

Minutes

Administrative Services Committee

September 17, 2018, 5:00 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Scudder, Himelein, Starks, Muldowney, Davis

Others: Tampio, Ames, Hemmer, Caflisch, Gustafson, Abdella, Dennison, Casler, Boozel, Rowe, Eddy

Chairman Scudder called the meeting to order at 5:00 p.m.

Approval of Minutes (08/13/18)

MOVED by Legislator Starks, SECONDED by Legislator Himelein

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Resolution- Amend Rules and Regulations of the Chautauqua County Legislature

Clerk Tampio: As the resolution states, it has been eight years since we have had an amendment to the Rules and Regulations for the Legislature. Chairman Wendel thought it was important to set up a committee to review the current Rules and Regulations and make recommendations to the Legislature for any changes. That committee consisted of Legislators Chagnon and Whitford and myself. After several drafts and changes and some review by Mr. Abdella, we have come up with an amended version. You will see that within this version it has strikeouts for removed text and underlined text for additions. I hope you all had a chance to review it before the meeting. Before Steve makes some comments, Mr. Hemmer brought to my attention a typo on page 13, section four under Rule 1C- the last line of the underlined text it says "Legislature" and it should be "Legislator."

Chairman Scudder: Good one, John. Thank you. We will just treat that as a typo. Anything else?

Clerk Tampio: Do you have any questions for us regarding the proposed changes?

Mr. Abdella: I think that most of it was just to reflect what's developed as actual practice that may not have been in strict conformance with the rules. Was the mileage a change?

Clerk Tampio: It was just some additions based on a policy that was put out to clarify this by then, Chairman Ahlstrom several years ago. We took that and-

Mr. Abdella: And actually put it in the rules-

Clerk Tampio: Right.

Mr. Abdella: Alright.

Clerk Tampio: Since email is used frequently now for all of our correspondence, that was put in there to clarify whether it was mail or email-

Legislator Starks: Thank you for all the time that I know was spent on this.

Chairman Scudder: I'm reading that our budget meeting is no longer at 2 p.m.? Just the 6:30, is that correct?

Mr. Abdella: No, that is-

Chairman Scudder: I was excited about that.

Mr. Abdella: It's set forth by Local Law. That is in Local Law at this point.

Chairman Scudder: So we are still doing that?

Mr. Abdella: Yes, that would have to be changed by Local Law.

Chairman Scudder: Darn.

Legislator Muldowney: It was talked about though, right? Didn't we bring that up but because it was a Local Law we couldn't change it?

Mr. Abdella: That's right.

Chairman Scudder: Alright.

Mr. Abdella: If you ever change it in the Local Law, then you won't have to change these rules because it-

Chairman Scudder: It's already there.

Mr. Abdella: Right.

Chairman Scudder: Alright.

Clerk Tampio: The other change we wanted to reference was the removal of the phrase “policy conference” which is no longer applicable and the change with the Coroners going over to Human Services.

Chairman Scudder: Right.

Clerk Tampio: So now they are under Human Services Committee instead of the Public Safety Committee and we added probation and Emergency Services. They currently go their anyways, but it just wasn't in the Rules and Regulations.

Chairman Scudder: Alright, anybody have questions or comments? So, with the recognition of one typo, all in favor say aye. Opposed?

Unanimously Carried

Proposed Resolution- Quit Claim Deeds

Mr. Caflisch: We have some properties here that we received some RFP's for and we also have an amendment to the resolution for properties which- one set of properties, three of them are the Garrasi properties and we have reached an agreement to transfer those properties to Mr. Garrasi. Then there are seven more parcels that are part of Privitera Farms. That was a litigated matter and as a result of the settlement discussion we believe that we are going to have this resolved- I will let Steve explain these.

