

Minutes

Administrative Services Committee

July 16, 2018, 5:00 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Scudder, Himelein, Muldowney, Davis

Members Absent: Starks

Others: Tampio, Ames, Abdella, Dennison, Gustafson, J. Anderson, Wisniewski, Caflisch, Garrasi, Potter, Bobseine, Casler, Buzzell (?)

Chairman Scudder called the meeting to order at 5:02 p.m.

Approval of Minutes (5/14/18)

MOVED by Legislator Himelein, SECONDED by Legislator Davis

*Unanimously Carried*

Privilege of the Floor

No one chose to speak at this time.

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Proposed Resolution- Confirm Appointment – JCC Board of Trustees

Chairman Scudder: The name is Daniel Heitzenrater and we are all familiar with him. All in favor? Opposed?

*Unanimously Carried*

Proposed Resolution- Confirm Appointment - Chautauqua County Ethics Board

Chairman Scudder: The next appointment is for a David Rowe. Anybody have any comments or questions? All in favor? Opposed?

*Unanimously Carried*

Proposed Resolution- Reallocating Salary Grades for Caseworker, Caseworker (CPS), Senior Caseworker, Senior Caseworker (CPS), Case Supervisor B, Case Supervisor B (CPS), and Case Supervisor A

Ms. Wisniewski: I'm Jessica Wisniewski.

Mr. Anderson: I'm Jon Anderson.

Chairman Scudder: Thank you both.

Ms. Wisniewski: So, Christine Schuyler the Director of HHS sent a memo to me asking for a reallocation of salary for these seven positions. When it was sent to Human Resources, there is two things. The first thing we did was research the other counties in New York State to see where the salaries fall for these positions for those with similar titles in the other counties. After that research, through- again, a majority of counties did write back to us to let us know and we were in the average to low frame of how we pay.

Chairman Scudder: Let me just ask a question. When you talk about counties is that state-wide, or western New York, or-

Ms. Wisniewski: We are state-wide. There is something called a Google Group that is the HR Directors and other positions as well, especially those that have been in HR fields in the County, where we can ask various questions about HR. So, we use that forum to ask those questions and what they pay.

Chairman Scudder: So do you know who is getting back to you? Are they identified?

Ms. Wisniewski: Yes. It's just through e-mail and they have their own signature on there. So, after all the data that we had was compiled, we were on the average to low end. When I looked at the- she is proposing- Christine is proposing that each one of these positions to go from a certain grade to two. For example, the case worker is fourteen and she is proposing that it go to sixteen, and sixteen would go to eighteen. Even with those increases, we are going to be average and maybe even still on the low end. We did factor in those that are larger counties and we took the median and took some of the outliers out of it, but it was still low. The second step, after we did that research was for the reallocation, which was these positions (*inaudible*) and the processes for myself, the County Executive, and the Union President to vote on it and it was unanimous that it should be increased. From there, it's the budget of the department to (*inaudible*.)

Mr. Anderson: Right. The bottom line with the budget is that the total cost for the upgrade is about \$136,000 for all of those grades. Including salary and fringe, it's a little over \$166,000. We do get funding at 65% reimbursement, leaving \$108,531 approximately and local share cost of about \$58,000.

Legislator Muldowney: Can you go through that one more time?

Mr. Anderson: Sure. The Salary upgrade itself is around \$136,000. The grand total, including fringe is around \$166,000. We get a reimbursement at 65%, which is around \$108,000 and the local share difference is about \$58,000. We do have overtime costs. Part of the issue here is retention of employees. About a year and a half to two years ago, we got up to a 51% vacancy rate and it takes about twelve months for a new caseworker to be completely trained and ready to take a full caseload. So, during that time, we had increased overtime costs at about \$122,000 and we are on target for about \$120,000 this year. When you look at the local share- we went from (*inaudible*) overtime cost in the three prior years. So when you look at that increase and you take into consideration the local share on that, and hopefully you will reduce that and minimize it back to where it was, you're at about 5-10 thousand dollar local share increase to cover the cost for these added salary enhancements, which really, we can probably find that savings elsewhere in the budget because it's a small amount.

Chairman Scudder: How many employees are we looking at here?

Mr. Anderson: I didn't bring that number, but-

Chairman Scudder: Just approximately.

Mr. Anderson: I would say in the neighborhood of 70. It includes our supervisors and lead supervisors and senior caseworkers-

Legislator Davis: In reading through the correspondence from Christine, it sounded like the feeling is that the overtime expense would be lessened through this?

Mr. Anderson: Yes. Absolutely. Historically, if you look back many years, it's been in that range of 5-8 thousand dollars annually for this group and it just bumped up when we had this huge exodus of employees and difficulty retaining them and getting them up to speed with the actual (*inaudible*.)

Legislator Muldowney: And I take it that you feel the exodus of employees was because of the pay?

Mr. Anderson: In part, and the work itself is extremely demanding. Some of the employees leave for the department of probation. It's the same education requirement, without some of the other things that go along with it. It's a difficult job. We are asked to go into people's homes where we know that there could be drugs being manufactured, there are all kinds of issues, you're asking families about deep dark secrets, it's a difficult job, they work weekends, holidays, and they are on call so that's a big part of it as well. We do feel that the salary piece- we hear it over and over in exit interviews that pay is part of the issue.

Legislator Himelein: If it's such a difficult job, why do you think that paying them more money is going to lower the attrition rate?

Mr. Anderson: I think part of the issue is that when we start seeing people leave, the work load itself increases. They might use that as an escape, but there are all kinds of other- in the last

couple of years, the state has changed the way that Medicaid services, service coordination, jobs that require the same education level, agencies are hiring people at a higher grade and there are all kinds of opportunity elsewhere at the same rate. So, while we have all of these stressors in the job, they have other opportunities elsewhere and we have to be competitive with our salary and benefit package.

Chairman Scudder: OK. Is everyone good? Any other questions? All in favor? Aye? Opposed?

