation that we are going to get everything so it's counted as an anticipated revenue in fund balance. When we lose \$410,000 that comes out of our fund balance and in addition to that, the net gain is something that we gain above of what we did not anticipate so that would have been set up a little over \$600,000, that won't go into our fund balance anymore. We're looking at about \$1.1 million in fund balance if this would have been in effect, we would not have access to at this point. What this is going to mean is we are going to sell properties and we're going to have to eat the losses and give back the gains. Now depending on New York State does it, New York has written some sections of law that haven't been passed yet but I have a feeling they are going to be done very

quickly now probably before session is over we only got a few more days but I think they will push them through and it will be along the lines of what the Governor proposed in her budget as a budget bill and that was to give back the excess first to lien holders and then if there is any excess to the taxpayer themselves. What that is going to mean if we have to give money back to the lien holder if we gain, let's say we make \$50,000 on property that was above the taxes we are going to have to go back and research who the lien holders were, who had priority liens and so on and so forth, who was the first lien and pay that back and if there was payment left it would go to the taxpayer. If there are no liens the entire amount goes to the taxpayer. So, let me just use a good example and Tom is going to be very familiar with this example. In the Town of Moriah there was a property that we sold, we foreclosed on, it was sold to a person that we found out later on was actually living in the house and was a girlfriend to the person who owned it before that. They did not pay any Village taxes it was a time during the Village, they didn't pay any school taxes, never paid any water and sewer for four years they lived there basically for free for four years and then if we sold that property and made an excess on it this person would walk away with a gain. I don't believe that property did sell in excess but if it had we would have to give that money back to them because there were no liens on the property. This person would just be walking away with excess money without having to pay anything so not only would they pocket over \$15,000 worth of taxes they didn't have to shell out they also wouldn't possibly gain another ten or fifteen thousand on the sale just by absolutely doing nothing except live in it. This is a really bad deal for not only counties but the whole state but this is national law now so this going to affect us. This is the law of the land. We are going to have to live with it and we are going to have to deal with it.

DOTY: Mike what about the time you'll spend looking for those tax lien holders and that stuff? Is that money recoverable under this new decision?

DISKIN: Don't know the answer yet. In the proposed legislation there was some legislation that said any cost to the county would be recoverable but we already charge \$150 to every individual to file those tax liens in November and by law now that's set as a cost we can use to offset the cost of doing those things. We would have to file with the court if we found out there was an excess so these are all things that I think have to be answered. As an association, a State County Treasurer Association and Association of Counties has been trying to get the State to hold off on anything, try to work with us together to right something rather than right something that is we are unable to follow or doesn't make any sense and have to change it later. We've asked them to hold off so we can work together on this and come up with something that works for everybody whether they are going to listen to us or not I don't know.

MONTY: Mr. Manning has something.

MANNING: This maybe answer some of those questions. I believe that administrative costs will be covered. Tyler vs. Hennepin County is a Supreme Court case doesn't fill in any blanks all it basically states is that they determined on this statute was an unconstitutional taking of a person's property and that there is a property interest in that surplus money so that's all it said. It doesn't fill in the blanks so the blanks are going to be left for the states to fill in and as Mike said, there are two bills in the assembly session is supposed to end June 9. I know the County Treasurer's Association are working feverously and so is the County Attorney's Association trying to craft some bills that will make this a little less onerous. The current bills that are before the Assembly are pretty onerous. One of the first things they do is they are going to mandate, right now we have a foreclosure I will call a mass, all the properties are put into one notice of petition and they are served individually. One of the new bills provides that these have to be individual foreclosures