Mr. Abdella: So, we wanted to go ahead and put in front of you a proposal as to the Garrasi properties to convey them back to him in the amount of the outstanding taxes, interest and penalties. It would also involve him paying the auction fees and all other costs incurred by the County with regard to that. Obviously as prior meetings you have heard extensive testimony from various parties relating to that. I would recommend us going forward in that manner with those three. With regards to the Privitera Farm properties, prior to auction those were the subject of a bankruptcy filing and then also an order to show cause signed by a judge that caused us to have to pull those from the auction- actually I think the bankruptcy came after the auction time.

Mr. Caflisch: Correct.

Mr. Abdella: It is now pending in both Supreme Court and Bankruptcy Court. A tentative stipulation has been arrived at whereby the County would be paid in full for all of its back taxes, interest and penalties. Our attorney's fees in the bankruptcy proceeding would also be paid in full and potentially some additional amount above and beyond that would also come to the County. That, I hope to know by Thursday. I just didn't have a figure right now. I wanted to go ahead and let you all know that we would also be recommending the sale of these parcels to this third party and as part of the court ordered stipulation. We would be paid not less than the amount of the back taxes, interest and penalties. Our attorney's fees would be paid and there might be something beyond that, but that's a number to be filled in hopefully at Audit & Control on

Thursday. It could then be presented to the full Legislature the following week. We have in the past had committees make amendments to add properties or other things where there is still an amount to be filled in. I think we could have the committee do that tonight if you are so inclined and then at Audit & Control all of these parcels- again, if approved by the Committee would be in front of Audit & Control and the numbers on the Privitera Farm properties could be filled in at that point. I'm happy to discuss one or both of them and take any questions.

Chairman Scudder: Anybody?

Legislator Muldowney: I don't have a conflict of interest in this situation, do I? Being the Assessor?

Mr. Abdella: I'll make a note of that, but I don't think so.

Chairman Scudder: Anybody else? We need someone to make a motion to amend it.

Legislator Starks: I would like to make a motion to accept the amended properties.

Chairman Scudder: You would like to amend the Quit Claim Deeds resolution by adding these properties in?

Legislator Starks: Yes.

Legislator Davis: I will second that motion.

Chairman Scudder: All in favor of amending it? Aye? Opposed?

Legislator Himelein: No.

Amendment Passes with Legislator Himelein Voting No

Chairman Scudder: Would anyone like to discuss the amended resolution? Anybody? Let's vote on the resolution as amended. All in favor? Opposed?

Legislator Himelein: No.

Resolution is Carried as Amended with Legislator Himelein Voting No

Proposed Resolution- Authorize Transfer of Tax Foreclosure Property to Town of Chautauqua

Mr. Caflisch: The Town of Chautauqua made the request timely during the redemption period for this property. The property owner failed to come in to pay the redemption and according to Legislative Resolution 110-17, it would be proper to consider the offer from the Town of Chautauqua. The offer is for all the taxes due. Penalty and interest is taken away when a municipal acquisition takes place. I don't know all the plans for the parcel from the Town. I didn't receive any further information, so it is here before you to consider.

Chairman Scudder: Anyone have any questions? Concerns? Kevin?

Legislator Muldowney: The property owner didn't come in-

Mr. Caflisch: He did come in during the reacquisition and we told him that since the Town had made the request, the Town would get the first consideration for the property.

Legislator Starks: I'm sorry if I missed your explanation. What kind of piece of property is it? Is it a residential property?

Mr. Caflisch: It is just a vacant lot. It needs cleaning up. It is something the Town said that they have wanted to do to make it more attractive for the area.

Legislator Muldowney: Is the property adjacent to his home?

Mr. Caflisch: As far as I know there is no residence that he has here. He lives in Buffalo.

Legislator Starks: Where is it? Is it back in an area or is it on a-

Mr. Caflisch: It is off the main drag. I didn't bring a map with me, but it is not hard to find on the GIS.

Legislator Starks: OK.

Chairman Scudder: Is everybody good? All in favor say aye. Opposed?

