PERSONNEL & ADMINISTRATION COMMITTEE

Monday, September 21, 2026 - 10:00 AM

Meg Wood, Chairperson
Cathleen Reusser, Vice-Chairperson

Chairman Wood called this Personnel Meeting to order at 10:15 am with the following Supervisors in attendance: Clayton Barber, Matthew Brassard, Chris Clark, Ken Hughes, Mary Lamphear, Tracie McGill, Steve McNally, Clayton Menser, James O'Bryan, Timothy Pierce, Richard Preston, Cathleen Reusser, Matt Stanley, Joe Pete Wilson and Margaret Wood. Timothy Follos, Ike Tyler, and Davina Thurston were excused.

Department Heads present: Judy Garrison, Roy Holzer, Dan Manning, Michael Mascarenas, Jennifer Mascarenas and Jim Dougan.

WOOD: Good morning. Hi Jenn.

J.MASACARENAS: Good morning. You have my monthly report and the updated vacancy list. If anybody has any questions? If not, I don't have anything else. We are just finishing up our budget changes for Mike's office and getting ready to enter into open enrollment season.

WOOD: Does anybody have any questions, any comments?

HUGHES: I'm not on the committee but quick question on open enrollment. Will we have to go through that technology process again? This is for the health insurance right?

J.MASCARENAS: If it's going to be the same –

HUGHES: It doesn't just roll over?

J. MASCARENAS: Right

MASCARENAS: It will remain the same if you want it to without doing a bunch more work.

HUGHES: Okay I remember the process being very easy.

MASCARENAS: Yes it's easier than it's always been for the old dinosaurs that have been around forever the process is much easier, the most difficult part of is not all of our employees have access to computers and creating that availability for them and time for them to do that is probably the most difficult part but yes, the process is much more streamlined than it's ever been.

HUGHES: I concur.

WOOD: Okay thank you. Judy.

GARRISON: Good morning. I submitted a monthly report and I have nothing additional this month. Does anyone have any questions for me?

MOSES: Anybody any questions? Any remarks? Great. Dan, do you have anything?

MANNING: Yeah I have just a couple of things appended to the personnel agenda is a resolution I've prepared for regular board which I'd like to be brought up at this committee first. It's entitled resolution authorizing the County Chairman or County Manager to execute a stipulation with Lake Placid Club Lodge Owners' Association Inc. voiding and rendering no legal force and effect a certain stipulation entered into by Essex County and the Association on February 7, 2000, and returning to the Association all monies they paid on the back taxes, current back taxes. So, a little background on this in 2000, Essex County and the Lake Placid Club Lodge Owners' Association we're embroiled in a lawsuit because what we were doing. Many owner's of timeshares defaulted in their taxes so we were taking those and we were selling them at auction however, those were in the days we don't do that anymore, when auctions were blocked in years 2000, 2001, 2002, 2003 they held an auction for those four years that's a no, no now but that's what was done in the past. So, during those years the Lake Placid Lodge Owners' Association there were maintenance fees that accrued that now those maintenance fees are a little over thousand dollars those maintenance fees I don't know what they were then but they would the responsibility of the county and the county would be taking in anywhere between twenty to twenty-five of these timeshares from this association so that money became kind of a lot in those days so in order to resolve the litigation Essex County and the Association enter into a stipulation in February of 2000 which said look, okay we will not sell these timeshares at auction, we will sell them back to you for only the back taxes so that's what has been going on since 2000 so instead of bringing these time share weeks to foreclosure we would sell them back to the Association just for the back taxes that way we were not liable for those maintenance fees. Now comes Tyler v. Hennepin of course just a shorthand we have to pay any surplus monies over to the prior owner well, this process this whole process violates Tyler v. Hennepin and the new 1196 Real Property Tax Law relative to surplus properties because if these timeshares were sold at auction there's a possibility and probably a pretty good one, or I don't know. There's a possibility that there would be surplus that would have to be paid to these properties owners but by simply transferring these timeshares for back taxes to the Association we are updating our responsibility to ensure any surplus is paid over so I've been in touch with the attorney. This was like, oh boy, here we go when I saw this I thought what are we going to do? So, I've been in touch with the attorney for the Association and it seems at this point the Association is amenable to voiding that stipulation. What has happened in the interim for last tax season they have paid the taxes on the '23 I think we are going to have to return those tax monies back to them. We can place all these time share properties in our current foreclosure action actually those taxes are paid for '20, '21 and '22 but we are able to place and I know this is a lot but we are able to place all those back in the tax auction so we'll be able to sell them so the Association has agreed I haven't gotten anything formal yet but that solves a huge problem for us so that we don't get stuck having to pay out of our pockets any purported surplus how we would know, I don't know based on the old system. So what I'm asking for is a resolution where we agree with the Association to void the existing 2000 agreement and as part of that we would return the tax monies 2020, '21 and '22 that they paid for these properties and we will sell these properties as auction.

RESOLUTION AUTHORIZING THE COUNTY CHAIRMAN OR COUNTY MANAGER TO EXECUTE A STIPULATION WITH LAKE PLACID CLUB LODGE OWNERS' ASSOCIATION INC. VOIDING AND RENDERING NO LEGAL FORCE AND EFFECT A CERTAIN STIPULATION ENTERED INTO BY ESSEX COUNTY AND THE ASSOCIATION ON FEBRUARY 7, 2000, AND RETURNING TO THE ASSOCIATION ALL MONIES THEY PAID ON THE BACK TAXES. Wilson, Reusser

WOOD: Questions? Comments?