*Unanimously Carried*

Proposed Resolution- Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation

Mr. Caflisch: The list of properties that you have are properties that we selected out of the tax foreclosure process. I think there are 24 there.

Legislator Davis: 23.

Mr. Caflisch: It was a tenuous list at best when we were doing it because the way the process works now, we don't have much time to do this. We have to pull them the night before the tax foreclosure auction. It is a really difficult process as people come in and require and we go through our list and are selecting further and further down the list. So, this is the list of properties that we put out there for your approval and they all fit with our mission to take a distressed property in an otherwise good neighborhood or recovering neighborhood and its here for your approval.

Chairman Scudder: Anybody have any questions?

Legislator Muldowney: 111 Lincoln Avenue? (*inaudible*)

Mr. Caflisch: Again, we picked properties that we thought would help the neighborhood. That was the goal and the mission here. Every one of these will help every one of these neighborhoods in some way. More specifically, we do not take demolitions. They will stay on the foreclosed list and those properties, as funds become available we work with the municipalities to do a demolition in conjunction with whatever funding we have.

Legislator Muldowney: So you have to like the house and (*inaudible.*)

Mr. Caflisch: More or less, yes. We want to make sure that the house is not so far gone. We want to make sure that it has some potential to be rehabbed and that it's marketable. So, that's how we select them.

Legislator Davis: I would have a question just relating to the residential vacant land. What is the thought process there?

Mr. Caflisch: Some of those vacant properties are side lots and they are next to properties that we have acquired previously so we will try to put them together and see if we can do better. It's a controlled way to sell a property because at the auction, it's a dollar and a dream and anyone can buy and then people can do crazy things. We can control the activity that is going to happen on that property.

Legislator Himelein: Different subject. I read in the paper the other day, something about you don't know if you're going to get funding again for this project.

Mr. Caflisch: Well, for 2019, there is a funding issue up in the air because our funding has come through the Attorney General's Office, not the State Legislature, and those funds come from the settlement of fines levied against the major banks in the last mortgage crisis. Those settlements are starting to dwindle away because as we get further and further away from 2008 and 2009, there is less activity to sue for improper lending practices. The State Legislature has also authorized 35 Land Banks. There are 25 in existence now. When we were one of the first five, it was easier to get funding and now it's pretty competitive to get funding and we don't know where the sources of funding are going to come as those fines dry up and settlements, and if the State Legislature will start to allocate money in the State budget. I certainly hope the State Legislature takes it upon themselves to do this because I think it has an impact across New York State. I can definitely say that in our County, real estate prices are moving up, home prices are moving up- there are a number of factors, but one of them is that we have taken a number of properties and worked for their demolition and the other thing is when we have narrowed the market down, it has made people realize that they can't just go out and buy a property for a few thousand dollars, put it in the rental pool and let it go three years later. It just doesn't work. So, we are getting more and more-what I call pride of ownership of property and it seems to be working.

Legislator Muldowney: Do you still do demolition?

Mr. Caflisch: We have money allocated for demolition this year and our funding will extend over to about March of next year. So, we are really hopeful- no money was in the State budget this year, but next January is a new budget to be presented and I know that we have Legislative support to do it, it's just whether it gets done or not.

Legislator Muldowney: What is your current budget now?

Mr. Caflisch: Well, it costs about \$140,000-\$150,000 to administer the program. We have probably around \$400,000 available right now for demolition projects, but those funds are all pretty allocated going forward.

Chairman Scudder: OK, now it's my turn. One of my frustrations- and this is nothing new to Mr. Caflisch and if you have been around, it's nothing new to you. I do get frustrated with the Land Bank in certain situations. I do agree that it is doing good on some fronts but I get frustrated on other fronts. One property that brings this to a head for me is the one on Seymour Street in Fredonia. Of Course, it is right around the corner from me so I am very familiar with it, and it is actually in my side yard. I know a young couple that was interested in it, and I'm still

old fashioned and I think of the young couple holding hands and bidding on a property and buying it for \$10,000 and putting sweat equity into it and having a \$100,000 home in the beautiful Village of Fredonia. So, on Saturday afternoon I get phone calls about what happened to 67 Seymour Street? Then I have to explain to them and I get all these questions because they had been eyeing it for the whole process- you know what I'm saying. What this is doing for me tonight, is giving me the opportunity- I try to share that with you guys and tell you my frustrations, but here it is. Here is a property- now we have the opportunity to vote these up or down. If we vote them down, where do they go? The auction is over- I'm just making my case. The auction is over, the door is closed, and- so if we vote them down, I'll ask you Jim, where do these properties go?

Mr. Caflisch: Those properties would go to our unsold properties list. I would put them onto our website- we have probably 40 left from the auction as it is and around September 1<sup>st</sup>, we would start accepting offers through a RFP process where people can make offers on these properties and I bring them to you for your concurrence to either sell them or not sell them. So, the other thing too, is that this young couple does have an opportunity to come to the Land Bank and purchase that property and it is under some very controlled conditions. Part of our process is first we clean out a house, we get it appraised, we offer it on the market for about 60% of the appraised value and then we take offers and the offers are conditioned on how much people are going to put back into those properties and we have a preference to get them to a owner occupied situation. We will even take an offer for less than if someone else would offer if they were just going to put it into the rental pool. The buyers at the auction are not precluded from coming to us and looking at this property down the road.

Chairman Scudder: I guess I don't know if its power play or what it is, but the other thing is that once we hand these properties over to you they are no longer- we are no longer part of the process- as far as the control. So what- I know we have discussed this, and I'll probably bring this up every year as long as I'm sitting here- I would like to see these properties beforehand. I don't know if we can do it or not, Jim, I'm just saying. I would like to have them beforehand so we could have this vote. Let's say we amended it and pulled two properties off- the first two- they could go into the auction and still be bought at the auction, not- I know we just got an explanation of what happens to them, but I would rather the method be that they go through the auction. There are hundreds of people sitting there with the opportunity to buy them, rather than go on a website and we get RFP's for them. I'm just stating my case and showing you that this is one of the things that frustrates me. I am admitting that there are some good things about the Land Bank, so I'm not totally condemning it like I did six years ago. I'm coming around. I would like to see the process a little different so if we were going to vote no, which we probably won't- I probably will, but we probably won't. Do you see where I'm coming from?