Unanimously Carried

Proposed Resolution- Authorize Transfer of Tax Foreclosure Property to Town of Ripley

Chairman Scudder: We have a few groups that would like to speak to us about this resolution. Cassandra, why don't you come up first to speak to us. Before we go any further just realize that this is just the Committee meeting and it still needs to go before the full Legislature for their vote. This is the Committees recommendation to the full Legislature. This is not the final vote. That will be next Wednesday at our full Legislature meeting. Just keep that in mind.

Ms. Casler: OK, thank you.

Chairman Scudder: OK, so you are the person living at this property?

Ms. Casler: Yes, sir. I live there along with my mother, my four children and my fiancé and another family, Bruce's family which is a family of five. It is a six bedroom home.

Chairman Scudder: Alright. What can you tell us? What brings us here tonight?

Ms. Casler: We purchased the property and we have had our differences with the Town Zoning Officer, Melanie Eddy, who is present. We have never actually been fined for anything. We have worked with her the best that we can. There was a derelict structure on the property which was a barn that was as old as the house. We have taken that down. There was in the excess of 1,000 tires- it was approximately 4,000 tires sitting on the property. I talked to the original owner of the property who is DeMarco Farms. His father, DeMarco Trucking put the tires in the barn. Everybody knew they were there because that was part of the stipulation when you bought the house at the tax auction, that everyone had to understand that these tires were here and it would be their responsibility. We originally purchased the home from Tony Almeta on a land contract with a down payment of \$7,000. She begged him not to sell the house to us. We couldn't find him to get an affidavit of statement but we do have another man that is willing to give an affidavit of statement. He was supposed to pay the taxes with that \$7,000 down payment and in our land contract agreement the parcels were to be split. The bottom lot was supposed to be commercial and the top was residential. The tires were going on the commercial. He was keeping the commercial and we were keeping the residential. It is in our contract that he was responsible for the tires. He chose not to take care of the tires and he actually spent a night in jail because of it and then the property went for back taxes. I had a friend of ours, Jim Mayshark from Sherman, purchase the home for us at the auction and we were privately mortgaged through him. So, we had this problem with the tires, Bruce became disabled and my daughter was diagnosed with cancer in the beginning of January. Money was tight, but we still had a tire shredding company come down from Buffalo, New York. They came down and we had to pay personally \$14,300 to shred these tires that were carrying stagnant water that had been sitting on this property for thirty years. We were the family that paid to get rid of them. We were the ones who took down the derelict structure and the property is much better looking now than it ever has been. There is no code or zoning violations besides this big pile of millings sitting on the bottom lot, which I have explained that since this started taking place, I would not put any more money into the home if I had a chance of losing it. This is my home and my children's home. This is a very hard situation to go through just for someone that doesn't like us. I don't care that she doesn't like us. She doesn't have to like us, but when Jim Mayshark went into the office and did all the paperwork she told him that there were more deserving people that could use his help rather than us scumbags and that is wrong. That is very personal. That is not done on a business level and he will sign an affidavit that she said that. She just doesn't like us, and like I said, that's OK. I have worked with her. I was working with her for weeks. She told me of the town clean up days. She said we could take in anything that we needed. We went down there and we had a problem. They didn't want to take the stuff. I told them that the Town Zoning lady and the Town Supervisor said that we could take in anything that we needed to and they ended up taking it. So, we were utilizing all the resources that she was giving us and I was working with her and then the phone calls stopped and I found out about this situation. We did make an appointment with Caflich's office the Thursday before the Tax Auction on Saturday. We had the \$12,800.52 to pay our taxes. I did not know that we did not have a reacquisition period. I just assumed that it was something that everybody got. I did not know that the Town had put in to own our home three days before the deadline in April. Twelve people will be homeless. This is really hard for me. I know you are all good people and doing the best for everybody in this situation, but it is hard that 19 strangers hold position above me.

Chairman Scudder: Anybody have any questions?

Legislator Muldowney: Are all the tires gone?

Ms. Casler: Every single tire on the property has been shredded except for tires that are ours and those are in trailers so they can't hold stagnant water.

