

Chairperson Langley called the meeting to order at 7:00 p.m.

Following the pledge of allegiance to the flag, County Administrator Michael Zurlo conducted roll call. Legislator Gallagher had asked to be excused.

Legislator Butler offered a motion to accept the minutes of the July 11th Regular Session, seconded by Legislator Dyer. (Carried 8-0-2).

Chairperson Langley asked if anyone present wished to address the Legislature.

Russell Pray of Peru addressed the Legislature regarding his foreclosed property. He said he was told the property was going to stay out of the auction because of the Treasurer's desire to appeal the Judge's decision. Then, he saw the property was back in the auction. Mr. Pray stated he received an e-mail from Chairperson Langley that the property was back in the auction. A day later, he received a message from the County and the lawyer that they were going to take it back out. Mr. Pray stated yesterday his attorney told him County Attorney William Favreau sent him a letter that the property would go back in. Mr. Pray stated things keep going back and forth, and he doesn't know what is happening. Mr. Pray stated he has been terribly stressed due to this situation. This property has been in his family, and he has paid for it for 22 years and has no liens on the property. He stated his family has been in business since 1922, and he started his business 30 years ago. He was going to give one of these pieces of property to his son to get started in life, and now the County is taking it from him. He stated it's hard if you've ever had something taken away from you, and try to do the right thing to get it back. Mr. Pray stated he has offered to pay all the penalties and fees. He went to see the County Treasurer who has not given him an answer. He asked the Legislature to look at this matter. He stated since the foreclosures went through, people have filed Chapter 13 to get their property back. Mr. Pray stated he was willing to pay right now. People are telling him they want to put the property back on the tax roll. He stated he wants it on the tax roll. He stated this was a financial burden to him. Mr. Pray stated this is a \$200,000 piece of property that he doesn't owe anything on, and the County will now be taking it for minimal taxes. He stated the County might as well kick him while he's down. The County sells the property, and they don't give the property owner the extra money, . . . and he felt that is stealing. He stated a mortgage company can't even do that. Mr. Pray stated he had a check in his pocket and would pay all penalties and fees. He has talked to a number of people and they tell you one thing, then all of a sudden they tell you something different. He asked that this be discussed in public where people know what's going on. He stated he knows he did wrong, but he didn't "mess up" to the point where he should be beaten financially. He asked that Resolution #583 be discussed in public. Mr. Pray stated he could not say all he wanted to say within the five-minute time limit to tell his whole life story, how he has worked for something that is being taken away.

Chairperson Langley asked if there was anyone else who wished to address the Legislature. There being no one further, Chairperson Langley called for standing committee and liaison reports.

Committee Reports

Buildings and Grounds Committee – Samuel Dyer

Legislator Dyer reported Resolution #563 is on the agenda to authorize contracts as a result of a poll of the Committee conducted on July 20, 2012.

Parts are expected to arrive July 25th for the Government Center's Window Renovation Project. The Buildings and Grounds maintenance staff will be performing the work on this Project. This is a 2012 Master Plan Project.

A request for quotes has been mailed to contractors for the Government Center Complex's Dumpster Enlargement Project. Contractors have been given until 4 pm on Friday, July 27th to provide a quote on this Project. This is also a 2012 Master Plan Project.

County Operations Committee – Mark Dame

Legislator Dame reported the next County Operations Committee meeting is scheduled for Tuesday, August 7th at 6:15 p.m.

Finance Committee – Sara Rowden

Legislator Rowden reported the next Finance Committee meeting is scheduled for Wednesday, August 8th at 5:00 p.m. prior to the Regular Session.

Human Services Committee – Pete Keenan

Legislator Keenan reported the next Human Services Committee meeting is scheduled for Tuesday, August 7th at 5:15 p.m.

Plattsburgh International Airport Committee – Robert Heins

Legislator Heins reported the Plattsburgh International Airport Committee met prior to Regular Session. There are numerous resolutions on the agenda to authorize Federal grant applications for various projects (pavement joint re-sealing, emergency generator, de-icing improvement studies, etc.).

The Plattsburgh International Airport Committee discussed the need to conduct a study to determine and prioritize which buildings on the Airport property are suitable for leasing. The County will be asking C & S Engineers, Inc. to look into this.

(Legislator Beach arrived at 7:10 p.m.)

Public Safety Committee – Robert Butler

Legislator Butler reported the next Public Safety Committee meeting is scheduled for Monday, August 13th at 5:15 p.m.