Mr. Caflisch: I do.

Legislator Himelein: I understand.

Mr. Caflisch: What if I could respond to that. Again, it's a very difficult process now because before, we had a two week cut off and the courts took that option away from us. Now, we don't have that option to have that list prepared two weeks before so I could come to you and

show you. We are looking at a list of properties in that last week. I think it was 45 or so properties. As those reacquisitions come in, that list goes every which way. That's the very, very difficult process. It's near impossible.

Chairman Scudder: Jim, we have talked before and I get that. I'm just saying that it still frustrates me. The other thing that frustrates me is that it's the only group that can swoop in and grab properties. No one else can do it except the Land Bank.

Mr. Caflisch: Let me say further-

Chairman Scudder: Ok, but I get the last word. (*Cross laughter*)

Mr. Caflisch: Please understand that we have brought in over 4 million dollars of funding from the State to deal with dilapidated properties. We have leveraged \$2.5 million or so, in investments and it's what I call a secure way to make sure that property is going to be fixed. You have mentioned many times that people come along with a dollar and dream, and one thing that we want to make sure of is that our tax base does not further deteriorate. By using the Land Bank to ensure that properties are going to be rehabilitated to a standard of the neighborhood and not go into what I call a mixed use of rentals and owner occupied- we can control that. I think we have improved a lot more neighborhoods and the benefit is greater. The people that are calling you, and the people that are calling me about having these properties pulled are made because they didn't get a great deal at the auction- that's what it boils down to and I don't think that we have an obligation to the people that come to the auction to offer them a great deal. I think we want to make sure that properties get put back on the tax roll in the most responsible manner possible. Our values are moving up and our neighborhoods are much improved because of it. We do deal with a lot of people that can't make it to the auction who are owner occupied families. If you read some of the stories on some of the houses that we have rehabilitated and sold to other people, you would read some good stories. You can have your last word.

Legislator Muldowney: May I say something?

Chairman Scudder: Sure.

Legislator Muldowney: I did hear from someone that morning regarding 68 Armadillo in Dunkirk. It was a neighbor and they were upset that it was pulled. I explained the process that basically our hands are tied. We changed the system to that Friday at 5 o'clock, right? I also explained the situation that anybody who wanted to bid on that property would have the opportunity to go to your board and bid. Also, what you explained about it being a controlled environment- he was pretty happy that because it's primarily an owner occupied neighborhood, someone would get preference if they were owner occupied. So that was just my experience.

Chairman Scudder: Well, I'm sorry I let you say something. (*Cross laughter.*) I guess I agree with you, but only 83%. I'm still frustrated with the process.

Mr. Caflisch: I do understand.

Chairman Scudder: Ok, anyone else? All in favor? Opposed? I am opposed.

*Carried with Chairman Scudder voting No*

Proposed Resolution- Quit Claim Deeds

Chairman Scudder: I guess right away we can amend that? We are going to amend it by substitution. We have a list of about 50 more properties.

Mr. Caflisch: I think it's in that neighborhood, Mr. Chairman.

Chairman Scudder: So it's about 50 more properties that came in afterwards. It is a process to get all of these properties through, so they don't all happen at the deadline of 11 o'clock, last Tuesday. Mr. Caflisch called me, and I said that would be fine. So, we are going to vote to-

Mr. Abdella: A motion to amend the list of properties to be quit claimed. You need a second and then you can approve that amendment and then you would be on the resolution as amended.

Chairman Scudder: Ok, so we need a motion.

Legislator Himelein: So moved.

Legislator Muldowney: I'll second that.

Chairman Scudder: All in favor of amending by substitution? Aye? Opposed?

*Unanimously Carried to Amend the Resolution by Substitution*

Chairman Scudder: The new list is what we are now talking about. Would you like to say anything before we get started on this?

Mr. Caflisch: I just want to make sure that it gets on the record- the properties that were added by amending the resolution, were properties that were paid for after the prefile deadline. I think it's important- I think the Legislature wants these properties to get into private hands as soon as possible, rather than wait another month. That's why we did this. I had to prefile this around the 1<sup>st</sup> of July and today would have been the last day for people to pay for auctioned property in full. So, you have the most current list of everybody who paid up until about 3:30 today and I don't think that we had anyone else come in. All these are paid and waiting to be approved for new owners.

Chairman Scudder: Ok, with that being said, we have a few people that would like to speak to us about some particular properties. Mr. Bobseine, why don't you come up and-

Mr. Bobseine: Can Mr. Garrasi come as well?

Chairman Scudder: Sure, yes. If you can just state your name and this is a microphone and we are recording everything.

Mr. Bobseine: Jeb Bobseine and I am an attorney for Phillips Lytle and I represent the interests of Mr. Bernard Garrasi, who is sitting beside me.

Mr. Garrasi: Hi, how are you doing? I am glad to meet everyone.

Chairman Scudder: What do you have for us?

Mr. Bobseine: In just a minute, I would appreciate if you would give Mr. Garrasi a moment to relay his understanding of the facts of his situation. First, I did want to flag a couple of things for you before he does that. My understanding is that there is a dispute that has arisen over what happened on a particular day in the County Tax Office and if any of you have any questions about that, we are more than willing to answer any questions. What I do want to focus your attention on is- what isn't disputed is the fact that Mr. Garrasi came to the Real Property Tax Office on May 29<sup>th</sup>. He came and demonstrated an ability to pay his property taxes. He paid more than \$7,000 in past property taxes on that day.

Chairman Scudder: Excuse me, what was the date on that?