Legislator Muldowney: How many was that? Roughly?

Ms. Casler: Roughly 4,000. It took two full ten hour days to shred tires. We had to pay for the fuel as well. So, it wasn't just the \$14,300, we had to rent equipment to load into the shredder.

Legislator Starks: Did they take all the pieces away?

Ms. Casler: No, the millings are still sitting on my property and we need a permit for the millings because we can use them under the earth. I've been in touch with Nancy Lawser (?) and Keven, who are part of the DEC. I have called her and she is sending me the permit. All we have to do is go six inches underground and those are allowed to be buried. Most of the wire was taken out during the shredding. There is a big magnet as it shreds that takes the wire out of the tire, but because it doesn't take it out 100%, they have to be six inches underground, buried. That's how it works with the permit and that's all we have to do. They cannot hold stagnant water because they are just approximately four inch by four inch pieces.

Legislator Starks: I've been taking notes and just trying to make a timeline. How long have you lived in this home and when did you purchase it?

Ms. Casler: The original purchase on the land contract with Tony Almeta happened in July of 2012.

Legislator Muldowney: You said you had the money for the taxes. Did you go to the office with the cash?

Ms. Casler: No, Michelle called me the morning of my meeting and said that she was sorry but I couldn't come in to reacquire my home back because the Town put into purchase it.

Legislator Muldowney: I'm sorry, who is Michelle?

Ms. Casler: Someone who works in the tax office?

Mr. Caflisch: It was probably Becky.

Ms. Casler: Yes, Becky. I'm sorry.

Legislator Muldowney: You called the office before the deadline-

Ms. Casler: Yes. I called and set up a meeting. I called on Monday and set my meeting up for Thursday. I believe it was at 2:45 and she called me the morning of and told me I could not come in and acquire my property.

Mr. Caflisch: (*Inaudible*) they had already made a request back in the redemption period. So, they didn't receive a reacquisition letter.

Ms. Casler: The tires had sat there since 1991 and nobody had taken care of those tires before us. I definitely don't feel that with everything that we have done for the property and helping the community with those tires, I just don't feel like we deserve to lose our home.

Legislator Starks: How much was owed in taxes?

Ms. Casler: The Town paid \$9,700-

Mr. Caflisch: There is \$12,800 total owing. So, the Town would only pay the base amounts, which comes to \$9,700. If it was a reacquisition it would be \$12,800.

Ms. Casler: We would still be willing to be paying the \$12,800.52.

Chairman Scudder: And you have a way to pay that?

Ms. Casler: I would do everything in my power to. The money that I had come up with before was borrowed. I wouldn't keep borrowed money and just owe somebody. Yes, I would come up with the money.

Chairman Scudder: Anybody else? Thank you. Melanie? Would you like to come up and talk with us for a couple minutes? Our goal as a committee is to get as many facts as we can and get all the perspective to help us make the best decision possible. So, Melanie, you are the zoning enforcement person?

Ms. Eddy: Yes, Code Enforcement Official.

Chairman Scudder: Can you talk to us a little bit about this property?

Ms. Eddy: I'm a little stunned because some of the things that are being said just aren't accurate. I have been working with the Boozel family- the Casler/Boozel family since I arrived in the Town of Ripley which was about twelve years ago. At that time, they were living in a home that they were buying on a land contract from the Gibbs family- Robert Gibbs, on the east side of Ripley. We basically had the same problem that we do in this home. It's an R1 district. That was an AR1. But, towing, recovery, repo is not permitted in an R1 district. We have spoken about this numerous times. At that point when they were living on the east side of town, we went into court. We had a judge and it was his first year. He did not get re-elected. He didn't understand the situation. I didn't go to court and all of the licensed PA plate vehicles- he just dismissed the case. In talking to the owner of the vehicles and the plates in Erie, we realized that it was not an allotted use. We had never ending- the neighbors around the area were complaining