Liaison Reports

Chamber of Commerce – Sara Rowden

Legislator Rowden stated she was unable to attend last week's Strategic Tourism Planning Committee meeting. She reported all Strategic Tourism Planning Committee members have met with Legislators concerning reauthorizing the Occupancy Tax. It was her understanding that the meetings were very positive.

Cooperative Extension – Harry McManus

Legislator McManus reported the Director of the New York State Cooperative Extension visited Clinton County this month. She was very impressed, especially with the Tri and Quad-County concepts of hiring that Cooperative Extension has been initiating.

Board of Health – Jonathan Beach

Legislator Beach reported the Board of Health met Monday, July 16th. A quarterly newsletter is being published. The Board of Health discussed the Saranac River Trail which will consist of approximately 20 miles of trail. Deputy County Administrator Rodney Brown will be discussing this project with the Legislature in the near future.

Legislator Beach reported on the Town of Dannemora's salt issue. Water continues to be provided to residents via a large tanker. However, due to recent draughts, the Town will be losing the large water tanker. Mr. Zurlo reported the State Emergency Management Office (SEMO) tanker that was in place needed to be brought back to Glens Falls. There is a New York State Department of Transportation (NYSDOT) trailer now in place. Mr. Zurlo attended a meeting with State officials, and they are working to find a permanent solution to the problem.

InterCounty Legislative Committee – Mark Dame

Legislator Dame reported the InterCounty Legislative Committee met Thursday, July 19th in Herkimer County. He reported the agenda was very light, and he may recommend that the meetings be held every other month due to the light agendas. Legislator Dame also reported Committee members were provided with an update from the New York State Association of Counties (NYSAC). The NYSAC update was very similar to the updates the Legislators receive from Mr. Zurlo.

LC/LG Regional Planning Board – Mark Dame

Legislator Dame reported the LC/LG Regional Planning Board will meet in December, 2012.

Soil and Water – Samuel Dyer, Sara Rowden

Legislator Dyer reported a meeting was held Thursday, July 19th. Soil and Water has been very busy with tiling, the bailer and the hydro seeder. Legislator Rowden reported there are many new employees in the department, and all are very qualified.

Staff Reports

County Attorney William Favreau reported a brief Executive Session would be required to discuss a new pending litigation matter.

There being no further business, Chairperson Langley moved on to Resolutions. The following Resolutions were approved unless otherwise noted.

Resolutions #562 through #575 were approved.

Resolution #576 titled, "Authorizing Change Order #2 with Brockway Mechanical Systems, Inc. – Plattsburgh International Airport" was withdrawn.

Resolutions #577 through #579 were approved.

Resolution #580 titled, "Authorizing the County Treasurer to Establish a Capital Project Titled, "Passenger Terminal Expansion Design Project – Plattsburgh International Airport" was withdrawn.

Resolution #581 was approved.

Legislator Heins motioned to Waive Rule 13.2, seconded by Legislator Butler. Carried (9-0-1).

Resolution #582 was approved.

Resolution #583 titled, "Directing the County Treasurer to Accept Payment for Foreclosed Property" was defeated by a vote of 2-7-1 (Messrs. Dyer and Dame voted yes). (Messrs. McManus, Beach, Ms. Rowden, Messrs. Keenan, Butler, Langley and Heins voted no).

Chairperson Langley stated normally this Resolution would have gone to the Finance Committee first. However, due to timing, it was placed on the agenda for discussion that evening. Chairperson Langley reported Legislators were provided with a copy of the Resolution that was submitted by Legislator Dame earlier in the day to review it ahead of time.

Chairperson Langley entertained a motion for discussion. The motion was offered by Legislator Dame and seconded by Legislator Dyer.

Discussion: Legislator Dame stated the issue of tax foreclosure has been a topic of discussion in Executive Session numerous times to shield the County from potential lawsuits. However, he stated, it is incumbent upon the Legislature to face the taxpayers and give them the reasons why the County wants to continue with the policy, as is, this year. Legislator Dame stated that some of those taxpayers are in the audience and deserve a reason as to why this body, the majority of this body, he believes, would follow that procedure.