Mr. Bobseine: May 29, 2018. The second thing that he showed was an ability to pay that. So, when he was informed on that date by the employees of the County Tax Office that there were delinquent taxes owed on two of his properties. Mr. Garrasi then left the building, obtained a certified check and wrote out a personal check, and then came back and paid back taxes with respect to those properties. The other thing that I wanted to flag for your attention, is that Mr. Garrasi did not have any paperwork with him at that time. He came to the office and on his way to the office, he called the office and said that he didn't have the paperwork with the SBL numbers on them and asked if he should turn back around and get that detailed information. He was informed that no, the presentation of himself and his identification would be sufficient to dig into the information with respect to all of his properties that he owed. I also wanted to flag a couple things that Mr. Caflisch- we haven't met in person, but nice to meet you. You mentioned a couple things in the colloquy that you had with the Committee, here. You stressed a couple things. You stressed the process that your office goes through every year, and I know it's an extremely difficult process. There are thousands of taxpayers, thousands of properties, there are restrictions placed upon your office by the courts and probably the County Legislature and every year you have to go through the colloquy of Mr. Scudder and we understand that. In no way- my understanding is that we are not blaming this mistake that happened on a particular employee or seeking to demean anyone in particular. We see this as a mistake that happened and we would like to stress that Mr. Garrasi came to the County, the exact entity, the County Real Estate Property Tax Office, the entity- the agency that is charged with all of the things- the assessing the properties, and collecting taxes, facilitating the foreclosure process. He came to that entity and demonstrated a readiness and willingness and an ability to pay his property taxes. My understanding is that it's a pretty exceptional circumstance and now, if you will permit Mr. Garrasi to speak for a moment, I believe he has a few things to say.

Mr. Garrasi: Well, first of all, thank you for your consideration on this matter. It's unfortunate that we find ourselves here today. I have been paying on that piece of property since 1994. I was quite a bit younger at the time, but that is over 24 years. I had assumed that all the taxes had been paid on all my properties. It wasn't until the 28<sup>th</sup> of May, when I was on my way to my parents house, that I noticed a white and red foreclosure sign on my property on Route 5 and I was quite flabbergasted and taken aback. I stopped immediately. I pulled over, looked at it, and immediately took a picture of it. I immediately contacted my girlfriend, Chris Potter, and informed her of what I had found. I was not quite sure of what had possibly happened and how the ball had been dropped, but needless to say, it was. The following day, on the 29<sup>th</sup>, I was in a hurry and we proceeded down here to the Real Property Tax department. On the way we had called and explained that we left in a hurry and we were informed that just bringing in my ID- my driver's license and appearing in person, they could go through and look at whatever outstanding taxes I had to pay. We arrived here and met with the office staff. They took my name down, I showed them my ID and the first lady informed me that she needed to pass it off to another person and her name was Becky. I'm not familiar with her last name. Becky came out and greeted us and I informed her of our situation and showed her my ID and presented my last name and she said it was no problem and she could look it up. I said that I knew for sure that the property was in foreclosure, but could you check all my other properties and make sure that if there is anything outstanding that I know about it because I had no idea that this had happened. She informed me a little bit about your process and that return receipt letters had been sent out in January. I said that I had no idea that anything had been sent out and asked if she would be willing to check the partial part that is sent back to the County to let me know who it was that signed for it and she brought out four tabs- three relating to the property that is in discussion tonight and one for the piece of property where I had actually seen the placard posted. I should probably mention at this time that after seeing that placard on that property, I immediately drove with my son and a couple of his friends over to my other piece of property, which was about five miles away and didn't notice any placard posted there at all. I had recalled that in February or so, we had stopped in the Town of Hanover and paid taxes on that piece of property so I assumed everything was OK with that property, and not seeing the placard seemed to reinforce that-

Mr. Bobseine: Just to clarify, the property that you paid taxes on in February of 2018 is the parcel that we are talking about tonight- the three parcels.

Mr. Garrasi: Yes. It is made up of three parcels, a total of close to 36 acres. So, Becky went and brought back information and informed me that there was a piece of property on Maytum Road that had the bill sent to the wrong address and that I could pay that and that there was this other property on the lake, on Route 5 that had to be paid with a certified check. She informed me that I had to run down to Lakeshore bank in Westfield, which I told her I would do immediately. I asked her when her lunch was and when would be a good time for me to come back. She told me that after 12:30 would be fine. I reiterated that these are the two pieces of property that are outstanding, and just these two pieces? She said yes and that seemed to again reconfirm the reason that I hadn't found a placard on that other property and thinking that I had stopped and paid the taxes back in February/March. I had no idea that the 36 acres was possibly being foreclosed on as well. Chris has been handling my bills and she has a math degree from Fredonia State and she is quite good at math and accounting. We had both assumed that

everything was good. I proceeded to the bank and had a check made out for over \$7,000 for what would have only been \$3,600 in taxes if they had been paid promptly and on time. I was a little upset with Chris that this had somehow happened and I returned back with that certified check and also had written out a personal check for the piece of property on Maytum Road.

Unfortunately, despite me asking before I left, and despite coming back and asking again that everything was paid up and everything was good, I was told that I was good and that's all you have to pay. She was really kind and congenial, and I left that day assuming that all my properties were paid and that nothing else was outstanding. It wasn't until the 19<sup>th</sup>, a few days after property auction that I had a phone call from my cousin who informed me that a friend of his had seen our last name in the paper and I immediately called up Chris and asked her to look into it. It was later in the afternoon on Tuesday the 19<sup>th</sup>. She assured that all the taxes had been paid, but they all had been paid on the 16<sup>th</sup>. However the computer system works, I'm not sure, but that concerned me enough that the next day, in the morning, I called your office again and Becky happened to pick up the phone. She apparently remembered my name or the sound of my voice and she told me that she wasn't taking responsibility for not informing me of the second parcel- that she had informed me that both parcels were in foreclosure on the 29<sup>th</sup> of May when I had come in. I said that there was only one parcel that was in foreclosure on the 29<sup>th</sup>, but I did pay on two parcels. I paid on the Maytum Road property and the Route 5 property. I told her that I had no idea that the property on Route 20 was also in foreclosure status. She said well, that's your responsibility and the other girl looked up the information under your name and that she wasn't going to take responsibility for it. I asked if there was someone else that I could speak to, and she said, "let me get your phone number again and I'll have my boss call you back." I'm assuming that's you?