about the constant property maintenance issues. I did my very best, I made personal stops, I wrote letters trying to get some help with these property maintenance issues and trying to work with the family. I don't hate the family. I don't- I am absolutely flabbergasted by this. As a matter of fact, if you went across the street to the Sheriff's Office you will see where Mr. Boozel threatened to shoot me and that is a filed case. I have tried to work with them on both ends of Town. Mrs. Gibbs is willing to also sign an affidavit because they did not pay the taxes on the east side of the town and she had to borrow against her retirement to recover the property when they asked them to leave. That was almost \$10,000 with fees. She would have loved to have been here tonight, but I didn't know if it was appropriate or not. As far as Mr. Mayshark, yes, we did deal with Mr. Almeta and then Jim Mayshark got involved. I spoke with him on Friday morning and he has not been paid as of yet for the property. He- when the taxes were not paid again he gave them the money for that. I believe that from my figuring, which I may be off here or there, about \$8,000 at that point. As of Friday, when I spoke to him personally he told me that he has not yet been paid for that property. Now we are here a few years later and we are right back to \$12,000. If your effort is to get the County paid and have taxes paid, I don't even have to go into a lot of detail of- but I assure you, and I have photos and Legislator Hemmer has copies of the photos of what we have dealt with. I worked non-stop, got my Town Supervisor and Board to allow them to bring what they could to the large cleanup day. That included five hot tubs, I am told by someone that was there. I have tried to work with Cassandra because I think she is a very nice person. I have no issues with her. All I am asking- the Town has basically been held captive. I have people in the neighborhood that call me nonstop. The situation there is very difficult and I am not going to go into personal things because there is no point. We are talking about if you want your money. We have worked- Cassandra came into my office repeatedly, we spoke- I have no issues. All I wanted was the property cleaned. I don't think that is too much to ask. It is a residential area and we have got a repo business going in and out. We have loaders and semi's and this is the gateway into Ripley and one of the first things that people say when they stop in my office and talk to me about this, this is a concern. Our Town Clerk gets spoken to about it all the time. There is no animosity. There is no- this is my job and I have to be able to separate my job as I do it from whatever my personal opinion is. I am very disappointed with Mr. Mayshark. I did speak to him, but I spoke to him about the situation that he has good intentions and he does help many people out in this County, but often times as you see in Sherman, things don't always go the way they intend. I have a property in Mina that I am struggling with that he purchased for someone. Basically I am paid to keep the Town clean within the letter of the law, but that is minimum conditions. I don't ask you to plant purple and white petunias. You basically just need to keep your lawn mowed and your property clean so that the neighbors around you also can enjoy their home that they are paying taxes on. As far as cleaning up the property, right now, I have never seen it look this good. It didn't happen twelve years ago, or ten years ago, or five years ago. We have been to court. We have written new Town laws. I have done everything but go clean it up myself and have not had any success until the last month when we are down to the wire. I think that our Councilman Rowe, who is sitting behind me- I think any board member, town member, or neighbor could verify exactly what I am saying. Do I want to take someone's home away from their family? Absolutely not. That would be the last thing that I would want to do, but I have exhausted everything that I can think of to do and I can assure that all of these things that were cleaned up are sitting across on DeMarco's property on Barnes Road. I was down there the other day and have photos of many things that came from the yard of the Boozel/Casler property. This is not anything about a personal vendetta or me not liking someone.