like a bank would foreclose on or another mortgagee which is a huge administrative cost. I'm assuming we would get that reimbursed because that's what is in some of these laws but that's going to be a huge addition in trying to find all these mortgagees and determine what the heck they are interested in which is going to be a feat in itself because in a mortgage foreclosure proceeding there are probably ten lines where first of all they are owed the principle, then they are owed interest, then they are owed interest up until the day they are served, then they are owed administrative costs then there is a statewide percentage so that's very onerous additionally, one of the laws provides if it's the primary residents and anybody entitled to a tax exemption you can't maintain a foreclosure act against them which is just bizarre and that's it it's over it's a one line thing in one of the bills. It also provides for mandatory settlement conference so for each individual property you're going to have to go before a Judge or get an officer probably appointed which will require a settlement conference to see if you can shake it out and settle it before and then finally some of these monies are going to go to the property owner or the property owner and the lien owner or any mortgagees that's one of the bills. The other bill is pretty much similar so you know, it's going to be an administrative nightmare and if the state rushes this through by June 9 just to look good it doesn't go well for us. So we'll always get our tax money back, we'll always get our administrative fees but as Mike said we won't get that buffer so I don't know what counties are going to do they might say forget it. You can also change to the old way –

DISKIN: Sell liens.

MANNING: Yeah, we could sell liens that will put all this burden basically upon the person who buys the liens.

SCOZZAFAVA: So how will we get all of our tax money back? So the person that recoups it for the profit has to still come back and pay tax correct? No? You say we will always get our taxes back.

MANNING: Well, I say that –

DISKIN: We are going to get it on the ones that are over and above.

MANNING: Over and above before we give back the surplus we'll get our tax put it that way.

SCOZZAFAVA: So how will this impact the land bank? Obviously I don't see how we can pull properties out of the sale until we get through all this red tape. The owner has the right to purchase that property back am I correct in assuming that? How do we take ownership in that property without auctioning it first?

DISKIN: Right. Where is the equity in this and where is the excess get paid?

MANNING: It is written in the law, just one of the laws that are out there that if the property is transferred to a municipality and the municipality for some reason doesn't sell it or wants to keep it or wants to transfer to someone else has to be an arm's length transaction which means fair market value which hurts the land bank but I think there's way to get around that.

GILLILLAND: Mike will this be the time right now to set a minimum bid on properties to be taxes owed?

DISKIN: Well, you can do that what's going to happen is you're going to get properties that aren't going to get bid on.

GILLILLAND: We do already I guess.

DISKIN: So what do you do with those properties and you don't get a bid on them and you continue to carry them in the County's name forever. The idea behind selling was just if even though we took a loss, we got them back in somebody's name or we hoped would be a good taxpayer and get it on the tax rolls and pay it going forward if you continue to hold these or you set a minimum bid and it doesn't meet that and the county holds onto it, if you put it back in the next sale and it doesn't sale again and it just continues the county is just going to hang onto these properties and never have a loss. Well we will actually have a loss because we are going to have to continue to pay taxes on them we have school taxes on them and we have water bills and we may have other tax bills on there that eventually properties that belong to the county become taxable again after a certain period of time that they are not used for municipal use so they go back on the tax rolls and then we're paying for taxes on properties that you can't get rid of them because you don't get the amount of taxes on them.

MONTY: Last week we had our first ever meeting with the New York State Land Bank Association and there was 42 of us on this zoom call and their attorneys are working on the same thing and their request was to our legislatures don't push this through, don't rush it. Settle down there are things, I would like to offer Nicole the courtesy of the floor as Executive Director of our Land Bank. She had some conversation afterwards with some of the people, with permission from the board.

MANNING: I think the best thing you're going to see come out of this is the best you can hope for is get rid of these conferences, get rid of this exemption for someone you can't foreclose on the property because of their tax exemption and get rid of the individual foreclosures but I don't think you are ever going to run away from the surplus money issue that being the landowner is entitled to this.

MONTY: For those that don't know Nicole Justice-Green is the Executive Director of the Essex County Land Bank.