Mr. Caflisch: Yes.

Mr. Garrasi: Unfortunately, I still haven't received your phone call. She informed me that day that you would give me a call- that her director would be calling me. In speaking with another attorney friend of mine-

Mr. Bobseine: Yes, I think that's a pretty good sense of the background, unless you have anything that-

Mr. Garrasi: I didn't know if you wanted me to discuss coming in that day and I met with Mr. Gustafson and the County Executive.

Mr. Bobseine: Yes, since then, Mr. Garrasi and friends of his and representatives of him have really made- we have all really just been gulled by this and have been making efforts to remedy it in whatever way possible. So, that is what- I think that is what you are referring to.

Mr. Garrasi: Absolutely.

Mr. Bobseine: OK, so obviously we are available to answer any questions that you have. The other thing that I wanted to stress is Mr. Caflisch spoke earlier about the importance of individual property ownership and having people who- and you spoke about this as well, having people that are willing to invest in the properties. Mr. Garrasi alluded to it. Look, we don't have-

we aren't trying to duck the mistake that was made on our side on this, but we would like to direct your attention to 24 years of tax paying to the County in an absolute commitment to invest in these parcels. We are available to answer any questions that anyone has.

Mr. Garrasi: I don't invest in the stock market and I have pretty much followed my grandfather's footsteps in a way and invested in land, thinking it would be a safer investment long term for my family. I was actually preparing to see that 36 acres fairly soon to a close friend of mine and this is really kind of jolted us in a number of ways- in a very negative direction. I'm just looking forward to hopefully resolving it in positive way. If I could get you to understand where I'm coming from and let you know that I did in fact make the drive in on two separate occasions, but particularly on the 29<sup>th</sup> to come in and pay any taxes overdue and I was not notified that anything was due at that time. Anything that I was told was outstanding was paid that day. I can't fault Chris 100%. She's been going to Roswell for cancer treatment and we have had numerous obligations to our parents who are all in bad health and just day to day trials and tribulations. I'm hoping to appeal to your better senses and your common sense and just allow me to pay any back penalties or fees that are due on that property and be able to at least reacquire that investment that I've had since 1994.

Mr. Bobseine: Yeah, May 29<sup>th</sup> was also within the period of reacquisition that was set by the County. You guys voted most recently, June 27<sup>th</sup> to approve the reacquisitions by various taxpayers who would come in before the June 15<sup>th</sup> deadline- the 5 o'clock deadline that Mr. Caflisch spoke about earlier- paid their taxes and got their property back and that's what Mr. Garrasi would be looking to do and he would be willing to do it at his earliest convenience.

Mr. Garrasi: Immediately, tomorrow morning if you would like. It means that much to me and my family and my children's future.

Chairman Scudder: Let me just speak, if I may. We are probably not going to ask you maybe any questions. We are not a jury and this is not a court of law. We are just looking for information. We are going to get information from you guys and I'm sure we are going to hear from Mr. Caflisch and we might even hear from Mr. Abdella. So, by us not asking you questions doesn't mean we aren't concerned or that we aren't taking this into consideration. It just means it's really not how we are wired. Mr. Bobseine is much better at being an attorney than we are and I tend to recognize that and respect that. I'm just saying that if we don't ask questions, don't get upset about that.

Mr. Garrasi: I'm open to any feedback if you would like any.

Chairman Scudder: We are better at listening and then making a decision.

Mr. Bobseine: If Mr. Caflisch and Mr. Abdella do have something to say, I would really like to-

Chairman Scudder: You can stay here and listen.

Mr. Bobseine: Respond in a brief and concise way.

Chairman Scudder: Yes, thank you. I'm not making light of this situation either. I understand this is very serious.

Mr. Garrasi: Yes, it is devastating to us.

Chairman Scudder: I just tend to smile a lot.

Mr. Garrasi: That's good.

Chairman Scudder: Does anyone have anything?

Mr. Caflisch: The tax foreclosure process is a long process. Its two years. There would have been at least seven notices sent out on any particular property heading towards foreclosure. In this case, tax bills were sent, delivered to the correct address we believe, the pre foreclosure notice that went out last year were received as far as we know, the notice in petition which is sent first class and certified mail were both received in January, and the reacquisition letters are all sent individually- they are not grouped in one. We do have proof of service for the notice of petition and so the reacquisition letters were all sent to the appropriate address, so we have to believe they were all delivered. The short story from my office is that when Mr. Garrasi came in, I believe he only had one reacquisition letter with him and he only mentioned another property on Maytum Road. There were only two properties mentioned and that's all he was told about.

Mr. Garrasi: I had no letter with me. I had nothing but my ID.

Mr. Caflisch: OK. You needed your ID just to make sure that we were signing it back to the right person. So, without more specific- we have people with same last names so when you look at the list of properties, it's all over the map. Again, without Mr. Garrasi identifying more properties that he might have owned, our staff would have no idea. They took the information that he had given them and I believe that they acted appropriately. Again, we have people that pay certain parcels and not others and let them go in foreclosure. So, I think from our standpoint that all the appropriate notices were written. Two years of taxes- a third year of taxes was (*inaudible*) because that hadn't been paid earlier. From our standpoint, I think our office did everything that it could do to make sure that the taxpayer was notified appropriately and knew what his obligations were. The law presumes that when you buy property, you realize a tax bill comes with that property and that's pretty specific. I, again, in this case I have sympathy for Mr. Garrasi, but at the same time it would be very hard to recommend a reversal of this sale knowing that there are other people that would come in and ask for the same type of consideration. That's the best I can offer at this point.

Mr. Abdella: I will just say that we have been in contact with Mr. Bobseine in the last week or two and the information relating to this matter has continued to develop over that time and did so tonight, as well. There were some new items that were brought up tonight that were new to what we have been developing over the past several days. I think what I will need to do is, and this is for the whole Legislature, is communicate further with Mr. Bobseine and the Real Property Tax Office and at some point provide you with some type of summary of what we have

found because I guess I would say that it is not complete yet. I would not recommend any particular action by the Committee tonight because all of the information just hasn't been developed yet.