Nobody wanted success for the family more than I did. I did everything in my power to try to work with them. It is really hard when someone is threatening to shoot you and threatening you with attorneys and threatening- It's my job, I understand that I chose this job but I have done everything and I don't know what else I could do. The bottom line is that we are talking about taxes. They weren't paid on 9499- I think was the address on East Main Street that haven't been paid through two series of (*inaudible*) on this end of the street. That can be verified through your office. You know who paid the taxes on that. You know the Gibbs came in and covered it and you know Jim Mayshark covered it. I would like to have a discussion with him tomorrow because that hurts my feelings if he said that I said that. I did not and I don't quite understand. In discussing with Mr. Almeta many years ago, who is notorious in this County for buying properties and then leaving them, he came to my office and discussed with me about selling this property and we- my biggest concern was if I have a property over here that is not being maintained, what assurances are we going to have on this end of Town As I said, it is the gateway into Ripley. It is the first thing that people see. So when there are trailers and there is loaders and junk and- we have been there and I have got the photos if you want them before Wednesday. I will be happy to share them because I have them from as long as I have been there, on both properties. I assure you that the neighbors would like a little relief and so would the Town of Ripley. We have many things to take care of.

Chairman Scudder: Any questions?

Legislator Starks: I have a question. All of the material- was it from their family business or the business of the people that they contracted with to purchase?

Ms. Eddy: Are you talking about DeMarco?

Legislator Starks: I think so.

Ms. Eddy: Well, Mr. Almeta purchased it at tax auction and I think that Mr. Caflisch can attest to the fact that there is probably not another code official in this County that writes disclosure letters like I do. I write them for every one of my derelict properties so that it is in that catalog and it says this is what is wrong with this property and you are responsible 30 days after you purchase this property to clean this up. We should not have to carry and start all over again. I have one right now that was purchased at the last auction. It went for under \$1,000 and now I have them in court because there is literally a tree growing through the house. People see those pretty little pictures and they buy these properties. Dan DeMarco is the original offender. Anthony Almeta purchased it from them. I am not sure what the details were as far as their agreement. I think we will revisit this another day if things don't change on the DeMarco side.

Legislator Starks: So that stuff has been there for a long time.

Ms. Eddy: Yes, it has been there a long time and then we had to get DEC involved to try to get this cleaned up because I have written numerous letters and tried to talk and we had to find some way to do this. It amazes- I have situations with DEC where I don't understand why this wasn't a huge concern. You can get fined for cutting the wrong branch off the tree, but we have 1,700 tires, is what they counted and then there were several in the trailers that were also on the

property. Again, we worked diligently to try to do this the right way and nobody wants to have someone lose their home. When a track record shows this side of the road and then we are here two more times right where the tax auction occurs- three times in twelve years and it isn't like its \$1.35, we are talking large sums of money. Again, the Town of Ripley citizens will be ultimately responsible either way. I can tell you that if you went there today that it is the neatest that I have ever seen the property, but it just happened this month.

Chairman Scudder: Anybody else?

Legislator Muldowney: First of all, I do realize how tough your job is and it sounds like you have files to back up your claims. The one thing that you bring up about code violation is it sounds like a commercial business is being run out of a residential home?

Ms. Eddy: Yes, it is. We have discussed this numerous times.

Legislator Muldowney: Where have you gone with that? Has that been in front of the Town Justice?

Ms. Eddy: We (*inaudible*) taken it to court because the last thing that I like to do is take someone to court and have it figured out that way or put someone in more financial hardship. I reached out to Cassandra and we started meeting and I said we just needed to see progress. There is no way any one person could clean that up in two weeks, so what I did was keep extending the court date as long as I saw progress because I wanted them to be successful. I think Cassandra does a great job with her family and her situation.

Legislator Muldowney: So you did see progress?

Ms. Eddy: We saw limited progress and it did come a little bit at a time and then it stalls and then we have six feet of snow and then- it's hard to judge progress at that point. When we got to the point that this property did come for tax auction again and the Town had an interest in it. At that point, we haven't spoken in a few months.

Legislator Starks: Does the Town have plans?

Ms. Eddy: That would be a better question for Mr.-

Chairman Scudder: We will hear from the Town shortly.

Legislator Muldowney: So the- just going back, the 4,000 tires are gone? Or in a pile shredded?

Ms. Eddy: They are shredded and in a pile. I have a belief that there are more tires in the trailers but again, we are going back to Mr. DeMarco-

Legislator Muldowney: Since 1991?

Ms. Eddy: Yes.