JUSTICE-GREEN: Hello everyone. Thank you very much Jim. So after our meeting we had a very long conversation with the General Counsel for the New York Land Bank Association and the general counsel believes that this could potentially be a very good thing for land banks. I wasn't aware of that provision because I think they are trying to work through it. When you donate property to the land bank you are donating that property to a 501c3 so therefore you area not generating any excess income or proceeds from that donation so potentially, because it washes out legislatively it could be a very good thing for the land bank and they felt that this would not be an impediment because we would not be therefore gaining any comp from this transaction and therefore not need to pay the home owner or lien owner whatever that excess was. If the land bank is forced to purchase whatever the tax value of the home or fair market value of the home is then that would be an issue but that's really not the intent of the setup of the land bank or the land bank act so our general counsel really was viewing this in a more positive light for land banks but not necessarily for municipalities that are hoping to with the properties that they still don't donate to a land bank have to try and recoup some sort of tax sale income. So that's the land banks position on this ruling, it can be very beneficial because you can get more properties and not pay back those homeowners.

SCOZZAFAVA: So at what point would the county donate that property to the land bank? In other words, my property is up for back taxes so when the county forecloses and then they donate to the land bank before it is even put out for sale so what comes first?

JUSTICE-GREEN: The donation comes first.

SCOZZAFAVA: I don't see how that can happen.

MANNING: What happens is we take the property then we donate it to the land bank.

SCOZZAFAVA: So, me as the owner I come to the county and say, hey, wait a minute here you gave my property away it's not giving me fair market value or even know what that property is going to generate in a sale.

MONTY: I think Tom again this is going to be fought in court for many years I'm afraid number one, the land bank association stand is exactly what Nicole says it could work out to be a benefit for land banks and stuff but again, they are going to have to present that I'm quite sure in a court of law.

MANNING: Or at least get it into the legislation.

SCOZZAFAVA: I think Dan said it very clear in regards to this, it is the language that's going to be important. If we generate more at a sale than what's due in taxes then that's a no brainer, you're right that's going back to the previous owner so it's going to be how the language is structured as to how the rest of this washes out I guess.

MANNING: Yeah I mean right now we take the property, we own it we can do whatever we want with it. If it were now we would just give it to the land bank the provision in some of these laws is vague and so I think what the Treasurers Association and County Attorney's Association and the Land Bank Association need to hammer home is get rid of all this other stuff, provide to the land bank and then –

MASCARENAS: In terms of the county budget it's absolutely going to be problematic. When Mr. Manning was speaking earlier about you're always going to recoup your taxes that's not the case, you're only going to recoup your taxes on properties that you make more than what the taxes owed were. Mr. Diskin clearly stated that in those two auction years that we would have lost a substantial amount of money in terms of that so how do you plan for revenue? Every municipality plans on everybody paying their taxes knowing that you're going to have an inherit deficit annually on what you expect to recover in revenue and what you actually get simply aren't going to be there anymore. I understand the ruling on an unfair taking but it seems like the unfair taking is from the people who are actually responsible for paying their taxes on this one and I have a real problem with that. I just think that we almost have to prepare that we're going to receive less money in terms of if we're doing the responsible things in putting out a budget that makes sense we can no longer plan that everybody is going to pay their taxes. That's a problem.

MANNING: This is a real knee jerk over reaction to the problem. I'm conservative by nature and if I were liberal I would love this thing, you can provide in the law revisions to what we have for more protections for people so that you're giving them every possible opportunity to pay their taxes which was done here in the Hennepin law and that would be a good tack but that's not happening.

STANLEY: When we have a tax sale we as board can approve or deny any sale in that auction correct? So if we were to say have a property that goes through the tax auction, is going to lose a lot it may be worth more to give them to the land bank we could pull that correct? Or vice versa if there was a piece of property that had a set number and there was going to be a surplus sale for that and we see that there may be value in that property that may be given to the land bank. We should be able to pull properties even after the sale correct?

MANNING: We have the authority to pull properties not after the sale, what happens is we do the foreclosure process then we the Judge has an order, issues an order that dictates that Mike convey all these properties to the county so we get one deed with all these properties this is before we go to auction so we own them all. We can pick and choose if we want to put them in the auction or if we want to withdraw them from the process but we own them at that point.