Chairman Scudder: So we shouldn't take any action on the list?

Mr. Abdella: I think these properties, along with the others that were foreclosed upon and went to auction are on the floor. What your committee does is simply recommend that the resolution continue on to the full Legislature. I think these three properties, along with the others may as well stay in there unless you want to pull them now. Action wouldn't be until next Wednesday by the full Legislature.

Chairman Scudder: Right. Like Steve said, our vote tonight- the vote that matters is a week from Wednesday night when the full Legislature votes on it. What is your recommendation?

Mr. Abdella: Well, you're hearing this for the first time tonight. It's up to you if you want to amend these 3 properties out tonight based on what you heard tonight. There is more information to be forthcoming to you. I think if you amended to remove the properties, then you would be removing them from consideration this month.

Chairman Scudder: Boy, am I looking for a recommendation- (*Cross laughter*)

Mr. Bobseine: May I speak?

Chairman Scudder: Please wait.

Legislator Himelein: Can we just table these three, Steve?

Mr. Abdella: You're free to do what you wish. It's hard for me to recommend for you to take or not take action on these three. It's going to be a function of you becoming informed of all the information and then having sufficient time to make a decision.

Chairman Scudder: Which three properties, can I get specific?

Mr. Bobseine: I would just say that if the County Attorney just indicated that the situation is still developing and it would seem very much premature to send it to the full Legislature. It wouldn't seem like the resolution would mean as much as it should. You would be making a recommendation on parcels on which, Mr. Abdella just indicated that you don't really know the whole story. I do have the SBL numbers, but I just wanted to make a quick point about Mr. Caflisch discussing the reacquisition letters. The reacquisition letters that were sent, those would have specified that the period during in which Mr. Garrasi could come back in to reacquire his properties would have extended to June 15<sup>th</sup> and it's specified that the entity, the person that he had to contact to get that paperwork- it was a simple line that said "Chautauqua County Real Estate Property Tax Office." If Mr. Garrasi would have received those reacquisition letters, which we have no record of, he would have received a letter telling him to do exactly what he

did, sixteen days before the County put his property up for sale. I just wanted to make that point before we move on.

Legislator Himelein: It's too confusing.

Mr. Garrasi: Other than my father, I'm the only Garrasi in Chautauqua County. A simple search under my last name would bring up all the properties. In addition, the return receipt requested that were shown to Chris that day in the office- four of them- one of them went to the Route 5 property and the other three went to the other Route 20 property that was foreclosed on. I was informed about the one that I came for, the one with the placard had the one return receipt requested but the other three, the clerk, that day had presented them and never informed me that they actually involved another property that was being foreclosed on. I was never notified of any of this until I saw the placard and I wasn't informed about the Route 20 property until the 20<sup>th</sup> until I actually came in and met with Mr. Gustafson and the County Executive and was informed that would be contacted by Mr. Caflisch. So, I understand that we dropped the ball, but I feel like my presence on the 29<sup>th</sup> and coming in wanting to pay on any taxes that were outstanding, because obviously some things had been missed, stands on its own as a willingness to pay any back taxes that I was unaware of. When I proceeded with my son and his two friends over to the other property that day when I found the first placard, there was no placard on that property at all. Again, reconfirming in my mind, along with the payment that was made to the Town of Hanover in February on that property and the feedback that I had received on the 29<sup>th</sup> from the Real Property Tax Office that everything was paid and up to date. So, I was very much caught off guard and disappointed that I found myself here today in this situation. I truly ask for your understanding and knowing that as a property owner and tax payer, who has always paid his taxes- I'm not going to say that I always paid my taxes immediately on time. I could have probably saved myself a lot of money. A friend of mine jokingly said, "Bern, you're one of the best tax payers in Chautauqua County because you pay your taxes even if you have penalties of interest on them. You end up paying more than what you're supposed to." Unfortunately, I was hoping that by coming in on the 29<sup>th</sup>, the situation of the Route 20 property would have been resolved and taken care of that day. I appreciate your consideration in the matter.

Mr. Bobseine: I do have the SBL numbers.

Chairman Scudder: Yes, what have we got?

Mr. Bobseine: There is a Hanover property and its 4903.1-41.

Chairman Scudder: Do you have the- (*Crosstalk*)

Mr. Abdella: I don't have the substituted resolution.

Chairman Scudder: Are they all together?

Mr. Caflisch: No, there is one in Hanover and two in Sheridan, I believe.

Chairman Scudder: What is the Hanover one?

Mr. Bobseine: 4903.1-41

Chairman Scudder: It would be PA267.

Mr. Bobseine: And then two parcels in Pomfret, its one property.

Mr. Garrasi: They are in Sheridan.

Mr. Bobseine: It's Sheridan 48283 and 48284.

Chairman Scudder: That will be PA329 and PA330.

Mr. Abdella: Correct.

Legislator Himelein: What was the PA on the first one, Mr. Chairman?

Chairman Scudder: PA267.

Legislator Himelein: Ok, thank you.

Chairman Scudder: Anybody have anything else?

Mr. Caflisch: I don't believe so, Mr. Chairman. Again, I think that the tax notices were sent, they were received, they never came back to us so, and the presumption is that they went to the right address.

Chairman Scudder: Ok, anything else? We do have another party that we are going to listen to-

Mr. Garrasi: Thank you, gentlemen. I appreciate it.

Legislator Himelein: Do we need a motion to amend-

Chairman Scudder: Let's listen. I think it would be OK to hear everybody.

Ms. Casler: I'm Cassandra Casler.

Chairman Scudder: What brings you here tonight?

Ms. Casler: I have a property in Ripley, 135 West Main Street that was not-

Mr. Caflisch: It's not on the list, Mr. Chairman.