Legislator Muldowney: And the derelict building is down?

Ms. Eddy: The barn, yes.

Legislator Muldowney: And both of those things were done as a result of Cassandra's family? They got rid of the tires and they got rid of the barn?

Ms. Eddy: They got rid of the tires because DEC was involved.

Legislator Muldowney: The issue still sounds to me like, and I would object to it too, if there was a commercial business in an R1 District.

Ms. Eddy: Absolutely.

Legislator Muldowney: Even if your grass is cut, it is still a violation-

Ms. Eddy: It can't be there. I work in five municipalities and I'm in Ripley on Tuesdays and Thursdays. When I go at the end of the day on Thursday, unless I'm called back, which I have come back due to a couple of neighbors' concerns- things happen that I am obviously not aware of.

Legislator Muldowney: Many towns do that. Is that the last outstanding issue?

Ms. Eddy: Well, I feel that there are some other underlying issues but the bottom line is that it just can't happen and that in spite of whatever your decision is, it will happen again. It's been twelve years with the same story.

Chairman Scudder: Anybody else? Thank you.

Ms. Eddy: If you need me on Wednesday, I will be here.

Chairman Scudder: Thank you for coming in.

Mr. Rowe: My name is Mike Rowe and I am the Deputy Town Supervisor for the Town of Ripley. One thing I voted on twice since I have been on the board was that we set deadlines to have it cleared out and both times by the time the deadline came, it was. We had Town crews ready to go and do the cleaning. We were going to use highway and water staff, basically all the Town employees that we have to do that and both times they were cleaned up at deadline. The frustrating thing for us was that it was sort of like my son's room; clean by deadline, but it didn't last. In terms of plans that you were asking about, we have completed this last year a Main Street revitalization plan. We did a Main Street plan and basically that goes from Main Street at Hamilton to Main Street at Schaffer. While doing that plan, one thing that was pretty much clear to many of the people involved was that we would not have a lot success in accomplishing what we wanted on that part of Main Street unless we managed the entrances to the Town. We have

been working hard to do that. One thing that we are working on right now with the County is to see if we can expand our planning from the edge of Town to the entrance of Town, going all the way to the exit on the thruway. I wrote a grant this year to the Downtown Revitalization Initiative to try to secure funds for the gateway area, all the way down through the Ripley- just to try to come up with a plan for that. That is something that we are working on right now. We have secured funds through USDA to bring water and sewer to Sherman Road and that should open us up for development there. If we can get people to get off the thruway and have something to do then they will continue on and it will be very good for the County. Right now, they don't. The closest hotel is Fredonia. One of my neighbors is on the lake road and keeps a gallon of gasoline there because once or twice a summer someone gets off the thruway looking to get gas and there is none. We are trying to acquire all the resources that we can to improve the way it looks coming from the state line right into the Town of Ripley. Any questions about that?

Chairman Scudder: Acquiring this property- if the Town were to acquire it, what would the plans-

Mr. Rowe: Well, first we would have to see what can be done to salvage the property. In other words, would the inside of the house pass- what would we have to do to bring it up to code? We don't know because we do not have access to it at this time. We can only see it from the outside, but after that we would make decisions based on bringing it up to code or whatever else we would do at that point. I can't say exactly until we get a look at it.

Legislator Starks: Is that were it was referred to that the parcels were split?

Mr. Rowe: Could be. I'm unsure.

Legislator Himelein: So, your idea is to go in and clean up the house and the property and re-sell it?

Mr. Rowe: If it is do-able to do that. I don't know what needs to be done-

Legislator Himelein: Well yeah, in reason.

Mr. Rowe: That is certainly something that we would like to do.

Legislator Starks: I probably should have asked this a moment ago, but there was conversation of commercial within residential areas- is that commercial business still operating, or was all that stuff from previous-

Mr. Rowe: We believe that there is still work being done on the property.

Legislator Muldowney: And this is not commercial property?

Mr. Rowe: This is residential property.