STANLEY: So there are not, a couple cases we were just talking about there were these potential people who just buy properties and they never do anything with them and they were to bid on the property and be the winning bidder we can actually say we don't want them so it would be the same thing if we didn't want to sell the property because of the value bid on it?

MANNING: I don't know. That's a slippery slope.

STANLEY: It is essentially the same thing as putting a minimum bid.

MANNING: It's a good point but I can't give you definites.

GILLILLAND: And it all depends on what this legislation is going to say if we're going to have the authority to be able to gift property to a nonprofit.

MANNING: Yeah. I mean right now this language is clear where there is a transfer to a municipality which what happens when we get all the properties and you decide not to sell it then the property must be sold at an arm's length transaction which the owner has the absolute right to any surplus. Arm's length means fair market value.

McNALLY: Oh okay this is a typical New York State clear as mud law and the Supreme Court is not helping us on this but there's no win-win here for us but we can help ourselves moving forward we need to get these auctions scheduled the first available day. Covid slowed us down a little bit with the auction dates but we have to do that, that's going to help us a little bit with Covid we had properties where are we starting now '19?

MANNING: We've done the '19's, they are going to be sold in June.

McNALLY: So we need to get this caught up. We were caught up for a while and then Covid hit. We need to get that caught up, that's going to help our self.

MANNING: We need twenty-two months for every sale.

McNALLY: Twenty-two months so we need to get these auctions scheduled in twenty-three months because if we keep them an additional year there's more taxes that are owed to us and a lot of these properties are never going to sell for the value. As far as revenues produced by sales that were larger than what's owed I don't believe we are in the abstract business so I

recommend we take that excess and put it in a nice envelope and send it down to Albany and let them deal with it.

MANNING: You know what might be a good idea is all monies just take the tax sale as a whole and if you make surplus you make the county whole on all the taxes then deliver the surplus to the property owners on a proportionate basis that would be the best way to do it so you don't lose any tax money.

McNALLY: That's not the way this is written.

MANNING: Definitely not. I know but that's what somebody with half a brain would do.

SCOZZAFAVA: Is it a New York State statute or is it I thought I read somewhere over the years where the county did a local law to reimburse any taxing jurisdictions for unpaid in other words, is this board mandated to reimburse your general, your highway, your special districts or schools or is that a State statute or is that something that this board decided they would do years ago?

MANNING: Well we pay on the town's warrants and that's all the same.

SCOZZAFAVA: My point being I can see this, this can come back and land right in the town lap or the fire district's lap your wastewater, your water, schools I mean just think about it. I know what the relevy is in my community and it's well over \$100,000 a year, that would devastate a local budget, town budget if the county wasn't picking up the tab and then just the impact it would have on your schools and your fire district if it's dropped down to this level.

DELORIA: Yeah Jimmy I think you're wise in stating that we need the legislature look at this cautiously not hurry up and rush and get the little rose pedal for their shirt but I find it hard to believe I disagree with the Supreme court on this, I think everybody in this room does and if you really stop and think about it you know you're talking about Missouri laws compared to New York State laws how can they define argue process to be equal with Missouri.

MONTY: It was Minnesota.

DELORIA: We have our own system we use for Essex County that's considered due process and we use that so that we're not taking somebody's property so I think if the Legislature can help, I think the land bank is going to come under target if we use that as a shelter in order to simplify us not giving the money back I think that's going to be a big can of worms so I think we ought to take it slow. I agree 100%.

HARRINGTON: Having witnessed these auctions I find that some of the properties really and truly have value and that the property owners just didn't want them so could there possibly be a process prior to the auction that the property owner would gift that property to the county and as a result not be responsible for having to pay back monies that are in addition to their delinquent tax monies?