Ms. Casler: Right, it was actually put into for the town to own it- considered a problem property. We have had several struggles with the town zoning lady. We have never been charged

with anything. We have never been fined with anything. Everything that she has asked us to remedy, we have in the best of our ways remedied it. We have taken down a derelict structure. There was a three story barn there that was very old that we took down and cleaned up. There was also tires on the property in the excess of 1,000 tires. We owned the property trying to buy it on a land contract and the person on the land contract- the land contract states that the property was going to be SBLit into two parcels and he would take responsibility for the tires. He didn't want to do that, he spent a night in jail, so he let it go for back taxes. We then had a man privately mortgage the house for us at the next tax auction and we took responsibility for the tires. Last year, in August, we had Geiter Done of Western New York come down with a tire shredder and we shredded tires and it was in the tune of \$14,300. We are not wealthy people. My fiancé, Bruce Buzzell (?) is disabled and we are just doing the best that we can to make the property better and live there with our children and Melony just does not like us, and that's Ok, she doesn't have to. I know that the taxes- I received every notice, I'm not going to say that I didn't. The problems that we had with him not working- we went to the tax office on- we had a meeting scheduled and I came in and spoke with Becky and I had a meeting that I had scheduled on Monday before the tax auction. Our meeting was for the 24<sup>th</sup>, Thursday. That meeting I had planned on coming in with \$12,800.53 to pay my taxes, I was told that I wasn't allowed to because the Town had put in to own my property. I had no idea. I don't have to be notified, and that's OK too. I would like consideration to keep owning my property, as I have done. The things that she has asked me to, I have taken the barn down, I have gotten rid of the tires, and I guess because of circumstantial situations like getting rid of the tires, I didn't have the money to pay my taxes and when I did try to come up with the money to pay them, it was too late. I didn't know that they had put into own the house. In January, my daughter was diagnosed with thyroid cancer and I haven't worked much. I have a lot of past due bills and I'm still willing to pay my taxes to own my property so my children and I aren't homeless. Yes, it has not always been the cleanest property, but it will be. We have taken so much to the scrap yard, we have gotten rid of so much, we are doing everything we can to make it a property- we have put in so much work to the inside of the house since we have lived there. We are doing our best.

Chairman Scudder: What did you say you owed?

Ms. Casler: It was about \$8,000 and something, but then they add on the fees and they make you pay the third year, so it was \$12,800.53.

Chairman Scudder: You came in- you were going to pay them on what date?

Ms. Casler: The 24<sup>th</sup>. The Thursday before the tax auction. June 24<sup>th</sup>?

Chairman Scudder: The tax auction was on the 16<sup>th</sup>.

Ms. Casler: OK, so it was the Thursday before that, I'm sorry.

Chairman Scudder: You had the money to pay it?

Ms. Casler: Yes.

Chairman Scudder: See Jeb, I said we don't ask questions and now I'm asking questions. OK, anything else for us? I'm not being cold, I'm just-

Ms. Casler: Of course, I completely understand. I would just like this taken into consideration for my property. This is the only home my children have known.

Chairman Scudder: What was the address again?

Ms. Casler: 135 West Main Street. I moved in there when my boys were very young.

Chairman Scudder: Anybody else?

Mr. Caflisch: The only thing that I can say, Mr. Chairman, is that I did receive a letter from the Town of Ripley prior to the expiration date of the redemption date which was April 16<sup>th</sup>, and the town made a request to pay to buy the property. Under the Legislative policy, the 110-17, the municipality can make a request for a property in the redemption period and if they do, we do not send a reacquisition letter affected property owner because that reacquisition right isn't extended. Once the County takes the judgement of foreclosure, the County is entitled to the property.

Chairman Scudder: What was the date of that?

Mr. Caflisch: The request? I'll have to look back, but I think it was in March. We have one other municipal request under consideration.

Mr. Abdella: Those have not been brought to the Legislature.

Mr. Caflisch: They have not been brought to the Legislature yet, probably next month.

Chairman Scudder: Alright.

Legislator Himelein: Was the property condemned? How does the town take it over, just because they want to?

Mr. Caflisch: Under your policy, a municipality or agency of government can make a request for a foreclosed property and if the owner doesn't pay within the redemption period then your policy is to transfer the property to the municipality or agency of government.

Legislator Himelein: What's the redemption period after they request it?

Chairman Scudder: I think our policy is that we can do that. Do we have to do that?

Mr. Caflisch: That's your decision. The redemption period runs from the time we send our petitions, which is January 15<sup>th</sup> or 16<sup>th</sup> to April 16<sup>th</sup>.

Ms. Casler: I was told that I could- and I don't know if this is completely true, I was told that the town put in three days before that period was over.

Mr. Caflisch: We have to follow the policy that you set.

Chairman Scudder: Right. OK. These are two cases- and none of this is easy. Unfortunately- or fortunately we have been elected to make decisions. We will be making some decisions on this resolution tonight. It doesn't mean it's the end, it doesn't mean there's home, it just means it's our decision. I believe all of these will be going through to Audit and Control which is Thursday morning. The final decision will be made a week from Wednesday.

Ms. Casler: The 25<sup>th</sup>?

Mr. Abdella: Jim, this particular property from Ripley is not-

Mr. Caflisch: It is not on the resolution, it is not up for consideration, it has not been prefiled or anything.

Chairman Scudder: So, it's not up this Wednesday. OK.

Mr. Caflisch: Maybe next month.

Chairman Scudder: Again, I'm not saying hooray or boo, I'm just saying that the decision at the earliest will probably be a month from next Wednesday.

Ms. Casler: The third Monday-

Chairman Scudder: The fourth Wednesday of August.

Ms. Casler: OK.

Chairman Scudder: It will be coming to this committee one more time before that.

Mr. Abdella: So, that would be the third Monday of August.

Ms. Casler: Right, OK.

Chairman Scudder: The decision is still out there.

Ms. Casler: OK. I'm not familiar with how this works. I guess the question that I have is if the town does get to my home, what happens next?

Mr. Caflisch: If the town were to reacquire the property, it would be just like any other property that we sell. It would be up to them as the new owner to do what they need to do. The County takes no action for an eviction or anything like that.