Legislator Davis: And it has been for a number of years?

Mr. Rowe: Correct. It is R1. Is there anything you want for the Wednesday meeting?

Legislator Muldowney: And the Town hasn't changed the zoning laws-

Mr. Rowe: No, we have adopted- we just- this past year we updated it but nothing has changed in that area. We have a fresh zoning map that we just finished.

Legislator Muldowney: As of right now the Town has no plan for-

Mr. Rowe: Not for that property.

Chairman Scudder: Thank you, any other questions?

Legislator Muldowney: Could we hear from our legal team on this, or is there not- do we need to do an Executive Session?

Chairman Scudder: What are you looking for?

Legislator Muldowney: In previous meetings we have had executive sessions regarding litigation.

Mr. Gustafson: At this point we are not aware of any litigation from either side, so this is really just issues between the current land owner and the Town and the County is not involved with any of that. Really, it's the Legislature's decision at this point to decide to allow Ms. Casler to reacquire or allow the Town to acquire the property present to the resolution. We just need to decide who is going to get the property.

Legislator Davis: And the Town has acted in accordance with the regulations?

Mr. Caflisch: In accordance to the Legislative Policy.

Legislator Muldowney: Can you go over the policy again?

Mr. Gustafson: Sure. It is the policy and procedure that governs our (*inaudible*) tax foreclosure proceedings. So, there are timelines spelled out in terms of when things happen and there is a provision in there that says that if the homeowner or any mortgage holder has not redeemed the property, municipalities like CHRIC, local development companies, and corporations can make a request to acquire the property. Those requests come to the Legislature for you to decide whether or not the municipality has a public purpose to support their request to acquire the property. What we can do is shut off the reacquisition right to the former owner because the statutory 90 day redemption period has already expired. This resolution has been amended numerous times and covers things like payment plans- the land bank is another entity that is able to come in and acquire the property. The Legislature is given the responsibility to determine who will end up with these properties. One other item, the Real Property Tax foreclosure- we look to just get the properties back on the tax rolls, so that is one of the guiding

principles of the tax foreclosure proceedings is to get them back on the tax rolls. We believe that we have followed all the proper steps under the article eleven of the Real Property Tax Law.

Legislator Starks: So they had an appointment to come in and pay, but your office cancelled their appointment?

Mr. Caflisch: They made a request to come in and reacquire, however, the municipality had already made a request in the redemption period in March. Once that request is made, that property owner does not receive a reacquisition letter from us.

Chairman Scudder: And the land owner is made aware of this in January that there is an April deadline.

Legislator Starks: So if no one else wanted to acquire this property and they came in on Thursday intending to pay, there would have been no problem?

Mr. Caflisch: Yes.

Chairman Scudder: Correct. Please realize that we are involved in this because of the lack of tax payment. We don't choose to be part of these situations just for the thrill of the vote- there is no thrill. We are involved because the lack of payment on the taxes.

Legislator Muldowney: Can I ask a question? If a not for profit was to get something like this, would they be able to manage- keep the homeowner in while they own the property, as long as they met codes for compliance?

Mr. Gustafson: I think that would be a local decision. I don't see how the County could supervise or enforce that.

Legislator Muldowney: OK.

Chairman Scudder: So, we are here to decide if we are going to give this property to the Town of Ripley for the payment of-

Mr. Gustafson: The agreement itself does cover the amount of money that the Town would be paying for it. We have entered into these agreements over the years, so they are not uncommon.

Chairman Scudder: We need to vote if we are giving this property to the Town of Ripley or not. All in favor please say aye. Opposed?

Unanimously Carried

Other-

Discussion: Updated Real Property Tax Payment Services- Caflisch

Mr. Gustafson: I would like to point out a typo on both of the two previous resolutions. The reference to the resolution in the whereas clause should be 110-14 instead of 44-13.

Chairman Scudder: Thank you. We will just treat those as typos.

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

Unanimously Carried (6:06 p.m.)

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