Legislator Dame stated this is a procedure that he vehemently disagrees with. As he said before, the responsibility of the Legislature, he believes, is to work with and serve the taxpayers, not to beat them while they are down. He believes the first responsibility is to help people. Legislator Dame stated he understands that the tax collection process is a process that needs to be followed to make sure everybody pays their taxes. He feels the process is arbitrary and is not designed to accommodate property taxpayers' ups and downs, the stresses that they have, the economic conditions that some people may go through, the personal situations of bad health, divorce, etc. Legislator Dame stated for whatever reason, these people did not come forth to pay their taxes, . . . it is irrelevant. He stated we have many people, good people, who have been contributing members of our community for years coming forward and offering to pay their property taxes before that property is taken away from them and sold, and their lives are basically ruined.

Legislator Dame stated there was one individual in the audience, Russell Pray, who owes \$20,000 in taxes and has property that will probably appraise for \$200,000. He is going to lose \$180,000 worth of equity and how anybody can claim that's fair and a just policy was beyond him. Legislator Dame stated he cannot fathom how anybody could follow that policy unless if maybe we were in another country that wasn't a Democracy. Legislator Dame stated Mr. Pray made a mistake, and he feels the mistake he made is being punished 20 times more than he deserves to be.

Legislator Dame stated Brian DuFault, who was also in the audience, sent Chairperson Langley a letter that he forwarded to the Legislature regarding his situation. Legislator Dame stated it's just not people that are being abstinent and don't want to pay their taxes, it's not just people who have distressed properties and are trying to hide from the lien holders, . . . it's people who have met problems in life that were unforeseen. Legislator Dame stated it was his understanding that Mr. DuFault rides his bike to and from work five miles each way because he didn't want to use the money to purchase a car. Mr. DuFault was saving money to pay his property taxes. Mr. DuFault has three children. Mr. DuFault has offered to pay the \$4,000 he owes in taxes. He and his three children will be kicked out of their house; they will have to go on public assistance, and it will cost Clinton County \$10,000 to \$20,000 a year for how many years? This will cost the County taxpayers 20 percent, 30 percent, 40 percent times more than what the County is going to gain from selling his property.

Legislator Dame stated these are real life situations. He stated the County knows there has been a problem with the notification process with the tax foreclosure process. It has been admitted by the Treasurer's Office. The Treasurer's Office obtains the addresses from the Town Assessors. The Town Assessors' addresses are not to be relied on 100 percent. There have been several notices sent to the wrong address, and it is a problem.

Legislator Dame stated the main purpose of the tax foreclosure process is to see that taxes are paid and everybody is contributing to the community. It's not to punish people, it's not to berate them, it's not to steal their wealth which is another issue altogether when the County sells property at tax foreclosures. Legislator Dame stated in Mr. Pray's case for example, if the IRS foreclosed on his property, the difference for what the IRS sold the property for and what he owed would be returned to Mr. Pray. If a bank or a mortgage company did that, the difference would be returned to Mr. Pray. The County will probably net about \$100,000 from his property.

Legislator Dame stated these were just two people that were at the Regular Session that evening. There are many other people in the auction that deserve a break because they made a mistake. They didn't receive the notice, or they are having hard times. Legislator Dame asked for the Legislature's compassion and consideration, and not to follow the prior policies of a prior County Treasurer who made these rules. Legislator Dame stated he feels government is here to accommodate people. He asked for the Legislature's consideration of Resolution #583 to accept payment of taxes up to Friday, August 3rd prior to the tax auction on Wednesday, August 8th. Legislator Dame stated when the County postponed this auction, he feels it did give a certain amount of ideas that the County would probably be able to re-do the process for this year, and that these people would be able to pay their taxes. They had a certain impression that was going to happen, . . . rightly or wrongly. Legislator Dame stated these people have been down, they've been up, and they're back down. Legislator Dame stated it is the County Legislature's role and responsibility (morally and ethically) to allow these citizens who made a mistake to make this right and not ruin their life and their family.

Legislator Butler stated the Legislature has debated this issue at great length, and he appreciates what Legislator Dame is saying, but he stated he would like to call the question.

Chairperson Langley asked for a Roll Call vote on the resolution.

Legislator Beach asked if he could make a brief comment. Legislator Butler withdrew his motion to call the question.

Legislator Beach stated he disagreed with many things Legislator Dame has stated. The process that the County has had in place for quite some time has been working very well. However, as with all processes, as they age, they have to be re-examined and fine-tuned. Legislator Beach stated he has a hard time now with foreclosing on people in his area when this hasn't been done across the board.