HUGHES: This is confusing.

BRASSARD: How many time shares are we talking about?

MANNNING: I think it's about maybe 25 or 30.

REUSSER: Anticipated cost?

MANNING: I don't know. There will be no cost to us. We'll get the property back. We have it deeded to them so we will return money they gave us and then we will sell these at auction. So, no cost to us is the hole we would get into with the surplus which I don't know how you would determine that because we've given them away, how do we know what they would have sold at auction how would we be able to determine surplus? That's a cost we can't determine. The other cost would be you know if we continue this way which we can't, we are in violation of the law. If we continue this way and we got the tax money for these properties but we didn't quite meet the tax monies when we sold them at auction we would lose money but that's a typical, that happens with all of the timeshares.

MASCARENAS: That's the risk.

MANNING: But there's no risk we have to do this.

O'BRYAN: Have we sold these at auction before?

MANNING: Yes, well before 2000 but after that these were never sold at auction.

HUGHES: Again I'm not on the committee Mr. Manning can you please remind me, I thought Tyler v. Hennepin was for any action that was from that moment moving forward and that there was no retroactivity for those types of decisions so in reading this Tyler v. Hennepin was in May of '23 or '24 but this is a stipulation agreement that was from 2020?

MANNING: Right so the 2020 –

HUGHES: So is there a retroactivity that Tyler v. Hennepin or New York State is enforcing?

MANNING: You're correct Tyler v. Hennepin was May of 2023 but it does not kick in until a property is sold or transferred to we're talking about the 2020, 2021 and 2022 taxes which were haven't been sold or transferred yet so that would be after 2023 that's when plaintiffs sort of statue of limitation runs so that would be – but you're thinking in the right direction for any old stuff, real old stuff there is some sort of retroactivity involved before 2023 if you filed your summons and complaint in a timely manner after 2023 so I would say, I don't even want to put this on record I don't want a lawsuit but it's a good question and we have to do it in this instance.

WOOD: Anymore questions? All in favor, any opposed – thank you.

MANNING: Okay one other thing I handed out to you a small map, it's probably easier for you to turn to the second page which is a little bit easier to read there is a person in the Town of Minerva who wants to purchase a piece of property and on that second map it's the property right in the middle it's 155.3-1-71 up to the north of that property or northeast you'll see there's an Owens Road and above Owens Road you'll see I've written Essex. We own the property above Owens

Road and a small little strip on the other side of Owens Road which is about 18 feet wide now we would have to get into many, many appropriations by I don't know if it is a county road or town road but anyway there's this small, little area it's 18 feet in width. The bank is not going to lend this person the money to buy this property because they feel that this little 18-foot strip is a title allowed title to get to Owens Road. I think they are being a little picky but it is what it is so the individual has requested that we give an easement over the area, over that little 18-foot portion of Owens Road so that she can get to Owens Road and the bank is happy. I don't see any problem with that. This piece of property is reforestation property general in reforestation property you can't convey it but you can give easements over it so the easement wouldn't be a problem. What you would have to do is declare this piece of no use to the county is basically and that the easement doesn't impede any of the county's rights and that's about it. So it's simply – you should know too that the property owner has used and gone over, that's the means of ingress and egress to the property anyway but in title there's this little sort of agora I'll call it. So they probably have an easement by necessity anyway but that's a legal proceeding so I don't see any problem granting a small easement just for ingress and egress over the property, not for anything else to get to her property and other properties of hers.

RESOLUTION GRANTING JOSEPH PATRICK MCCORMACK AND ELIZABETH ANN MCCORMACK A PERMANENT NON-EXCLUSIVE EASMENT AND RIGHT OF WAY OVER PROEPRTY OWNED BY ESSEX COUNTYIN THE TOWN OF MINERVA BEARING TAX MAP NUMBER 155.3.1-1.000 FOR THE PURPOSES OF INGRESS AND EGRESS TO PROPERTY OWNED BY MCCORMACK BEARING TAX MAP NUMBER 155.3-1-71.000. Reusser, Menser

WOOD: Any questions?

REUSSER: Yes, will there be in that easement maintenance responsibilities?

MANNING: Yeah, they will maintain it and everything and if they damage it they will fix it that's always part of the easement.

MENSER: Also in that easement would it also need to cover any utilities that need to cross it or anything like that?

MANNING: The easement doesn't say anything about utilities it's only for ingress and egress with men, vehicles and equipment so –

MENSER: Yeah, I think we need to change that so it does.

MANNING: Okay we can do that.

WOOD: Any more questions, comments? All in favor with the amendment from Mr. Menser, any opposed – okay good.

MANNING: Just a reminder I think we sent out to everyone the process which some of you know by heart now relative to how you can override the tax cap and just keep in mind that you – you have the whole thing the resolutions and notice of public hearing and everything that's it.

WOOD: Anyone else have anything to say, to ask?

REUSSER: Will you send that back out to us again?

MANNING: Sure.

REUSSER: Thank you.

WOOD: That's it. We're done.

As there was no further discussion to come before this personnel & administration committee it was adjourned at 10:27 a.m.

Respectfully submitted,

Judith Garrison, Clerk
Board of Supervisors