

**WAYS AND MEANS COMMITTEE
MINUTES**

**TUESDAY, MARCH 29, 2022
3:30 P.M.**

PRESENT: Leigh J. Benton, Chairman
Mike Anagnostakis, L. Stephen Brescia, Kevin W. Hines,
Michael D. Paduch, Barry J. Cheney

ALSO

PRESENT: Katie Bonelli, Chairwoman
Betsy N. Abraham, Legislative Counsel
Langdon Chapman, County Attorney
Matthew J. Nothnagle, Chief Assistant County Attorney
Donna Badura, Assistant County Attorney
Karin Hablow, Commissioner of Finance
Kerry Gallagher, Deputy Commissioner of Finance
James S. Brooks, Commissioner of Parks, Recreation & Conservation
Deanna Crawford, Deputy Commissioner, Dept. of Parks, Recreation & Conservation
Eric Ruscher, Director, Real Property Tax Service
Paul Wiley, Assistant Director, Real Property Tax Service
Deborah Slesinski, Budget Director

Chairman Benton opened the committee meeting at 3:32 p.m. by asking everyone to stand for the Pledge of Allegiance. All committee members were present with the exception of Legislator O'Donnell who was absent and Legislator Tautel who was excused.

Mr. Brescia moved the request to approve the release of the County's interest in and to a certain deed sale parcel to the previous owner of record, to wit: Town of Blooming Grove, Section 211, Block 3, Lot 16. The delinquent property taxes were paid prior to public auction but after the County took title to the property, seconded by Mr. Cheney.

Motion carried. All in favor.

Mr. Brescia moved the request to approve the release of release of the County's interest in and to certain deed sale parcels to the previous owners of record. A preliminary list of parcels is attached. A final list will be submitted at the Legislative meeting, seconded by Mr. Cheney.

Motion carried. All in favor.

Mr. Cheney moved to approve the request authorizing the Orange County Legislature to Assume Lead Agency status under the State Environmental Quality Review Act (SEQRA) with respect to the acceptance of a donation of a 22-acre parcel from Paul Martin, Jr., in the Town of Warwick, Section 54, Lot 1, Block 22 southeast of Ball Road in Warwick, New York abutting Warwick Park, classifying the action as Unlisted, determining that the action will not result in any significant adverse environmental impacts and authorizing any necessary publications related thereto, seconded by Mr. Paduch.

Mr. Chapman stated this is the SEQRA for the next resolution which is a donation of 22-acres of land that is adjacent to Hickory Hill and landlocked.

Motion carried. All in favor.

Mr. Cheney moved to approve the request authorizing the authorizing the acceptance of a 22-acre parcel donation of real property from Paul Martin, Jr., in the Town of Warwick, Section 54, Lot 1, Block 22 southeast of Ball Road in Warwick, New York abutting Warwick Park, and authorizing the County Executive to execute any and all agreements necessary for this conveyance, subject to the review thereof by the County Attorney for purposes of form and content, seconded by Mr. Benton.

Motion carried. All in favor.

Mr. Anagnostakis moved to discuss the request regarding a taxpayer that mailed his check to MWCSO on 9/28/2021, the check was cashed on 10/7/2021. Unfortunately, the check was fraudulently cashed by someone other than the school district. The taxpayer did not realize the fraud occurred until his school taxes were added on his Town tax bill (in January 2022). The school district has signed an affidavit of fraud. The applicant has paid the January 2022 Town and County bill that included the 2021/2022 school levy and is asking that the interest and penalties be waived. There are no provisions in Real Property Tax Law, under these circumstances, that would support a correction and/or penalties and interest being waived. The application for correction of error is denied, seconded by Mr. Paduch.

Mr. Benton stated this sounds like it is a statement.

Mr. Nothnagle explained that correction of error is covered by Article 5 of the Real Property Tax Law which deals with clerical error, unlawful entry, etc., and it was the school district that put in a request to do correction of error to cut this man a break. It is the correct procedure and that is why the request is asking that the committee deny it. There is a provision in the New York State Property Tax Law, Section 1182 that states "If the governing body of any tax district shall determine that it is for the best interests of the tax district, it shall have the power, by resolution, to authorize the enforcing officer to permit the cancellation in whole or in part of any interest, penalties

or other charges," so the Legislature would be unjust to pose interest to these particular facts. If the Legislature thinks this man deserves consideration, they have the power to do so.

Mr. Benton asked if the check was cashed by someone else within the school district.

Mr. Ruscher replied they know it was cashed, but not by who.

Mr. Benton then asked if this person was found.

Mr. Ruscher replied no, it is still under investigation.

Mr. Anagnostakis stated that he would like to amend this by refunding the check amount to this individual.

Mr. Anagnostakis moved to amend the resolution,
seconded by Mr. Paduch.

Mr. Cheney asked if that would preclude (in the future), the county being able to get what was waived back from the perpetrator of the fraud.

Mr. Nothnagle replied he is not sure but would guess that if that person were to be convicted of a crime, the criminal court could impose a penalty.

Mr. Cheney then asked whether the action the committee would be taking with this resolution, preclude them from being able to get recompensated.

Legislative Counsel Abraham responded that she does not think so because the resolution would be specific to this individual, therefore; it would waive the penalty as to him and not to the perpetrator if he/she were to be found. She stated it is not waiving it altogether, it is waiving it as to this individual.