MANNING: That's a good point Charlie. They could give a deed and move foreclosure to the county which says I don't want you to foreclose on my property I just want to give it to you but I don't know what the state is going to do in their law. That might be an out it's a very good point it might be something worth consideration because it's sort of outside of our real property tax foreclosure proceeding, it's before that it's like I know I owe taxes, I just want to give you the

property to sign over. What it won't do though if somebody does that it won't cut off any liens so the property caveats if there is a mortgage or hospital lien or something like that it travels with it, it won't cut it off so only most pristine of properties lien free you can do that with but it is a consideration or you get releases from those guys.

DOTY: I was just hoping that the State holds off on the June 9 decision if there could be language for counties that have land banks or forgiveness and it would go like this, let's just take the small property I envisioned going to the land bank in Saranac Lake where there is only \$21,000 in back taxes in situations where the property transfers to the land bank could that amount of taxes be forgiven in the eyes of this new foreclosure law so that, maybe I should say it different maybe language could be written to include all foreclosure properties accumulative instead of independently because so many properties sell for less than what's on the tax rate and there is those that sell above, some kind of forgiveness that helps in this housing market should be recognized at this new legislation at least the land bank towns.

MONTY: Anything else?

MANNING: One thing we can do is up our fees to at least try to cover the taxes due because I'm telling you if we have to do these as individual bank foreclosures it's going to be a lot worse.

HOLZER: So I definitely know this is a difficult position for the county to be in. Going back to my youth in Wilmington, there was seven of us in my family and my mom was the single earner every three, four years we'd fight to keep our property owned by our family and I can kind of see why the state legislature is at least looking at people who come upon hard times giving them back what was theirs to begin with. The question is figuring out how we can work to make sure that we're not going into a ton of foreclosures so people can actually maintain the homes that they actually own so I don't think we should just be all the county is looking to make money off other peoples misfortune but realize there's another part of this discussion we really want to add today about people actually struggling to keep their homes. I could go on and on about it but I really think this is a very difficult conversation as far as we approach this going forward. I certainly don't think we should be losing money off properties but I don't know if it's the county's business to be making money off other people's misfortune either with that, I'll stop.

SCOZZAFAVA: I don't disagree with what Mr. Holzer is stating. In fact, years and years ago we had the same conversation. I don't think there's any members sitting on this board or any board that I served with that likes taking people's property for back taxes. I think it is the last thing any of us want to do. I've had some issues over the years with the payment plan, somebody gets behind but then they've got to come and pay the first year's taxes why we can't structure a payment plan if you're behind for two years for that two years you fill in the third year but unfortunately that's not the way it works. In regards to a minimum due I see properties that are owed six, seven thousand, ten thousand dollars in back taxes and we sell them for \$100 and they come out and the people buy them that really don't have any financial needs to do anything with those properties and they sit there and the next tax sale they are there again so I don't have an issue with the minimum due I think on some of these properties if we're owed six thousand dollars that should be the minimum due for the auction, if we don't get then we think about it for the next auction I'm not saying we own it indefinitely but I agree with the minimum due because some of these properties especially in my town that we end up with owners that do nothing with them is because they are buying them probably with the best intentions of the world but they just don't have the financial needs to do anything with them.

MONTY: Yup. I don't think there's a simple answer to this. It's something that is going to have

to be explored on the State level to determine what we're going to do unfortunately we can't do anything until the state makes a decision on this as far as regarding the properties. I don't know what the answer is. Anything else?

DELORIA: Jim, to go along with Tommy's statement, if you did have an auction and we weren't able to sell it, nobody wanted it, it's too much I don't want to pay for that with this land bank legislation and whatever we're working on perhaps they can note something in there that the county any county in the continental United States it seems has a piece of property they can't sell that that would permit them to at least in New York State, to you know push that into a land bank that way you're not taking anything, you couldn't sell the darn thing, you're out your money so they've taken ours, see what I mean? So maybe suggest that?

SCOZZAFAVA: I like that idea.