Legislator Dyer stated he spoke to the County Treasurer this afternoon. Whether Resolution #583 is adopted or not, he felt the process has been changed. Legislator Dyer realizes nothing can happen for this year. In the future, property owners will be given some additional time to pay their taxes. Legislator Dyer stated whether this Resolution passes or fails, he believes the process has been changed.

Legislator Rowden stated to not support this Resolution implies that the Legislature is not compassionate, and she thinks of herself as a very compassionate person after having worked with people who have been in some of the worst situations you can imagine throughout her career. However, Legislator Rowden stated the County has a process. She believes the County did a great disservice in delaying the auction because for some reason, it may have mislead people into thinking the process was going to be changed this year. She stated she did not promise or state to anyone that there were going to be any changes in the procedure. Legislator Rowden agreed with Legislator Beach that the County has to look at the process. Legislator Rowden stated however, there are a very large number of taxpayers who have paid their property taxes on time, and she was sure they did so under some very difficult situations as well. Legislator Rowden stated the County offers many options and opportunities for people to pay their taxes, and she feels the County has gone out of its way to be accommodating. Legislator Rowden stated she thinks the way the process was set

up was not with arbitrary rules; it was well thought out and the process has worked. Legislator Rowden stated this is not an easy decision, it impacts people's lives. However, everything the Legislature does impacts people's lives, and the Legislature has to look out for the majority of people in this community.

Legislator McManus stated he did not agree with one of the clauses in the Resolution, "Whereas, Clinton County postponed the original auction of June 6, 2012 primarily due to concerns regarding the fairness of process and accuracy of the notification process." Legislator McManus stated to him, he did not feel this was accurate and presents itself with tremendous problems down the road.

County Attorney William Favreau stated procedurally, the County Legislature did not, as a body, suspend the auction. What was discussed resulted in requesting that the County Treasurer suspend the auction. The County Treasurer suspended the auction, there was no action by the County Legislature. Eventually, there was no action necessary by the Legislature to reschedule the auction because the County Treasurer had decided to reschedule the auction. Mr. Favreau stated if the resolution were adopted, he hoped there would be consideration to some of the "Whereas" clauses.

Legislator Dame stated this "Whereas" clause could be stricken from the Resolution.

Legislator Rowden stated that the "Whereas" clause stating the postponement of the auction clearly gives foreclosed property owners the impression that they could have one more opportunity to redeem their property should be stricken as well. Legislator Rowden stated she didn't believe that was accurate either.

Legislator Dame stated maybe it was not accurate, but it did give the impression that the County was going to take a further look at this, and the County has acknowledged it will change the process next year.

Chairperson Langley stated the Legislature has not decided anything. The Legislature's last decision was that the County Treasurer was still the enforcer of this process based on past practice and policy even though the decision said that the power rests with the Legislature. Chairperson Langley stated in his reading of Legislator Dame's Resolution, this doesn't resolve the issue. Chairperson Langley stated if he is reading the Resolution correctly, it is directing the County Treasurer to accept payment for foreclosed property, when the County Legislature has already agreed that the County Treasurer was the enforcer.

Legislator Dame asked if that was ever decided. Legislator Rowden replied yes. Legislator Dame stated this Resolution follows the decision of Judge Patrick McGill who said this body (the County Legislature) has the power to do it. Chairperson Langley stated the Legislature feels the process which has been in place since the beginning of the foreclosure process. Legislator Dame stated the last judicial ruling was that this legislative body has the absolute power to rule on this policy.

Chairperson Langley stated the Legislature would be voting on whether it will be accepting the Resolution as drawn up by Legislator Dame, which would be directing the County Treasurer to accept payment for these properties prior to the tax sale.

Roll call vote was as follows:

Mr. McManus – No
Mr. Beach – No
Mr. Dyer - Yes
Ms. Rowden - No
Mr. Keenan – No
Mr. Butler – No
Mr. Langley – No
Mr. Dame – Yes
Mr. Heins – No

Resolution was defeated by a vote of 2 yes, 7 no, 1 absent.

Chairperson Langley asked if there was anything further to come before the Legislature.

Legislator Heins motioned to enter into Executive Session at 7:43 p.m. to discuss pending litigation, seconded by Legislator Butler. Carried (9-0-1).

Legislator Dyer motioned to exit Executive Session at 8:04 p.m., seconded by Legislator McManus. Carried (9-0-1).

Legislator Dyer motioned to adjourn the meeting at 8:16 p.m., seconded by Legislator Butler. Carried (9-0-1).

Respectfully submitted,



Melody Lemieux
Principal Stenographer

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