Chairwoman Bonelli clarified that this is still under investigation.

Mr. Ruscher stated that is correct.

Chairwoman Bonelli then asked if the committee should wait on taking action until further information regarding the investigation is provided.

Mr. Chapman replied that his advice would be to pass the resolution as presented and then instruct the Law Department to draw up another resolution as to what Mr. Nothnagle stated earlier.

Mr. Nothnagle pointed out that stealing mail is a federal crime.

Mr. Paduch clarified that the check was cashed.

Mr. Ruscher stated that is correct.

Mr. Anagnostakis mentioned that there is a motion and a second to amend the resolution, so he will withdraw his motion so that the committee can moved forward with the advice from Mr. Nothnagle stated earlier.

Mr. Paduch withdrew his second to Mr. Anagnostakis' motion.

Motion carried. All in favor as presented.

Mr. Anagnostakis moved to allow removal of the penalty against the individual under Section 1182, seconded by Mr. Paduch.

Motion carried. All in favor.

Mr. Brescia moved to discuss deed sale parcels, (municipalities) seconded by Mr. Paduch.

Mr. Ruscher asked the committee to refer to the Municipalities list that Mr. Nothnagle will be addressing as there are some concerns with Nos. 1 and 3.

Mr. Nothnagle stated the local law as it is now drafted rather narrowly to allow parcels to be removed as well as municipalities. As defined in the local law, he does not know if this body has authority to sell it at this time to the organization without bringing it through the auction and that is why he thinks the first parcel in the Town of Minisink (12-1-26) and second parcel in the Town of New Windsor (67-4-10) should be removed. The third parcel in the Town of Tuxedo (201-1-34.2) should be removed as well due to discussions pertaining to possible litigation.

Motion carried. All in favor of Mr. Nothnagle's recommendations to deny all three-deed sale parcels.

Mr. Paduch moved to discuss deed sale parcels, seconded by Mr. Brescia.

The first deed sale parcel in the Town of Deerpark (8-1-10.221) has a minimum bid of \$10,000.00 and an amount bid of \$9,000.00. Mr. Ruscher recommended it be tabled due to a letter being sent to the owner. Parcel number two in the Town of Newburgh (17-1-97) has a minimum bid of \$800.00 and amount bid of 800.00. He recommends it be approved. The third parcel in the Town of Wallkill (52-12-1.1) has a minimum bid of \$6,500.00 and amount bid of \$6,500.00. Mr. Ruscher recommends it be approved because it the lot is not buildable, and the bid covers the total amount of back taxes.

Mr. Paduch commented that deed sale parcel number three is worth a lot of money and clarified that it went to auction.

Mr. Ruscher stated the parcel went to auction in 2018 and there have been no bids since then.

Mr. Paduch stated he will not support the recommendation to approve the parcel because it is worth more money.

Mr. Cheney asked if it is possible to submit the parcel to the auction in May.

Mr. Ruscher replied yes.

Mr. Paduch commented that would be the appropriate thing to do.

Mr. Benton suggested it be removed from the list so it can go to the auction in May.

Motion carried. All in favor of accepting Mr. Ruscher's recommendation to table deed sale parcel No. 1, approve parcel No. 2 and remove parcel No. 3.

Mr. Brescia moved to approve the request for supplemental appropriation to the capital projects budget for remediation and repair of the Hickory Hill Golf Course Bunkers, Warwick, New York. Funding will be reimbursed at 75% Federal Share and 25% County Share. This project has not been approved under the 2022 Capital Plan. Upon approval, a new project will be created, \$274,000.00 (bonding), seconded by Mr. Cheney.

Mr. Brooks stated this request is self-explanatory and is a result of Hurricane Ida.

Motion carried. All in favor.

Mr. Cheney moved to approve the request for supplemental appropriation to the capital projects budget for remediation and repair of the Stony Ford Golf Course Fairway and Bunkers, Montgomery, New York. Funding will be reimbursed at 75% Federal share and 25% County share. This project has not been approved under the 2022 Capital Plan. Upon approval, a new project will be created, \$1,026,000.00 (bonding), seconded by Mr. Brescia.

Motion carried. All in favor.

Mr. Cheney moved to approve the request for supplemental appropriation to the capital projects budget for remediation and repair of the Hickory Hill Maintenance Garage in Warwick, New York. Funding will be reimbursed at 75% Federal share and 25% County share. This project has not been approved under the 2022 Capital Plan. Upon approval, a new project will be created, \$206,000.00 (bonding), seconded by Mr. Benton.

Mr. Brooks stated this is also a result of the storm. The maintenance building at Hickory Hill flooded and there was a substantial amount of mold from it. He added that the damage was so extensive that the crew had to be moved from the facility and into another building onsite.

Motion carried. All in favor.

Ms. Hablow addressed the committee with an update regarding Sales Tax which included the County of Orange Sales Tax Received Year-To-Date (County Portion Only) and a 4-Year Gross Sales Tax Comparison (see original minutes).

Legislator Brescia left the meeting at 4:25 p.m.

The last agenda item was an update on the Budget Department.

Ms. Slesinski reviewed the General Fund Status Report as of February as well as a NYSAC Fact Sheet (see original minutes). She added that the department is in the process of requesting capital projects and the Capital Committee meetings will be set for the first three Wednesdays in June.

The meeting adjourned at 4:30 p.m.