Ms. Casler: In the meantime, can they come on the property and do anything they wish:

Mr. Caflisch: No.

Chairman Scudder: Not until it's theirs.

Ms. Casler: When will it be theirs?

Mr. Caflisch: If the Legislature votes, at the end of August.

Chairman Scudder: Well we could have made a decision on the other properties. Forgive me for that, but I'm the chairman so I can get away with that stuff. Any thoughts on what to do? Should we pull those three parcels?

Legislator Muldowney: So Steve, you're saying that it's not complete-

Mr. Abdella: Well, new allegations were made tonight so we have to look into them. I can't say how soon that will be. It might be relatively quickly. There are also other factual matters that we are looking into that I would hope to have an answer on quickly, but I don't have it tonight.

Legislator Muldowney: I'll make a motion to amend these three properties out so we can get more information.

Legislator Himelein: I'll second that.

Chairman Scudder: All in favor of amending the amended by substitution Quit Claim Deeds with those three properties removed say aye.

Legislator Davis: I vote no.

*Amendment to the resolution is Carried with Legislator Davis voting no.*

Chairman Scudder: We have voted to amend it, now we will vote to on the amended resolution. All in favor? Opposed?

*Unanimously Carried*

Chairman Scudder: OK, I asked Mr. Caflisch for- on this list, in Cherry Creek we have a \$519,728.70 property that I wanted some clarification on. The reason I didn't do it before, Jim, is because I think there is nothing we can change anyways. So this is just a discussion.

Mr. Caflisch: This parcel was formerly a school in the Village of Cherry Creek. That school fell into- well, it was discontinued use and it was sold to a Lance Myer. This happened in the late 90's. I didn't bring the full property history on it, but you can see that it goes back further than 1998. Taxes owing against it are since 1999. So, it's a long time and this property ended up going into disrepair. It had significant environmental concerns and I believe in 2010, if you look

at the spreadsheet I provided, there is a charge put on for \$226,917.61 because the village went ahead and did a demolition. Previous to our agreement with towns, cities and villages, that demolition bill went on the tax bill. With that charge, there were \$280,172 of demotion charges and taxes-

Legislator Himelein: Is that vacant land now, Jim?

Mr. Caflisch: Yes it is.

Legislator Muldowney: Who authorized the demolition?

Mr. Caflisch: The town did what I would call an emergency demolition, I presume. It's very similar to what Forestville did, but they didn't get a chance to put their charge on the tax bill because that's when I came into the office and said I would not do that.

Mr. Abdella: Jim, I didn't think this one got on there either:

Mr. Caflisch: Well somehow it did.

Mr. Abdella: Well this is the first I'm hearing about it in a few years. We were in court about this. My understanding was that we blocked both of them from going on our-

Mr. Caflisch: All I can say is that on the tax record, I was thinking along what you are thinking. I don't know what transpired. I'll have to go back I guess, but this is my- this is the history and that's why it shows up

Mr. Abdella: We need to take a look.

Chairman Scudder: Let me ask a question. This money has been paid?

Mr. Caflisch: If I'm correct, it has been paid. If Steve is correct, no. But either way it is still showing up on our books and I don't know why.

Mr. Abdella: OK, we need to investigate this further.

Mr. Caflisch: I'll take a look and find out from finance, but this is the explanation that I have.

Chairman Scudder: OK, look into it and let us know. I'm glad I asked you to provide some information on this.

Mr. Abdella: I'm speechless. My recollection is that we stopped both of them in their tracks and refused to guarantee these charges.

Mr. Caflisch: It could just be an issue in the tax records.

Legislator Muldowney: Steve, so there was actually a court proceeding about this?

Mr. Abdella: It went to court because we refused to guarantee these charges to the village. I don't know it could be showing that we paid it.

Mr. Caflisch: I recall that this charge went on before I became the director and the Forestville charge didn't. We were in litigation with both of them. Since it was put into the tax record, it hangs there and I don't know what happened in finance. It may not have gotten paid, but it's showing up on our books and that's why it's showing up here.

Mr. Abdella: We need to do some more investigating.

Chairman Scudder: Hopefully it is just a number on a sheet of paper.

Mr. Caflisch: I can tell you this is what was happening in a lot of instances previous to-

Chairman Scudder: I remember that.

Mr. Caflisch: This is the explanation for it.

Chairman Scudder: We will find this out, maybe tomorrow?

Mr. Caflisch: Yes, I will find this out.

Chairman Scudder: It's exciting that there is a possibility that we didn't pay it. Thank you for this.

Legislator Muldowney: The three that we pulled tonight will not go on to Audit and Control? Is that correct?

Clerk Tampio: They will be able to see the amendment on the resolution and they will be aware that there were properties taken off.

Mr. Abdella: Well no, the original resolution didn't have these properties on it because they were late.

Mr. Caflisch: No, they were on the original one.

Legislator Himelein: No, they weren't.

Clerk Tampio: They will see on the amended substitution that there is line through those properties.

*(Crosstalk)*

Clerk Tampio: When it goes to the Legislature they will be taken out.

Legislator Muldowney: So we basically- (*Crosstalk.*)

Clerk Tampio: Audit and Control could put them back in. They can also amend it.

Legislator Muldowney: Can we talk about this?

Mr. Abdella: You may.

Mr. Caflisch: It is possible litigation.

Mr. Abdella: You can make a motion to go into executive session to discuss threatened litigation.

Chairman Scudder: Let's do that.

MOVED by Legislator Muldowney, SECONDED by Legislator Davis to enter Executive Session to discuss threatened litigation.

*Unanimously Carried (6:35 p.m.)*

MOVED by Legislator Davis, SECONDED by Legislator Himelein to close Executive Session.

*Unanimously Carried (7:10 p.m.)*

MOVED by Legislator Davis, SECONDED by Legislator Himelein to adjourn.

*Unanimously Carried (7:13 p.m.)*

Respectfully submitted and transcribed,  
Olivia L. Ames, Committee Secretary