MONTY: I'm not trying to be negative or cynical because that's not normally my demeanor at times but if we think at what direction this state and our country are going it's you know, the people that are working, supporting those that aren't and unfortunately it trickles all the way down and I agree with what you said Tom, what Roy said but there comes a time when the people who are footing the bill because somebody has to take those taxes up whether they're local, whether they're county or whether they are state those taxes are going to be paid and to penalize people who are doing the right thing to give back to some and I get it there's hardships absolutely. You look at those individually but unfortunately that's not necessarily in my eyes the way, the direction we're going.

SCOZZAFAVA: The real issue here is the entire antiquated property tax structure which is the most regressive form of taxation in my opinion that exists because it's not truly based on one's ability to pay because your circumstances can change like that. Two years later, you lose everything you've worked your whole life on that's where the issue lies it's property tax structure, it's supporting local highways based on the value of my house, supporting my fire department, your assessed for \$200, I'm assessed for \$100, we live across the street I pay twice as much for the same benefit you're receiving but you try to tell that to the geniuses down in Albany and they don't want to hear it.

GILLILLAND: And I agree with you Tom but it's not just the property tax it's the tax system that we have here which is one system of the Government is dependent upon the property taxes and the higher system of the Government operate on income taxes and other fees which makes them immune and they can just, the State can just throw out mandates and edicts to the property tax owners so we're losing 100,000 people a year and who are we losing? We're losing property owners so a smaller and smaller population of tax payers are having to support a larger and larger portion every year.

MONTY: Might I make a suggestion that we pass a resolution from Essex County requesting our State Legislators truly examine this situation we're in and actually go slow in determining how this, maybe Dan can write the language on that, just a thought.

GILLILLAND: Move it.

MANNING: And a letter be written.

RESOLUTION URGING THE NEW YORK STATE ASSEMBLY, NEW YORK STATE SENATE

AND GOVERNOR HOCHUL TO REFRAIN FROM THE PASSAGE OF ASSEMBLY BILL 4935/SENATE BILL 5213 AND ANY SIMILAR LEGISLATION RELATIVE TO REAL PROPERTY TAX LIEN FORECLOSURES UNTIL SUCH TIME AS THE COUNTIES AND ALL OTHER INTERESTED PARTIES ARE HEARD AND CAN PROVIDE INPUT. Gilliland, unanimous

MONTY: Anything else?

SCOZZAFAVA: I'd like to offer a resolution of congratulations and appreciation to William Trybendis, Bill Trybendis he just hit a milestone 50 years as a volunteer fireman for the Moriah Fire Department.

RESOLUTION OF RECOGNITION AND APPRECIATION TO WILLIAM TRYBENDIS FOR 50 YEARS OF SERVICE TO THE MORIAH FIRE DEPARTMENT. Scozzafava, unanimous

MONTY: Ken, you had something?

HUGHES: Yes, we previously encumbered \$300,000 of ARPA funding for the Essex County Land Bank now that the Essex County Land Bank is official the Economic Development Board last week and I'd like to support the movement of that \$300,000 from county coffers to the Essex County Land Bank.

MASCARENAS: Yeah, we can certainly do that. The board already approved that resolution in the entirety of the plan. I asked Mr. Hughes as part of that to get a formal approval. We would need the information from them in terms of having to cut that check from a voucher, contract those types of things but we can absolutely work on that.

MONTY: I believe Nicole and Bill are working on that as we speak. Thank you Ken. Anything else?

RESOLUTION AUTHORIZING AND APPROVING A TRANSFER OF FUNDS IN THE AMOUNT OF \$300,000.00 FROM AMERICAN RECOVERY FUNDS TO THE ESSEX COUNTY LAND BANK. Hughes, Stanley

MONTY: Discussion? No discussion, all in favor signify by saying aye, opposed – carried. Now we stand adjourned.

As there was no further discussion to come before this ways and means committee it was adjourned at 11:47 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors